STATUTES OF CALIFORNIA

1975–76

REGULAR SESSION

1975 CHAPTERS



CHAPTER 1

An act to amend Section 8 of Chapter 11 of the 1974 Statutes, and Section 11 of Chapter 752 of the 1974 Statutes, relating to administration of estates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 10, 1974. Filed with Secretary of State December 10, 1974.]

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

SECTION 1. Section 8 of Chapter 11 of the 1974 Statutes is amended to read:

Sec. 8. This act shall be applicable to the estates of persons dying on or after July 1, 1975.

SEC. 2. Section 11 of Chapter 752 of the 1974 Statutes is amended to read:

Sec. 11. This act shall apply to the estates of persons dying on or after July 1, 1975.

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

Unforeseen problems have arisen in the application on January 1, 1975, of Chapters 11 and 752 of the 1974 Statutes, necessitating further legislative study and deliberation. To permit such study and deliberation, without affecting the rights and liabilities of persons under existing law, it is necessary that this act go into immediate effect.

CHAPTER 2

An act to add Section 17502.4a to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor February 7, 1975. Filed with Secretary of State February 7, 1975]

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

SECTION 1. Section 17502.4a is added to the Revenue and Taxation Code, to read:

17502.4a. For the purposes of subdivision (a) of Section 17502.4, a contribution on behalf of an owner-employee shall not be considered to be an excess contribution if the amount of the contribution for any taxable year commencing on or after January 1, 1974, does not exceed the amount allowed pursuant to the special limitations for self-employed individuals under Section 404(e) of the

Internal Revenue Code of 1954 as amended by the "Employee Retirement Income Security Act of 1974" (P.L. 93-406). Further, notwithstanding subdivision (e) of Section 17502.3, such contributions shall not disqualify a plan otherwise qualified. Contributions in excess of the limits prescribed in Sections 17513 to 17525, inclusive, shall not be deductible and the net income attributable to the nondeductible portion of the contribution shall not be includible in the gross income of the owner-employee for the taxable year or for succeeding taxable years until distributed pursuant to the provisions of the plan or by operation of law.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. The provisions of this act shall apply in the computation of taxes for taxable years beginning on or after January 1, 1974.

CHAPTER 3

An act to add Section 11645 to the Health and Safety Code, relating to drug abuse, and declaring the emergency thereof, to take effect immediately.

[Approved by Governor February 17, 1975 Filed with Secretary of State February 17, 1975.]

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

SECTION 1. Section 11645 is added to the Health and Safety Code, to read:

11645. Notwithstanding any other provision of law, the State Department of Health may provide advance payment of federal funds, to the extent permitted by the federal contract with the State Office of Narcotics and Drug Abuse and the interagency agreement between the state office and the state department, to private nonprofit or county drug abuse treatment and prevention programs which are under subcontract with the state department or which are under Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.

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

In order to allow approximately thirteen million five hundred thousand dollars ($13,500,000) in federal funds which have already been appropriated for local drug programs' use to be allocated to the programs, it is essential that this act take immediate effect.

CHAPTER 4

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

[Became law without Governor's signature February 24, 1975 Filed with Secretary of State February 24, 1975]

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

SECTION 1. Notwithstanding Section 15516 of the Education Code, that structure known as Hughes Stadium, located in the City of Sacramento, may be used for school purposes after June 30, 1975, provided that by such date there has been full compliance with each of the conditions hereinafter specified. Such conditions are:

(1) That the Sacramento City Unified School District, acting through its governing board, transfer its interest in Hughes Stadium to the Los Rios Community College District.

(2) That the governing board of the Los Rios Community College District take all necessary action to have a tax levied pursuant to Section 15518 of the Education Code, for the purpose of effecting the necessary corrective structural repair, reconstruction, or rehabilitation of Hughes Stadium in accordance with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11 of the Education Code.

(3) That the governing board of the Los Rios Community College District adopt a resolution expressing its intent that actual work on the repair, reconstruction, or rehabilitation of Hughes Stadium commence not later than June 30, 1976.

SEC. 2. In no event shall Hughes Stadium be used for school purposes after June 30, 1977, unless it shall first have been repaired, reconstructed or rehabilitated in accordance with structural standards prescribed for earthquake safety.

SEC. 3. The Legislature finds that Hughes Stadium is unique in that, although owned by a school district and utilized for various purposes of direct benefit to the public schools in the Sacramento area, it is a facility which serves the much more extensive essential purpose of benefiting the community of Sacramento and the north central state as a whole. It is the site of numerous civic, recreational, and educational activities of widespread interest. The facility is made available for important intercollegiate track and field and professional baseball competitions.

Because of the unique character of Hughes Stadium the Legislature hereby finds and declares that a general act of broad operation and effect cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order that the extended period for compliance with Field Act requirements, as provided for by Section 1 of this act, may become effective prior to the June 30, 1975, statutory deadline for complying with such requirements, it is necessary that this act take effect immediately.

CHAPTER 5

An act to amend Section 25457 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 3, 1975 Filed with Secretary of State March 3, 1975]

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

SECTION 1. Section 25457 of the Education Code is amended to read:

25457. The Legislature hereby declares as its policy that all of the territory of the state shall be included in community college districts, except that of counties the residents of which account for fewer than 250 units of average daily attendance in grades 13 and 14 in community colleges in the state in the preceding fiscal year. However, the territory of such counties may be included in community college districts pursuant to procedures prescribed by law.

For purposes of this section and Section 25457.2, references to "counties" in the case of Modoc County and Sierra County shall be deemed to refer to all of the school district territory under the jurisdiction of the county superintendents of schools of those counties, and not to the territory precisely included within the boundaries of the counties, where such school district territory extends into Siskiyou or Plumas County. The remaining provisions of this article shall be construed and applied in accordance with such meaning, where applicable.

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

Elections concerning the organization and reorganization of certain school districts will be conducted on March 4, 1975. In order that the law concerning community college districts may be settled by such date, it is necessary that this act take effect immediately.

CHAPTER 6

An act to amend Section 37912 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 3, 1975 Filed with Secretary of State March 3, 1975]

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

SECTION 1. Section 37912 of the Health and Safety Code is amended to read:

37912. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (i), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.

(b) "Citizen participation" means action by the local agency to provide persons who will be affected by residential rehabilitation financed under the provisions of this part with opportunities to be involved in planning and carrying out the residential rehabilitation program. "Citizen participation" shall include, but not be limited to, all of the following:

(1) Holding a public meeting prior to the hearing by the local governing body considering selection of the area for designation.

(2) Consultation with an elected or appointed citizen advisory board, composed of representatives of owners of property in, and residents of, a residential rehabilitation area, in developing a plan for public improvements and the rules and regulations for implementation of the residential rehabilitation program.

(3) Dissemination by mailing to property owners within the proposed residential rehabilitation area at the address shown on the latest assessment roll and by distribution to residents of such area by a manner determined appropriate by the local agency, of information relating to the time and location of meetings, boundaries of the proposed residential rehabilitation area, and a general description of the proposed residential rehabilitation program.

(4) Any other means of citizen involvement determined appropriate by the legislative body of the local agency.

Public meetings and consultations held to implement the requirements of citizen participation shall be conducted by a planning or rehabilitation official designated by the legislative body of the local agency. Public meetings shall be held at times and places convenient to residents and property owners.

(c) "Financing" means the lending of moneys or any other thing

of value for the purpose of residential rehabilitation and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation or the purchase of structures rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(d) "Legislative body" means the city council, board of supervisors, or other legislative body of the local agency.

(e) "Local agency" means any of the following:

(1) Any city, county, or city and county.

(2) Any redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(3) Any housing authority functioning pursuant to Part 2 (commencing with Section 34200) of this division.

(f) "Participating party" means any person, company, corporation, partnership, firm, local agency, political subdivision of the state, or other entity or group of entities requiring financing for residential rehabilitation pursuant to the provisions of this part. No elective officer of the state or any of its political subdivisions shall be eligible to be a participating party under the provisions of this part.

(g) "Residential rehabilitation" means the construction, reconstruction, renovation, replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise improving residences consistent with standards of strength, effectiveness, fire resistance, durability, and safety, so that such structures are satisfactory and safe to occupy for residential purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of any one or more of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, lighting, and sanitation.

(4) Obsolescence, deterioration, and dilapidation.

(h) "Residence" means a residential structure and means a commercial structure which, in the judgment of the local agency, is an integral part of a residential neighborhood.

(i) "Rehabilitation standards" means the applicable local or state standards for the rehabilitation of buildings located in rehabilitation assistance areas, including any higher standards adopted by the local agency as part of its residential rehabilitation financing program.

(j) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the local agency from the financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or reserve fund or other fund to secure the bonds or to provide for the payment of the principal of, or interest on, the bonds and such other moneys as the legislative body may, in its discretion, make available therefor.

(k) "Residential rehabilitation area" means the geographical area

designatcd by the local agency as one for inclusion in a comprehensive residential rehabilitation financing program pursuant to the provisions of this part.

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

To help assure the success of programs authorized by the Marks-Foran Residential Rehabilitation Act of 1973, it is necessary that procedures be established which permit residents of areas tentatively selected for such programs to participate in the selection process and to comment and make recommendations with respect to the proposed rehabilitation program. In order that requirements of state law respecting such citizen participation may become more clearly established and to avoid delay which might otherwise result, it is necessary that this act take effect immediately upon enactment.

CHAPTER 7

An act to amend Section 2209 of the Commercial Code, relating to modification of contracts.

[Approved by Governor March 6, 1975 Filed with Secretary of State March 6, 1975.]

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

SECTION 1. Section 2209 of the Commercial Code is amended to read:

2209. (1) An agreement modifying a contract within this division needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this division (Section 2201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subdivision (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

CHAPTER 8

An act making an appropriation to pay the claims of Helen E. Smith, Terry Smith, Johnny Smith, Fawn Smith, Robin Smith, and Wendy Smith, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1975 Filed with Secretary of State March 6, 1975]

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

SECTION 1. The sum of two hundred twenty-five thousand dollars ($225,000) is hereby appropriated from the Motor Vehicle Account, State Transportation Fund for settlement of the claim against the State of California in the action brought by Helen E. Smith, widow of William L. Smith, and her children Terry Smith, Johnny Smith, Fawn Smith, Robin Smith, and Wendy Smith.

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

In order to settle, out of court, a wrongful death action against the state arising out of the death of William L. Smith thereby terminating a lengthy court procedure and ending a hardship to these persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 9

An act to add Section 24636 to the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1975 Filed with Secretary of State March 6, 1975]

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

SECTION 1. Section 24636 is added to the Water Code, to read:

24636. All warrants issued pursuant to this article shall be sold by the board in such manner and in such quantities as may be determined by the board in its discretion, but except as otherwise expressly provided in this article, no such warrants shall be sold for less than 95 percent of the par value thereof.

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

In order for certain irrigation districts to proceed in an orderly manner with capital improvement projects, and thereby meet the urgent needs of residents of the district, it is necessary that district warrants be sold at the earliest possible time. In order to permit such warrants to be sold as soon as possible it is necessary that the provisions of this act go into immediate effect.

CHAPTER 10

An act to amend Sections 74340 and 74740 of, and to add Section 71040.5 to, the Government Code, relating to municipal court districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1975 Filed with Secretary of State March 6, 1975]

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

SECTION 1. The Legislature finds and declares that unusual geographic conditions existing in and around the City of San Diego warrant the exclusion from the San Diego Municipal Court District that portion of the city lying south of the City of Chula Vista and the portion of the City of San Diego lying within San Diego Bay south of a westerly continuation of the northern boundary of National City to the point of intersection with the eastern boundary of the City of Coronado and the inclusion of that portion of the city in the South Bay Municipal Court District.

SEC. 2. Section 71040.5 is added to the Government Code, to read:

71040.5. Notwithstanding the provisions of Section 71040, the portion of the City of San Diego lying south of the City of Chula Vista and the portion of the City of San Diego lying within San Diego Bay south of a westerly continuation of the northern boundary of National City to the point of intersection with the eastern boundary of the City of Coronado shall be part of the South Bay Municipal Court District and the remainder of the City of San Diego shall be part of the San Diego Municipal Court District.

SEC. 3. Section 74340 of the Government Code is amended to read:

74340. This article applies to the municipal court established in a district embracing that portion of the City of San Diego not included within the South Bay Municipal Court District.

SEC. 4. Section 74740 of the Government Code is amended to read:

74740 Notwithstanding Section 71040, there shall be a municipal court in a judicial district, embracing the Cities of Chula Vista, Coronado, Imperial Beach, National City, that portion of the City of

San Diego lying southerly of the City of Chula Vista and the portion of the City of San Diego lying within San Diego Bay south of a westerly continuation of the northern boundary of National City to the point of intersection with the eastern boundary of the City of Coronado, and such other contiguous area as the board of supervisors may direct, designated the South Bay Judicial District.

This article applies to the municipal court established pursuant to this section.

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

In order to implement at the earliest feasible time the provisions of Proposition 13, passed by the voters of the State of California in the 1974 general election, it is necessary that this act take effect immediately.

CHAPTER 11

An act to amend Section 32 of Chapter 1406 of the Statutes of 1972, relating to personal income taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 13, 1975. Filed with Secretary of State March 13, 1975]

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

SECTION 1. Section 32 of Chapter 1406 of the Statutes of 1972 is amended to read:

Sec. 32. The credits and refunds required by Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of this act, shall be paid from the Personal Income Tax Fund when revenues are specifically appropriated therefor by the Legislature.

SEC. 2. The sum of sixty million dollars ($60,000,000) is hereby appropriated from the General Fund to the Personal Income Tax Fund for the payment of credits and refunds to renters, in augmentation of Item 84 of the Budget Act of 1974.

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

In order that this act may take effect prior to the commencement of the 1975–76 fiscal year, it is necessary that this act take effect immediately.

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CHAPTER 12

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

[Approved by Governor March 14, 1975 Filed with Secretary of State March 15, 1975.]

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

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

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

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.

County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal facilities districts.
Municipal improvement assessment districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.

Port districts.
Project areas of redevelopment agencies.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.
Zones of county waterworks districts.

The term "public body" and the plural thereof, as used in this act,

shall include only those entities which are specifically enumerated in this section.

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

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

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

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

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

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or

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

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

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

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

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

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

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the

boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

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

SEC. 10. This act may be cited as the First Validating Act of 1975.

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

To validate the organization boundaries, acts, proceedings and bonds of public bodies as soon as possible.

CHAPTER 13

An act to amend Section 5766.1 of the Education Code, relating to bilingual education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 14, 1975 Filed with Secretary of State March 15, 1975]

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

SECTION 1. Section 5766.1 of the Education Code is amended to read:

5766.1. The Superintendent of Public Instruction shall establish a Bilingual Teacher Corps Program for the development of a corps of bilingual teachers qualified to meet the needs of the limited- and non-English-speaking children in the state. The program shall provide a stipend of one thousand five hundred dollars ($1,500) per year, plus necessary expenses, to individuals serving as teaching aides providing direct instructional services in a public school classroom while such individuals are pursuing an educational program approved by the Department of Education directed toward a teaching credential in a cooperating institution of higher education. Such stipends shall supplement not supplant other state and federal student financial aid programs.

The Superintendent of Public Instruction may enter into contracts with local educational agencies, the California State University and Colleges, and the University of California for the training of these teacher candidates.

The State Board of Education shall adopt rules and regulations for the administration of the Bilingual Teacher Corps Program.

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

In order that the Superintendent of Public Instruction may contract with the University of California for the training of teacher aides under the Bilingual Teacher Corps Program at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 14

An act to amend Section 15011 of the Education Code, relating to the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 17, 1975 Filed with Secretary of State March 17, 1975]

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

SECTION 1. Section 15011 of the Education Code is amended to read:

15011. In the event a school district heretofore or hereafter acquires a site for school purposes, as determined by the State Allocation Board, and does not use the site within (1) five years of the date of acquisition for the kindergarten, if any, and any of grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district, or, (2) seven years of the date of acquisition for any of grades 7 to 12, inclusive, maintained by a high school district or a unified school district, the school district shall be subject to nonuse payments, unless the State Allocation Board from time to time makes a determination that the school district will utilize the property for the purpose for which it was intended within a reasonable period of time, in a specific amount for each additional year in which the site is retained and not used by the district beyond the foregoing specified periods, except the first such additional year shall be deemed to end not earlier than April 30, 1973.

The payments required shall be computed by the executive officer of the State Allocation Board and certified to the State Controller, and payments shall be equal to one one-hundredth (1/100) of the original purchase price of the site modified by either a factor reflecting the change in assessed value of all lands in the state from the date of purchase of the site to the current date or such other factor which in the determination of the State Allocation Board is applicable to the site under consideration.

Whenever the State Allocation Board has determined that a school district in good faith has, within the preceding year, advertised the school site for sale to the highest bidder pursuant to the provisions

of Article 2 (commencing with Section 16051) of Chapter 2 of Division 12 and has received no bids which in the judgment of the State Allocation Board reflect the fair market value of the property, the executive officer of the State Allocation Board shall not compute any nonuse payments for such site for a period of one year beyond such a determination.

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

In order that the inequities which would, under Section 15011 of the Education Code, otherwise result from the unforeseen variations in different portions of the state in the respective rates at which property values have changed may be rectified at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 15

An act relating to the Stephen P. Teale Consolidated Data Center, and making an appropriation therefor, to take effect immediately, usual current expenses.

[Approved by Governor March 18, 1975 Filed with Secretary of State March 18, 1975.]

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

SECTION 1. The sum of two million six hundred twelve thousand two hundred seventy-three dollars ($2,612,273), consisting of one million six hundred twelve thousand two hundred seventy-three dollars ($1,612,273) from the General Fund and one million dollars ($1,000,000) from the State Highway Account in the State Transportation Fund, is hereby appropriated to the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency, for support only during the 1974–75 fiscal year, and the unencumbered balance of any appropriation made by this act existing on July 1, 1975, shall revert to the source from which it was appropriated by this act; provided that funds appropriated hereby from the State Highway Account shall be encumbered or expended only for the purpose of providing data-processing support for the Department of Transportation; provided further, that no funds appropriated by either this act or by the Budget Act of 1974, shall be encumbered or expended for the purchase, or lease on other than a month-to-month basis, of computer mainframes for the Stephen P. Teale Consolidated Data Center until at least 30 days after the presentation of the results of a study to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee which (1)

substantiates the need for a dual computer system at the Stephen P. Teale Data Center, (2) discusses alternative equipment configurations to meet that need, (3) recommends the optimum configuration of equipment, (4) recommends the most cost-effective method of equipment acquisition, and (5) assesses the Stephen P. Teale Data Center's organization and operational methodology, including, but not limited to, recommendations to make these more cost-effective; provided further, that such study shall be performed by an independent private consulting firm selected by, and responsible to, the Secretary of the Business and Transportation Agency; provided further, that funds appropriated hereby may be used to replace computer equipment without regard to the competitive bidding and mainframe requirements of Section 4 of the Budget Act of 1974; provided further, that the Stephen P. Teale Consolidated Data Center shall use the authority specified in this act to complete negotiations for the replacement of disk drives, if such replacement is in accordance with the findings of the study made by the consulting firm as provided for herein; provided further, that the Stephen P. Teale Consolidated Data Center shall present to the Legislature, not later than June 1, 1975, a plan for the replacement of other peripheral equipment through competitive bidding.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 16

An act to amend Section 8553 of the Food and Agricultural Code, relating to pest control, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 19, 1975 Filed with Secretary of State March 19, 1975]

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

SECTION 1. Section 8553 of the Food and Agricultural Code is amended to read:

8553. A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1980. Such limited compensation shall not exceed the following payment schedule with the age of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments is as follows:

Age of trees	Maximum payment
1 year	$5 per tree
2 years	7.50 per tree
3 years	10 per tree
4 years	14 per tree
5 years	17.50 per tree
6 years	20.75 per tree
7 years or older	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

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

The citrus industry of this state has continued to be threatened by quick decline (tristeza), it is necessary that this program of limited compensation for removal of diseased trees which will expire March 1, 1975, be continued without interruption. To that end it is essential that this act go into immediate effect.

CHAPTER 17

An act to amend Sections 605, 607, 964, and 25416 of the Education Code, relating to local educational agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 22, 1975 Filed with Secretary of State March 22, 1975]

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

SECTION 1. Section 605 of the Education Code is amended to read:

605. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts, provided such

elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Once established, no subsequent change of circumstances shall require that the time of holding the election be changed. Where the elections for governing board members are held on the same date, then the provisions of Section 1304 of this code shall apply to the election of members of the county board of education. The first election held under this article (commencing with Section 601) shall be conducted by the county board of supervisors and thereafter by the county board of education. Members elected at the time of the direct primary shall take office on the first day of July, and members elected at the date on which members of school district governing boards are elected shall take office on the first day of April, subsequent to their election and shall serve for a term to be determined for each county by the county committee on school district organization. The county committee on school district organization shall also determine the manner in which the county board of education first elected shall effect a staggering of terms.

SEC. 2. Section 607 of the Education Code is amended to read:

607. The county board of education shall organize at a meeting held in each year by electing one of their number president of the board. The meeting at which the organization is conducted shall be either the first meeting on or after the first of April, or the first meeting on or after the first day of July, depending upon whether, pursuant to Section 605, the terms of office of board members commence on the first day of April or the first day of July.

SEC. 3. Section 964 of the Education Code is amended to read:

964. The governing board of each school district shall hold an annual organizational meeting. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to the first day of such 15-day period, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting, notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to the first day of such 15-day period and after the regular meeting of the board held immediately prior to the first day of such 15-day period, designate the day and time of the annual meeting. The day designated shall be within the 15-day period. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a community college district, shall elect one of its members clerk of the district.

As an alternative to the procedures set forth in this section, a city board of education whose members are elected in accordance with a city charter for terms of office commencing in December, may hold its annual organizational meeting required in this section between December 15 and January 14, inclusive, as provided in rules and regulations which shall be adopted by such board. At the annual meeting the city board of education shall organize by electing a president and vice president from its members who shall serve in such office during the period January 15 next to the following January 14, unless removed from such office by majority vote of all members of the city board of education.

SEC. 4. Section 25416 of the Education Code is amended to read:

25416. (a) The governing board of each community college district shall hold an annual organizational meeting. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meetings in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to the first day of such 15-day period, and the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to the first day of such 15-day period and after the regular meeting of the board held immediately prior to the first day of such 15-day period, designate the day and time of the annual meeting. The day designated shall be within the 15-day period. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of the community college district shall organize by electing a president from its members and a secretary.

(b) As an alternative to the procedures set forth in subdivision (a), in a community college district the boundaries of which are coterminous with the boundaries of a city and county, the governing

board members of which district are elected in accordance with a city and county charter, the annual organizational meeting of the governing board may be held between January 8 and January 31, inclusive, as provided in rules and regulations adopted by the board. At the annual organizational meeting each such community college district governing board shall organize by electing a president and vice president from its members.

SEC. 5. For purposes of the changes in law effected by this act, with respect to those offices for which the commencement of terms is advanced from the first day of July to the first day of April, the expiration of the terms of office of those county board of education members holding such offices on the effective date of this act are hereby accelerated, in each instance, from the 30th day of June to the 31st day of March of the calendar year in which such terms would otherwise have expired.

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

There will be elections for members of county boards of education during March, 1975. In order that the terms of office of the members of county boards of education elected at those elections may be realigned as provided by this act and that organizational meetings may be conducted during the new periods prescribed by this act, it is essential that this act take effect immediately.

CHAPTER 18

An act to amend Section 22451.5 of the Financial Code, relating to personal property brokers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 22, 1975 Filed with Secretary of State March 22, 1975]

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

SECTION 1. Section 22451.5 of the Financial Code is amended to read:

22451.5. Notwithstanding the provisions of Section 22451, every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent (2½%) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred twenty-five dollars ($225).

(b) Two percent (2%) per month on that portion of the unpaid principal balance in excess of two hundred twenty-five dollars ($225) up to, including, but not in excess of six hundred twenty-five dollars

($625).

(c) One and one-half percent (1½%) per month on that part of the unpaid principal balance in excess of six hundred twenty-five dollars ($625) up to, and including, but not in excess of one thousand six hundred fifty dollars ($1,650).

(d) One percent (1%) per month on any remainder of such unpaid balance in excess of one thousand six hundred fifty dollars ($1,650).

This section shall remain in effect only until January 1, 1977, and as of said date is repealed.

The references to Section 22451 of this code in Sections 22053, 22451.1, 22454.1 and 22480 of this code shall be deemed to include this section.

SEC. 2. This act clarifies the intention of the Legislature in enacting Chapter 1463 of the Statutes of 1974.

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

Many large and small businesses in California are dependent upon loans or advances made by lenders licensed under the Personal Property Brokers Law which businesses in turn provide substantial employment for California residents. This act is necessary to clarify the law governing such loans and advances in order to avoid any interruption in or impairment of the ability of such businesses to obtain loans and the employment opportunities offered by them.

CHAPTER 19

An act to amend Section 25541.5 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 22, 1975 Filed with Secretary of State March 22, 1975]

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

SECTION 1. Section 25541.5 of the Education Code is amended to read:

25541.5. The maximum rate of tax of any community college district is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section. A district shall not expend any of the

revenue for costs incurred under a joint-powers agreement between two community college districts or between a community college district and another district or a governmental agency consummated after July 1, 1973.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of a lease agreement for such school year.

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters.

In the event there is no other election held within the community college district boundaries during the first six months of the calendar year; and if there is another election to be conducted by a city, state, or other public agency during the last six months of the calendar year with which consolidation of elections can be achieved; the governing board of the community college district may elect, by resolution adopted prior to June 30 of the fourth fiscal year in which no bond issue was submitted to the voters, to consolidate the bond issue election with such other election even though it falls after June 30 of the fourth fiscal year.

In the event such resolution is adopted, the governing board of the community college district may levy the tax authorized by this section for an additional year.

If for any reason the governing board of the community college district fails to conduct such an election during the last six months of the calendar year in accordance with the resolution adopted by such governing board, the ensuing year's budget shall be adjusted so as to reduce the general operational funds by the sum raised by levying the tax authorized under this section during the fifth consecutive year in which no bond issue was submitted to the voters.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

In order to permit this act to be operative before the end of the current fiscal year, and to so permit the community college districts to which this act applies to plan their fiscal affairs for the forthcoming fiscal year, it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 22714 of the Education Code, relating to higher education.

[Approved by Governor March 22, 1975. Filed with Secretary of State March 22, 1975.]

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

SECTION 1. Section 22714 of the Education Code is amended to read:

22714. Each member of the commission shall receive a stipend of fifty dollars ($50) for each day in which he or she attends any meeting of the commission or any meeting of any committee or subcommittee of the commission, of which committee or subcommittee he or she is a member, and which committee or subcommittee meeting is conducted for the purpose of carrying out the powers and duties of the commission and, in addition, shall receive his or her actual and necessary traveling expenses incurred in the course of his or her duties.

CHAPTER 21

An act to amend Section 54307.1 of, and to add Section 6579 to, the Government Code, relating to revenue bonds.

[Approved by Governor March 29, 1975 Filed with Secretary of State March 29, 1975.]

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

SECTION 1. Section 6579 is added to the Government Code, to read:

6579. In addition to the revenue bonds authorized by this article, an agency or entity established pursuant to the provisions of this chapter may also issue revenue bonds pursuant to the provisions of the Revenue Bond Law of 1941, as contained in Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5, for the purposes specified in Section 54307.1.

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SEC. 2. Section 54307.1 of the Government Code is amended to read:

54307.1. "Local agency" also means any entity or agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 for the purpose of acquiring, constructing, maintaining, or operating an enterprise for the collection, treatment or disposal of sewage, waste or storm water.

(a) Any proposition submitted to an election held within such local agency or entity for the purpose of authorizing bonds shall be deemed adopted if it receives the affirmative vote of a majority of all the voters voting on the proposition. Such election shall be held within the combined territory of all agencies which, pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, have jointly created such local agency or entity; provided that if a public agency has entered into an agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 on behalf of a county service area, improvement zone, improvement district, maintenance district, or other zone or area, only the territory of such county service area, improvement zone, maintenance district, improvement district, or other zone or area shall be included in the combined territory in which the election shall be held.

(b) If compliance with a water quality control plan, adopted pursuant to Division 7 (commencing with Section 13000) of the Water Code, requires the construction of facilities for the collection, treatment or disposal of sewage, waste or storm water, and if the appropriate regional water quality control board, in a cease and desist order or by other action of the board, finds or determines that immediate action for the planning and construction of such facilities is urgently needed for the compliance with such plan and the prevention of pollution, the election procedures of Article 3 (commencing with Section 54380) of this chapter shall not be applicable, but undertaking the improvement shall be subject to referendum on the issuance of bonds. The resolution of the local agency or entity authorizing the issuance of bonds pursuant to this chapter shall be subject to referendum within the combined territory of all the agencies which, pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, have created such local agency or entity. Referendum procedures shall, as nearly as practicable, be those specified in Section 6547.2.

For the purposes of Section 6547.2, however, "local agency" shall mean the local agency or entity authorizing the issuance of bonds. The electors of such local agency for the purposes of such section shall be the electors residing within the boundaries of the local agency or entity who would be qualified to vote for candidates for Governor; provided that, should all of the parties to the agreement be "landowner-voter districts" as defined in Section 56048, the agreement shall provide which principal district act shall apply for the purpose of determining voter qualifications, manner of voting and number of votes each voter is entitled to cast. A majority vote

against the issuance of bonds shall have the effect of rescinding the resolution authorizing the issuance of bonds.

In the event that all parties to the agreement are "landowner-voter districts" as defined in Section 56048, and the agreement fails to specify which principal act shall apply for the purposes of determining voter qualifications, voting shall occur in the manner specified in Division 13 (commencing with Section 34000) of the Water Code.

CHAPTER 22

An act to amend Section 1037 of the Education Code, relating to school districts.

[Approved by Governor April 2, 1975 Filed with Secretary of State April 2, 1975]

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

SECTION 1. Section 1037 of the Education Code is amended to read:

1037. The governing board of any school district may make a charge for furnishing transcripts of former pupils' records in excess of two copies, and for more than two verifications of various records of former pupils. Such a charge shall be one dollar ($1) or an amount not to exceed the cost of rendering the service, whichever is the lesser.

CHAPTER 23

An act to amend Section 8920 of the Elections Code, relating to Democratic county central committees.

[Approved by Governor April 2, 1975 Filed with Secretary of State April 2, 1975]

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

SECTION 1. Section 8920 of the Elections Code is amended to read:

8920. (a) Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Monday after the first day in January following the direct primary election, unless the committee decides by majority vote to meet on the second Monday after the first day in July following the direct primary election and

files a written memorandum of such decision with the county clerk before the direct primary election.

(b) Any decision by the committee to meet on the second Monday after the first day in July following the direct primary election shall cause later meetings of the committee to occur on the same day.

CHAPTER 24

An act to amend Sections 8762.5, 8770.5, and 11000 of, and to repeal Chapter 3 (commencing with Section 11650) and Chapter 4 (commencing with Section 11700) of Part 2 of Division 4 of, the Business and Professions Code, and to amend Sections 1091.1, 66426, 66439, 66449, 66450, 66455, 66464, 66474, 66474.1, 66474.61, 66477, 66478.1, 66478.6, 66478.8, 66478.11, 66478.12, 66484, 66499.20½, 66499.32, and 66499.35 of, and to add Division 3 (commencing with Section 66499.50) to Title 7 of, the Government Code, and to amend Section 17953 of the Health and Safety Code, and Sections 10204.1 and 10311.5 of the Streets and Highways Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 4, 1975 Filed with Secretary of State April 4, 1975]

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

SECTION 1. Section 8762.5 of the Business and Professions Code is amended to read:

8762.5. No record of survey of land shown on the latest adopted county assessment roll as a unit or as contiguous units, which shows a division of such land into additional parcels, shall be filed with the county surveyor or with the county recorder, unless there is attached thereto a certificate by the county surveyor if the land lies within an unincorporated area, or a certificate by the city engineer if the land lies within a city, of compliance with the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and any applicable local ordinance enacted pursuant thereto.

SEC. 2. Section 8770.5 of the Business and Professions Code is amended to read:

8770.5. Any record of survey filed under the provisions of this chapter may be amended to show any course or distance that was omitted therefrom, or to correct any error in: course or distance shown thereon, the description of the land which the record of survey comprised, lot numbers, street names, acreages, identification of adjacent record maps, or the character of monuments being set, or to correct any other minor errors approved for correction by the county surveyor in the same manner that subdivision maps may be

amended under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code.

SEC. 3. Section 11000 of the Business and Professions Code is amended to read:

11000. "Subdivided lands" and "subdivision" refer to improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease or financing, whether immediate or future, into five or more lots or parcels; provided, however, that land or lands sold by lots or parcels of not less than 160 acres which are designated by such lot or parcel description by government surveys and appear as such on the current assessment roll of the county in which such land or lands are situated shall not be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section, unless such land or lands are divided or proposed to be divided for the purpose of sale for oil and gas purposes, in which case such land or lands shall be deemed to be "subdivided lands" or "a subdivision" within the meaning of this section; and provided further, this chapter does not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, or commercial building, except that the leasing of apartments in a community apartment project, as defined in Section 11004, shall be subject to the provisions of this chapter.

Nothing in this section shall in any way modify or affect any of the provisions of Section 66424 of the Government Code.

SEC. 4. Chapter 3 (commencing with Section 11650) of Part 2 of Division 4 of the Business and Professions Code is repealed.

SEC. 5. Chapter 4 (commencing with Section 11700) of Part 2 of Division 4 of the Business and Professions Code is repealed.

SEC. 6. Section 1091.1 of the Government Code is amended to read:

1091.1. The prohibition against an interest in contracts provided by this article or any other provision of law shall not be deemed to prohibit any public officer or member of any public board or commission from subdividing lands owned by him or in which he has an interest and which subdivision of lands is effected under the provisions of Division 2 (commencing with Section 66410) of Title 7 of the Government Code or any local ordinance concerning subdivisions; provided, that (a) said officer or member of such board or commission shall first fully disclose the nature of his interest in any such lands to the legislative body having jurisdiction over the subdivision thereof, and (b) said officer or member of such board or commission shall not cast his vote upon any matter or contract concerning said subdivision in any manner whatever.

SEC. 7. Section 66426 of the Government Code is amended to read:

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, or a

community apartment project containing five or more parcels, except where:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway, or

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths, or

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; provided, however, that a local ordinance may specify tentative and final map approval for a subdivision in which one or more of the resultant parcels is between 40 acres and 60 acres in size.

A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), and (d).

SEC. 8. Section 66439 of the Government Code is amended to read:

66439. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436.

In the event any street shown on a final map is not offered for dedication, the certificate may contain a statement to this effect. If such statement appears on the final map and if the map is approved by the legislative body, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate.

SEC. 9. Section 66449 of the Government Code is amended to read:

66449. The following certificates shall appear on a parcel map:

(a) Surveyor's (engineer's) certificate.

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (name of person authorizing map) on (date). I hereby certify that it conforms to the approved tentative map and the conditions of approval thereof.

(Signed)_____
R.C.E. (or L.S.) No._____

(b) Recorder's certificate.

Filed this _____ day of _____, 19____, at _____m. in Book _____ of _____, at page ____, at the request of _____.
Signed _____
County recorder

SEC. 10. Section 66450 of the Government Code is amended to read:

66450. If a subdivision for which a parcel map is required lies within unincorporated territory, the parcel map shall be submitted to the county surveyor for his examination prior to filing, and if such subdivision lies within a city, the parcel map shall be submitted to the city engineer for his examination prior to filing.

Within 20 days after receiving the parcel map, such officer or officers shall examine it for the survey information shown thereon, and if satisfied that it is technically correct, the following certification shall be placed on the map.

County Surveyor's Certificate
(or City Engineer's Certificate)

This map conforms with the requirements of the Subdivision Map Act and local ordinance.
Dated: _____.
Signed: _____
County surveyor/city engineer

SEC. 12. Section 66455 of the Government Code is amended to read:

66455. The State Department of Transportation may file with the legislative body of any local agency having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of any state highway routing in which territory it believes the subdivision would have an effect upon an existing state highway or a future state highway, the route of which has been adopted by the California Highway Commission.

The city or county having jurisdiction shall issue a receipt for the territorial map and thereafter shall transmit to the district office of the Division of Highways of such department in the district in which the proposed subdivision is located, within three days after the receipt thereof, one copy of each tentative map of any subdivision located wholly or partly within the territory outlined on the territorial map.

The department upon receiving a copy of the map may, within 15 days after receipt thereof, make recommendations to the local

agency in connection therewith regarding the effect of the proposed subdivision upon such highway or highway route.

SEC. 13. Section 66464 of the Government Code is amended to read:

66464. (a) After the approval by the city of a final or parcel map of a subdivision, the city clerk shall transmit the map to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

(b) After the approval by the county of a final or parcel map of a subdivision within unincorporated territory, the map shall be transmitted ultimately to the county recorder.

(c) When all certificates and security required under the provisions of Sections 66492 and 66493 of this division have been filed and deposited with the clerk of the board of supervisors and approved by the county, the clerk of the board of supervisors shall certify that such certificates have been filed and deposits have been made and shall transmit the final map to the county recorder.

SEC. 14. Section 66474 of the Government Code is amended to read:

66474. A legislative body of a city or county shall deny approval of a final or tentative map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

SEC. 15. Section 66474.1 of the Government Code is amended to read:

66474.1. A legislative body shall not deny approval of a final map

pursuant to Section 66474 if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

SEC. 16. Section 66474.61 of the Government Code is amended to read:

66474.61. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall deny approval of a final or tentative map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subdivision shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

SEC. 17. Section 66477 of the Government Code is amended to read:

66477. The legislative body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final map or parcel map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(b) The ordinance includes definite standards for determining the proportion of a subdivision, to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a

recreational element, and the park and recreational facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

(h) Subdivisions containing less than five (5) parcels and not used for residential purposes shall be exempted from the requirements of this section; provided however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if such agency elects to accept the land or fee. The local agency accepting such land or funds shall develop the land or use the funds in the manner provided herein.

In the event park and recreational services and facilities are provided by a public agency other than a city or a county, the amount and location of land to be dedicated or fees to be paid shall be jointly determined by the city or county having jurisdiction and such public agency.

The provisions of this section do not apply to industrial subdivisions; nor do they apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five (5) parcels for a shopping center containing more than 300,000 square feet of gross leaseable area and no residential development or uses.

SEC. 18. Section 66478.1 of the Government Code is amended to read:

66478.1. It is the intent of the Legislature, by the provisions of Sections 66478.1 through 66478.10 of this article to implement Section 2 of Article XV of the California Constitution insofar as Sections 66478.1 through 66478.10 are applicable to navigable waters.

SEC. 19. Section 66478.6 of the Government Code is amended to read:

66478 6. Any public access route or routes and any easement along the bank of a public waterway river or stream provided by the subdivider shall be expressly designated on the tentative or final

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map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

SEC. 20. Section 66478.8 of the Government Code is amended to read:

66478.8. Nothing in Sections 66478.1 through 66478.10 of this article shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this article is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

SEC. 21. Section 66478.11 of the Government Code is amended to read:

66478.11. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by

a local agency prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a local agency prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

SEC. 22. Section 66478.12 of the Government Code is amended to read:

66478.12. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication.

(b) Reasonable access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a

finding that such reasonable access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

SEC. 23. Section 66484 of the Government Code is amended to read:

66484. A local ordinance may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares

Such local ordinance may require payment of fees pursuant to this section if:

(a) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof which identify railways, freeways, streams or canyons for which bridge crossings are required on general plan or local roads and in the case of major thoroughfares, to the provisions of such circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system; provided, such circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit.

(b) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at such proceedings.

(c) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established The method of fee

apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for such property or portions thereof. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to such lands from other sources.

(d) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(e) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Such fees shall not be expended to reimburse the cost of existing bridge facility construction.

(f) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new

proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for such advances from planned bridge facility or major thoroughfares funds established to finance the construction of such improvements.

A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

Nothing in this section shall be construed to preclude a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

SEC. 24. Section 66499.20½ of the Government Code is amended to read:

66499.20½. A city or county may, by ordinance, authorize a parcel map to be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to

be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The recording of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The recording of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and recordation of the parcel map.

SEC. 25. Section 66499.32 of the Government Code is amended to read:

66499.32. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this division, or of the provisions of local ordinances enacted pursuant to this division, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this division or of local ordinances enacted pursuant to the provisions of this division, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this division or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 66499.35 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

SEC 26 Section 66499.35 of the Government Code is amended to read:

66499.35. (a) Any person owning real property may request, and a local agency shall determine, whether such real property complies with the provisions of this division and of local ordinances enacted pursuant thereto. Upon making such a determination the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division thereof complies with applicable provisions of this division and of local ordinances enacted pursuant thereto. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a local agency determines that such real property does not comply with the provisions of this division or of local ordinances enacted pursuant thereto, it may, as a condition to granting a certificate of compliance, impose any of the conditions permitted under Section 66499.34. Such conditions may be fulfilled and implemented by the property owner who has applied for a certificate of compliance pursuant to this section or by a grantee of such property owner. If such conditions are not fulfilled or implemented by the applicant property owner or the grantee, the certificate of compliance shall have no force or effect upon any subsequent transfer of the property and any subsequent transferee or assignee shall make a new application for a certificate of compliance pursuant to this section, and the city or county may impose such conditions as would have been applicable at the time such assignee or transferee acquired the property.

(c) A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 66499.34.

(d) A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

SEC. 26.5. Division 3 (commencing with Section 66499.50) is added to Title 7 of the Government Code, to read:

DIVISION 3. OFFICIAL MAPS

66499.50. This division applies to all counties and, whether incorporated or not, to all cities, towns and villages in this state.

66499.51. As used in this division:

(a) "City council or board of supervisors" includes the proper corresponding governing board and authority in each place where the division applies.

(b) "City engineer" and "county surveyor" includes the like or corresponding officer, subject to the direction of the corresponding governing board and authority in each place where the division applies.

(c) If there is no city engineer or county surveyor subject to such direction, the corresponding board and authority may employ

competent engineers and surveyors to the extent necessary for the carrying out of the purposes of this division in the places subject to its jurisdiction, and the persons so appointed shall have the same authority and shall perform the same duties as are given to and enjoined upon city engineers and county surveyors, respectively, in like cases. The services of engineers and surveyors so employed shall be contracted for, examined, passed upon, audited and paid as are other debts contracted by such governing boards and authorities.

66499.52. Whenever any city, town or subdivision of land is platted or divided into lots or blocks, and whenever any addition to any city, town or subdivision is laid out into lots or blocks for the purpose of sale or transfer, the city engineer or the county surveyor, under the direction and with the approval of the city council or board of supervisors, may make an official map of the city, town or subdivision, giving to each block on the map a number, and to each lot or subdivision in the block a separate number or letter, and giving names to such streets, avenues, lanes, courts, commons or parks, as may be delineated on the official map.

66499.53. The engineer or surveyor, under the direction and with the approval of the city council or board of supervisors, may compile the map from maps on file, or may resurvey or renumber the blocks, or renumber or reletter the lots in the blocks, or change the names of streets.

66499.54. Each and every map made and adopted under this division shall be certified under the hands of a majority of the members and the presiding officer and secretary and official seal, if any, of the authority adopting the same. The certificate shall set forth in full the resolution adopting the map, with the date of adoption.

66499.55. The map, so certified, shall be forthwith filed in the office of the county recorder of the county wherein the platted lands are situate. The recorder shall immediately securely fasten and bind each map so filed in one of a series of firmly bound books to be provided, together with the proper indexes thereof and appropriately marked for the reception of the maps provided for in this division.

66499.56. The map shall become an official map for all the purposes of this division when certified, filed and bound, but not before.

66499.57. Whenever the city council or board of supervisors adopts a map prepared under this chapter as the official map of the subdivision, town, city or county, it shall be lawful and sufficient to describe the lots or blocks in any deeds, conveyances, contracts, or obligations affecting any of the lots or blocks as designated on the official map, a reference sufficient for the identification of the map being coupled with the description.

66499.58. All surveys and the field notes thereof made by any engineer or surveyor, under the provisions of this division, or in surveying officially any lots or parcels of land in any city, town or county for the purposes of any map under this division, shall be filed

in the office of the surveyor or engineer, as the case may be, and shall become a part of the public records of the city, town or county.

SEC. 27. Section 17953 of the Health and Safety Code is amended to read:

17953. Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code.

The preliminary soil report may be waived if the building department of the city, county or city and county, or other enforcement agency charged with the administration and enforcement of the provisions of this part, shall determine that, due to the knowledge such department has as to the soil qualities of the soil of the subdivision or lot, no preliminary analysis is necessary.

SEC. 28. Section 10204.1 of the Streets and Highways Code is amended to read:

10204.1. If the assessment district consists, in whole or in part, of lands subdivided or to be subdivided under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, none of the costs and expenses required for compliance with the Subdivision Map Act, including but not limited to surveying and engineering costs incurred in the preparation of any map required by such act, shall be included in the incidental expenses of any improvement ordered to be made or acquired under this division. Incidental expenses under this division may include:

(1) The costs and expenses of modifying any tentative or final map prepared pursuant to the Subdivision Map Act for use as the map of the assessment district or diagram; and

(2) Any surveying or engineering expenses incurred for preparation of the plans and specifications of any improvement to be constructed under this division.

(3) Any private utility damages.

SEC. 29. Section 10311.5 of the Streets and Highways Code is amended to read:

10311.5. If the proposed improvement includes the acquisition of any improvements constructed pursuant to the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the Government Code, and such improvements were financed, in whole or in part, from the proceeds of any loan secured by a mortgage or deed of trust upon any lands within the proposed assessment district, upon submission of evidence, satisfactory to the legislative body, of the foregoing, the mortgagee or beneficiary under any such mortgage or deed of trust may protest in the same manner and to the same extent as the owner of such lands.

Any contract by a city for the acquisition of any such improvements shall provide that, in the absence of contrary written

instructions by any such mortgagee or beneficiary, the purchase price for said improvements shall be paid to the owner and to the mortgagee or beneficiary, as their interests may appear.

SEC. 30. The provisions of Chapter 1536 of the 1974 Statutes shall not apply to any map which was approved prior to March 1, 1975, nor shall they apply to any final map the tentative map of which was approved prior to March 1, 1975, and such maps shall be processed under the law which applied to the approved tentative map.

SEC. 31. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such urgency are:

Such immediate effect is necessary to conform the provisions of the sections of the codes amended by this act to the provisions of Chapter 1536, Statutes of 1974 which become operative March 1, 1975.

CHAPTER 25

An act to amend Sections 1531, 1542, and 1581 of, to add Section 1511 to, and to repeal Section 1511 of, the Code of Civil Procedure, relating to escheat.

[Approved by Governor April 4, 1975 Filed with Secretary of State April 4, 1975]

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

SECTION 1. Section 1511 of the Code of Civil Procedure is repealed.

SEC. 2. Section 1511 is added to the Code of Civil Procedure, to read:

1511. (a) Any sum payable on a money order, travelers check, or other similar written instrument (other than a third-party bank check) on which a business association is directly liable escheats to this state under this chapter if the conditions for escheat stated in Section 1513 exist and if:

(1) The books and records of such business association show that such money order, travelers check, or similar written instrument was purchased in this state;

(2) The business association has its principal place of business in this state and the books and records of the business association do not show the state in which such money order, travelers check, or similar written instrument was purchased; or

(3) The business association has its principal place of business in this state, the books and records of the business association show the state in which such money order, travelers check, or similar written instrument was purchased, and the laws of the state of purchase do

not provide for the escheat of the sum payable on such instrument.

(b) Notwithstanding any other provision of this chapter, this section applies to sums payable on money orders, travelers checks, and similar written instruments deemed abandoned on or after February 1, 1965, except to the extent that such sums have been paid over to a state prior to January 1, 1974. For the purposes of this subdivision, the words "deemed abandoned" have the same meaning as those words have as used in Section 604 of Public Law Number 93-495 (October 28, 1974), 88th Statutes at Large 1500.

SEC. 3. Section 1531 of the Code of Civil Procedure is amended to read:

1531. (a) Within 120 days from the final date for filing the reports required by Section 1530, the State Controller shall cause a notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in each county in this state in which is located:

(1) The last known address, as listed in the reports, of any person named in the reports as the apparent owner of property escheated to this state under this chapter; or

(2) If no address of any apparent owner named in the reports is listed, or if the address listed in the reports for any apparent owner named therein is outside this state, the principal place of business within this state of the holder of the escheated property

(b) Each published notice shall be entitled "notice of names of persons appearing to be owners of unclaimed property," and shall contain the names in alphabetical order and last known addresses, if any, of:

(1) Those apparent owners listed in the reports as having a last known address within the county;

(2) Those apparent owners listed as having a last known address outside this state or as having no last known address in a report filed by a holder with his principal place of business within the county; and

(3) The insured or annuitant in the case of funds described in Section 1515 if:

(i) The report does not list the name of the apparent owner of the funds and his last known address; and

(ii) The last known address of the insured or annuitant is within the county.

(c) Each published notice shall also contain:

(1) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the State Controller.

(2) A statement that, if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction before a date specified in the notice (which shall be the date five months from the final date for filing the report), the property will be placed, not later than one month after such date, in the custody of the State Controller and all

further claims must thereafter be directed to the State Controller.

(d) The State Controller is not required to publish in such notice any item of less than twenty-five dollars ($25) unless he deems such publication to be in the public interest.

(e) Within 120 days from the final date for filing the report required by Section 1530, the State Controller shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of twenty-five dollars ($25) or more escheated under this chapter.

(f) The mailed notice shall contain:

(1) A statement that, according to a report filed with the State Controller, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the State Controller and all further claims must be directed to the State Controller.

(g) This section is not applicable to sums payable on travelers checks, money orders, and similar written instruments that escheat under Section 1511.

SEC. 4. Section 1542 of the Code of Civil Procedure is amended to read:

1542. (a) At any time after property has been paid or delivered to the State Controller under this chapter, another state is entitled to recover the property if:

(1) The property escheated to this state under subdivision (b) of Section 1510 because no address of the apparent owner of the property appeared on the records of the holder when the property was escheated under this chapter, the last known address of the apparent owner was in fact in such other state, and, under the laws of that state, the property escheated to that state;

(2) The last known address of the apparent owner of the property appearing on the records of the holder is in such other state and, under the laws of that state, the property has escheated to that state;

(3) The property is the sum payable on a travelers check, money order, or other similar instrument that escheated to this state under Section 1511, the travelers check, money order, or other similar instrument was in fact purchased in such other state, and, under the laws of that state, the property escheated to that state; or

(4) The property is funds held or owing by a life insurance corporation that escheated to this state by application of the presumption provided by subdivision (b) of Section 1515, the last known address of the person entitled to the funds was in fact in such other state, and, under the laws of that state, the property escheated to that state.

(b) The claim of another state to recover escheated property under this section shall be presented in writing to the State Controller, who shall consider the claim within 90 days after it is presented He may hold a hearing and receive evidence. He shall allow the claim if he determines that the other state is entitled to the escheated property. A claim allowed under this section is subject to the charge specified by subdivision (c) of Section 1540.

(c) Paragraphs (1) and (2) of subdivision (a) do not apply to property described in paragraph (3) or (4) of that subdivision.

SEC. 5. Section 1581 of the Code of Civil Procedure is amended to read:

1581. (a) Any business association that sells in this state its travelers checks, money orders, or other similar written instruments (other than third-party bank checks) on which such business association is directly liable, or that provides such travelers checks, money orders, or similar written instruments to others for sale in this state, shall maintain a record indicating those travelers checks, money orders, or similar written instruments that are purchased from it in this state.

(b) The record required by this section may be destroyed after it has been retained for such reasonable time as the State Controller shall designate by regulation.

(c) Any business association that willfully fails to comply with this section is liable to the state for a civil penalty of five hundred dollars ($500) for each day of such failure to comply, which penalty may be recovered in an action brought by the State Controller.

CHAPTER 26

An act to amend Section 5093.36 of the Public Resources Code, relating to wilderness

[Approved by Governor April 14, 1975. Filed with Secretary of State April 14, 1975]

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

SECTION 1. Section 5093.36 of the Public Resources Code is amended to read:

5093.36. (a) Except as otherwise provided in this chapter, each state agency with jurisdiction over any area designated as a wilderness area shall be responsible for preserving the wilderness character of the wilderness area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(b) Except as specifically provided for in this chapter, and subject to private rights existing as of January 1, 1975, there shall be no commercial enterprise and no permanent road within any wilderness area and, except as necessary in emergencies involving the health and safety of persons within the wilderness area, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 5,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any wilderness area.

(c) The following special provisions are hereby made:

(1) Within wilderness areas, such measures may be taken as may be necessary for the control of fire, insects, and diseases, subject to such conditions as the state agency or agencies having jurisdiction over such wilderness areas may deem desirable.

(2) Nothing in this chapter shall prevent any activity by any public agency within a wilderness area, including prospecting, for the purpose of gathering information about mineral or other resources, which the state agency or agencies having jurisdiction over such wilderness area have determined will be carried on in a manner compatible with the preservation of the wilderness environment.

(3) The state agency or agencies having jurisdiction over wilderness areas may authorize the collection of hydrometeorological data and the conduct of weather modification activities, including both atmospheric and surface activities and environmental research, which are within, over, or may affect wilderness areas and for such purposes may permit access, installation, and use of equipment which is specifically justified and unobtrusively located. Maximum practical application of miniaturization, telemetry, and camouflage shall be employed in conducting weather modification activities. In granting permission for the conduct of data collection and weather modification activities, the appropriate state agency may prescribe such operating and monitoring conditions as it deems necessary to minimize or avoid long-term and intensive local impact on the wilderness character of the wilderness areas affected.

(4) Within wilderness areas, the grazing of livestock, where established prior to January 1, 1975, may be permitted to be continued by the present lessee or permittee subject to such limitation on term and regulations as are deemed necessary by the state agency or agencies having jurisdiction over such wilderness areas.

(5) The provisions of this chapter shall not apply to the aerial stocking of fish or to the conduct of aerial surveys of wildlife species.

CHAPTER 27

An act to add Article 11.5 (commencing with Section 54664) to Chapter 6 of Division 2 of Title 5 of the Government Code, relating to revenue bond anticipation notes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 14, 1975 Filed with Secretary of State April 14, 1975]

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

SECTION 1. Article 11.5 (commencing with Section 54664) is added to Chapter 6 of Division 2 of Title 5 of the Government Code, to read:

Article 11.5. Revenue Bond Anticipation Notes

54664. When the legislative body deems it in the best interests of the local agency, it may authorize the issuance of notes, on a negotiated or a competitive bid basis, maturing within a period not to exceed two years, in anticipation of the sale of bonds duly authorized at the time such notes are issued. Such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of such bond, may contain. The proceeds from the sale of such notes shall be used only for the purposes for which the bonds were authorized.

54665. All notes issued pursuant to this article and any renewal thereof shall be payable at a fixed time, except that in the event that the sale of the bonds shall not have occurred prior to the maturity of the notes issued in anticipation of the sale, the treasurer shall, in order to meet the notes then maturing, issue renewal notes for such purpose. No renewal of a note shall be issued after the sale of bonds in anticipation of which the original note was issued. There shall be only one renewal of any note issued pursuant to this article, and such renewal note shall mature within a period not to exceed two years.

54666. The principal of, and interest on, such notes may be paid from the revenues of the enterprise. If such notes, or any portion thereof, or the interest thereon, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. If any of the principal of such notes is paid from the revenues of the enterprise rather than the proceeds of the sale of bonds, the amount of bonds the local agency is authorized to thereafter issue shall be reduced by the amount so paid from the revenues of the enterprise. The total amount of such notes or renewals thereof issued and outstanding shall not exceed the total amount of the unsold bonds.

54667. Notes may be issued pursuant to this article in anticipation

of the sale of bonds authorized either before or after the effective date of this article.

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

Present rates of interest make it exceedingly difficult for local agencies to sell revenue bonds. It is, therefore, imperative that this act which would permit such local agencies with authorized but unissued revenue bonds to borrow money on a short-term basis until such bonds can be issued take effect immediately.

CHAPTER 28

An act to amend Section 1752.15 of the Welfare and Institutions Code and Section 3 of Chapter 885 of the Statutes of 1974, relating to the Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1975 Filed with Secretary of State April 16, 1975]

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

SECTION 1. Section 1752.15 of the Welfare and Institutions Code is amended to read:

1752.15. The director may enter into contracts, with the approval of the Director of Finance, with any county of this state upon request of the board of supervisors thereof, wherein the Department of the Youth Authority agrees to furnish temporary emergency detention facilities and necessary services incident thereto, for persons under the age of 18 years who are in the custody of the county probation officer pursuant to provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2. Facilities of the department may be used only on a temporary basis when existing county juvenile facilities are exhausted arising from an extraordinary number of arrests incident to a mass disturbance or from other incidents. They may not be used for the detention of a person who is alleged to be or has been adjudged to be a person described by Section 600 or Section 601.

Whenever any person is detained in a California Youth Authority facility located in a county other than the county which has contracted for services pursuant to this section, the county shall provide for adequate consultation between the minor and his attorney; and, if the minor's parent or guardian lacks adequate private means of transportation, and if the minor has been detained in the facility for more than 10 days, the county shall make reasonable efforts to provide for visitation between the minor and his parents

or guardian.

The county shall reimburse the state for the cost of such services, such cost to be determined by the director. The department shall present to the county, not more than once a month, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 2. Section 3 of Chapter 885 of the Statutes of 1974 is amended to read:

Sec. 3. This act shall be operative only until January 1, 1976, and on that date is repealed.

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

In order to provide the necessary authority for counties to continue to provide juvenile detention facilities and services on a temporary basis by contract for department facilities it is necessary that this act take effect immediately.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on anyprogram or performing any service required to be carried on or performed by it by this act.

CHAPTER 29

An act to amend Sections 53216 and 53217 of the Government Code, relating to pension trusts.

[Approved by Governor April 18, 1975. Filed with Secretary of State April 18, 1975]

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

SECTION 1. Section 53216 of the Government Code is amended to read:

53216. The legislative body of a local agency may establish a pension trust funded by individual life insurance contracts, individual annuities, group policies of life insurance, or group annuities, or any one or combination of them, or by any other investment authorized by this article for the benefit of its officers and employees.

The legislative body of a local agency may make participation in any plan under such pension trust optional with the officers and employees of the local agency or it may make participation in such

pension trust plan compulsory for the officers and employees of such agency.

Officers and employees who participate in such pension trust plan, whether it is optional or compulsory, shall have their plan contributions deducted from their compensation.

SEC. 2. Section 53217 of the Government Code is amended to read:

53217. From funds under its jurisdiction the legislative body may authorize payment to the trust of amounts equaling all or any portion of the moneys necessary to fund any pension trust established pursuant to this article. The legislative body may also authorize payment of amounts to cover the reasonable expenses of the administration of the trust. Such expenditures are charges against the funds of the agency making them.

CHAPTER 30

An act relating to the state park system, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8J thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975]

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

SECTION 1. Section 2.8J is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

SEC 2.8J. The following sum of money, or so much thereof as may be necessary, is hereby appropriated for expenditure during the 1974–75, 1975–76 and 1976–77 fiscal years. Such appropriation shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

RESOURCES

410.9J—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (e) of Section 5096.85 of the Public Resources Code, for expenditure during the

1974–75, 1975–76 and 1976–77 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 172,000
Schedule:
(a) Rancho Olompali, for acquisition and development..... 172,000
provided, that none of the funds appropriated herein shall be expended or obligated unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of said property; and provided further, that the appropriation contained in this item is intended to be in lieu of that provided for subitem (f) of Item 410 of the Budget Act of 1974; and provided further, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

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

In order for the provisions of this act to correct the inadvertent omission of a cross-reference to subdivision (e) of Section 5096.85 of the Public Resources Code in Item 410 of the Budget Act of 1974, and thereby enable the early acquisition and development of greatly needed lands for park, recreational, beach, or historical purposes, it is necessary that this act go into immediate effect.

CHAPTER 31

An act making an appropriation to pay the claim of Donovan Lenhart, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975]

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

SECTION 1. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the Department of Justice for settlement of the claim of Donovan Lenhart against the State of California.

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

In order to settle, out of court, an action against the state for the personal injuries of Donovan Lenhart, thereby terminating a lengthy court procedure and ending a hardship to the damaged persons as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 32

An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975]

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

SECTION 1. Section 11656.6 of the Insurance Code is amended to read:

11656.6. An insurer may issue a workers' compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

(a) Files with the commissioner or a licensed workers' compensation rating organization designated by him:

(1) A copy of its articles of incorporation and bylaws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workers' compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed workers' compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain

a member in good standing in accordance with the basic law, rules and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which by education and otherwise will seek to reduce the incidence and severity of accidents.

(6) An agreement in writing duly executed guaranteeing that, if the insurer notifies the organization or association of the nonpayment of a premium by an insured member of the organization or association within 60 days after the premium was due, the organization or association will pay to the insurer the amount of any past due premium which does not exceed the amount of the dividends that are due to the organization or association or its members from the insurer. The organization or association shall promptly notify the insurer of the known insolvency of any member of the group plan, and shall request upon learning of such insolvency, removal of the member from the group plan. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workers' compensation rating organization designated by him and with any insurer issuing a group policy.

(b) "Common trade or business" as used in this article shall mean:

(1) In agricultural enterprises, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be conducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal payroll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workers' Compensation Insurance approved by the Insurance Commissioner. Commercial buildings as defined in this subsection shall mean any nonresidential buildings.

(3) In the transportation and warehousing industry, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rules of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to for-hire motor carriers and warehousemen subject to regulation by the California Public Utilities Commission.

(4) In the timber and lumber industry, operations in which the principal payroll of the employer develops under any combination

of the classifications of the Manual of Rules, Classification and Basic Rules of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to land clearing; logging or lumbering; log, chip, and lumber hauling; planing or molding mills; sawmills or shingle mills; veneer or veneer products manufacturing; box or box shook manufacturing; cabinet works; door, door frame or sash manufacturing and wood fiber preparation. However, no classification applicable to for-hire motor carriers under the provisions of paragraph (3) of this subdivision shall be included in any combination of classifications authorized by this paragraph.

(5) For public agencies providing industrial, domestic, or agricultural water service, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classification and Basic Rules of Workers' Compensation Insurance approved by the Insurance Commissioner as applicable to irrigation, drainage, reclamation or waterworks operations.

(6) For all other enterprises, operations in which the principal payroll develops under a single manual classification.

(c) "Principal payroll," for the purpose of this section, means not less than 51 percent of the total payroll for the preceding policy year or in the case of an employer who has no preceding full year's payroll, not less than 51 percent of his estimated annual payroll.

CHAPTER 33

An act to amend Section 564 of the Welfare and Institutions Code, relating to traffic violations.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975]

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

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. (A) Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law,

when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(b) That the minor attend traffic school over a period not to exceed 60 days.

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50), and to the Driver Training Penalty Assessment Fund a penalty assessment in the amount provided in Section 42050 of the Vehicle Code for offenses not relating to parking or registration or offenses by pedestrians. Any judge, referee, or traffic hearing officer may waive a penalty assessment if the amount the minor is ordered to pay to the general fund of the county is less than ten dollars ($10).

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

(e) That the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code.

(f) That the minor work in a city park or recreational facility or county or regional park for not to exceed 25 hours over a period not to exceed 30 days, during times other than his hours of school attendance or employment. When the order to work is made by a referee or a traffic hearing officer, it shall be approved by a judge of the juvenile court.

(B) The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 34

An act to add Section 924.6 to the Penal Code, relating to grand juries.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975]

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

SECTION 1. Section 924.6 is added to the Penal Code, to read:

924.6. If no indictment is returned, the court that impaneled the grand jury shall, upon application of either party, order disclosure of all or part of the testimony of a witness before the grand jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding before any court if the court finds following an in camera hearing, which shall include the court's review of the grand jury's testimony, that the testimony is relevant, and appears to be admissible.

CHAPTER 35

An act to amend Section 4509 of the Civil Code, relating to dissolution of marriage.

[Approved by Governor April 18, 1975 Filed with Secretary of State April 18, 1975.]

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

SECTION 1. Section 4509 of the Civil Code is amended to read:

4509. In any pleadings or proceedings for legal separation or dissolution of marriage under this part, including depositions and discovery proceedings, evidence of specific acts of misconduct shall be improper and inadmissible, except where child custody is in issue and such evidence is relevant to that issue.

CHAPTER 36

An act to add Section 8692 to the Government Code, relating to disaster assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 21, 1975 Filed with Secretary of State April 21, 1975]

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

SECTION 1. Section 8692 is added to the Government Code, to read:

8692. The director may advance to the Department of Transportation from the Street and Highway Account to the State Highway Account in the State Transportation Fund such funds as are necessary to provide for the restoration or repair of local federal-aid system highway facilities, when such funds are eligible for reimbursement with emergency relief funds under Title 23, United States Code, Section 125. Upon receipt of reimbursement from the federal government, the Department of Transportation shall repay all such funds to the Street and Highway Account.

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

Annual natural disasters occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential streets, roads, highways, and bridges in said counties. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, it is essential that this act go into immediate effect.

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CHAPTER 37

An act to amend Sections 15352.1, 15516, 15551, 15552, 15558, 15559, 15561, 15714, 15973. 16803, 19590, and 19591 of, to add Sections 15563 and 19589.1 to, and to repeal Section 19590.5 of, the Education Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature April 22, 1975
Filed with Secretary of State April 22, 1975]

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

SECTION 1. Section 15352.1 of the Education Code is amended to read:

15352.1. In bidding on contracts to be made pursuant to Section 15557, bidders may include in their bids abstractions of their quotations indicating the pricing structure used to compute the annual lease or rental payments for the sole purpose of identifying that portion of each annual lease or rental payment which may represent tax exemption reimbursement to the vendor, lessor or to their assignees.

SEC. 1.5. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article shall be used as a school building for elementary and secondary school or community college purposes after June 30, 1975, unless the governing board of the school district has requested and obtained from the State Allocation Board authority for use of such building for a specific period beyond such date. Prior to requesting such authority, the governing board shall adopt a resolution declaring the board's intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement. The State Allocation Board shall not authorize any school district to use such a building beyond June 30, 1975, unless it has first determined that the school district has already proceeded with a plan of total repair, reconstruction or replacement in a timely manner and a contract has been let for any phase of, and work commenced on, such project. In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

SEC. 2. Section 15551 of the Education Code is amended to read:

15551. The provisions of this article shall govern the lease or

lease-purchase of sites, buildings, and facilities by the governing board of any school district whenever the school district is the lessee or purchaser and the lease or lease-purchase is not subject to Section 18 of Article XVI of the Constitution.

SEC. 3. Section 15552 of the Education Code is amended to read:

15552. For purposes of this article the following definitions shall govern:

(a) "Temporary use building" is any building for which the intended use by the school district at the time of entering into a lease contract or agreement is not for more than three years from the date of first occupancy.

(b) "Relocatable structure" is any structure that is designed to be relocated.

SEC. 4. Section 15558 of the Education Code is amended to read:

15558. In any lease made pursuant to Section 15557, it shall be competent to provide that the school district lessee may purchase the relocatable structure at an agreed purchase price and that rental paid for the use of such structure or building shall be applied in whole or in part upon the purchase price.

SEC. 5. Section 15559 of the Education Code is amended to read:

15559. Any lease contract or agreement entered into pursuant to Section 15557 shall be subject to the following conditions:

(a) A leased relocatable structure in which students are expected to enter and which is to be used for school purposes for a total time in excess of three years shall be subject to the provisions of Article 4 (commencing with Section 15451) and Article 5 (commencing with Section 15501) of this chapter.

(b) Subdivision (a) of this section shall not apply to trailer coaches used for classrooms or laboratories if such trailer coaches conform to the requirements of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, and the rules and regulations promulgated thereunder concerning mobilehomes, are not expanded or fitted together with other sections to form one unit greater than 16 feet in width, are used for special educational purposes, and are used by not more than 12 students at a time, except that such trailer coaches may be used by not more than 20 students at a time for driver training purposes.

(c) The site on which a leased relocatable structure is located shall be owned by the school district, or shall be under the control of the school district pursuant to a lease or a permit.

SEC. 6. Section 15561 of the Education Code is amended to read:

15561. The governing board of a school district may:

(a) Lease buildings and other facilities such as administrative offices, warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, transportation facilities, and communication facilities, for a period of not to exceed 12 years.

(b) Lease property from the federal government, the state, or any county, city and county, city, or district for the purpose of constructing school buildings and facilities thereon.

(c) Except as otherwise provided, any building leased for a total time in excess of three years, or under a lease-purchase agreement, shall be deemed the construction or alteration of a school building, as those terms are used in Article 4 (commencing with Section 15451) of this chapter.

SEC. 7. Section 15563 is added to the Education Code, to read:

15563. Notwithstanding any limitations or requirements imposed by this article upon the leasing or renewal of leasing of relocatable structures on and after August 27, 1974, all acts and proceedings heretofore taken by or on behalf of any school district or community college district for the lease of, or the renewal of a lease of, relocatable structures, including but not limited to trailers, are hereby confirmed, validated and declared to be legally effective and such lease agreements or renewals of such lease agreements are legal, valid and binding obligations if such lease agreements or renewals of such lease agreements would have otherwise been authorized under former Education Code Section 15352 or 15352.5 had such sections not been repealed on August 27, 1974, by Chapter 547 of the Statutes of 1974.

SEC. 7.5. Section 15714 of the Education Code is amended to read:

15714. For the purposes of Chapter 10 (commencing with Section 19551) of Division 14, and Sections 21702, 21703, and 21707, 50 percent of any remaining payments for use of the building or site and building which would become due from the district under any leases and agreements entered into by the district pursuant to this article, if such leases and agreements were to run their full term, shall be considered outstanding bonded indebtedness.

SEC. 8. Section 15973 of the Education Code is amended to read:

15973. The term of any lease or lease-purchase agreement shall not exceed the estimated useful life of the item but in no event shall the term exceed 10 years. A lease, but not a lease-purchase agreement, may be renewable at the option of the lessee and the lessor, jointly, at the end of each term at a rate not more than 7 percent annually above the rate set pursuant to the existing agreement. In no event shall the combined period of the original lease and renewals or extensions exceed 10 years. Any contract for the lease or lease-purchase of equipment or service systems which was in existence prior to the effective date of this act shall remain in effect and such terms are hereby ratified.

SEC. 9. Section 16803 of the Education Code is amended to read:

16803. (a) Continuing contracts for the furnishing of transportation of pupils in school districts to and from school, if made, shall be made for a term not to exceed five years. Such contracts shall be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of each term of the contract. The contract as renewed shall include, other than the rates of the previous contract, all of the terms and conditions of the previous contract, including any provisions

increasing rates based on increased costs.

(b) Continuing contracts may be made for the lease or rental of schoolbuses, not to exceed five years, except that if such a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, such contract may be made for a term not to exceed 10 years.

(c) Notwithstanding any other provisions of law to the contrary, continuing contracts executed under the provisions of this section may be negotiated annually within the contract period when economic factors indicate such negotiation is necessary to maintain an equitable pricing structure. Such renegotiation shall be subject to the approval of both contracting parties.

(d) Any rental, lease, or lease-purchase of a schoolbus shall comply with all applicable provisions of Article 5 (commencing with Section 15971) of Chapter 1 of Division 12.

SEC. 10. Section 19589.1 is added to the Education Code, to read:

19589.1. For the purposes of this chapter, the term "basic bond requirement", wherever used, has the following meaning: 5 percent of the assessed valuation of taxable property of the district for each grade level maintained by a district, as shown by the last equalized assessment of the county or counties in which the district is located, and as modified by Section 17262.

SEC. 11. Section 19590 of the Education Code is amended to read:

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the basic bond requirement of the district on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is within twenty-five thousand dollars ($25,000) of the basic bond requirement of the district, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine the total amount of bonds which shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, or has become liable for the repayment of an apportionment, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, or for the repayment of which the district has become liable in whole or in part, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The amount so determined by the

board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The amount so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of

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the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the state pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars ($_____), or both. Yes ____ No ____."

SEC. 12. Section 19590.5 of the Education Code is repealed.

SEC. 13. Section 19591 of the Education Code is amended to read:

19591. Notwithstanding any provisions of Section 19590, if an applicant district issues and sells bonds prior to an apportionment in an amount which results in its being on the date of such apportionment within five thousand dollars ($5,000) of the basic bond requirement of the district, and makes the entire proceeds of said bond issue available for the purposes of the apportionment, or as a condition of an apportionment is required by the board to sell bonds to within five thousand dollars ($5,000) of the basic bond requirement of the district, and to make the proceeds available for the purposes of Section 19590, the district shall remain qualified to receive an apportionment or apportionments prior to the next equalized assessment of the county or counties in which said district is located without being required to issue and sell additional bonds, notwithstanding the retirement of any bonds of the district or territorial changes therein subsequent to any apportionment referred to in this section and prior to such next equalized assessment.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts and community college districts may continue to lease relocatable structures necessary to provide the educational program of the district it is necessary that this act go into immediate effect.

CHAPTER 38

An act to amend Sections 22792 and 22825.1 of the Government Code, relating to state employee health benefits, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1975 Filed with Secretary of State April 23, 1975]

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

SECTION 1. Section 22792 of the Government Code is amended to read:

22792. The board may, without compliance with any provisions of law relating to competitive bidding, enter into contracts with carriers offering health benefit plans. Every such contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

Commencing in the year 1976 the contract term for contracts entered into or approved by the board shall be for such period as will result in expiration of such contract terms on July 31.

SEC. 2. Section 22825.1 of the Government Code is amended to read:

22825.1. Notwithstanding any other provision of this article, the employer's contribution, with respect to each state officer and employee or an annuitant who was in such employment or office including an academic position with a California state university or college or is a survivor of such person, shall be the amount necessary to pay the cost of his enrollment, including the enrollment of his family members, in a health benefits plan or plans or, if less, twenty-one dollars ($21) for basic and related major medical plans with respect to employees or annuitants enrolled for self alone or for an employee or annuitant so enrolled for self and one family member, thirty-six dollars ($36) or, for an employee or annuitant so enrolled for self and two or more family members, forty-six dollars ($46). The annual total compensation report by the State Personnel Board shall recommend adjustments of the dollar amounts herein based on the principle that the employer's contribution for each employee or annuitant shall be an amount equal to 80 percent of the weighted average of the premium charges required for basic and related major medical plans with respect to employees or annuitants enrolled for self alone plus 60 percent of the weighted average of the additional premium charges required for enrollment of family members in basic and major medical plans as applicable for the level of benefits offered by (1) the statewide service plan contracted by the state; (2) the statewide indemnity plan contracted by the state; (3) the two prepaid comprehensive medical-hospital plans with the largest number of enrollments contracted by the state, as determined by the board, whichever is less. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The employer's contribution under this section for each employee shall commence on the effective date of his enrollment.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan or plans less the portion thereof to be contributed by the employer.

SEC. 3. This act shall become operative on March 31, 1975. The

State Controller shall make such refunds or adjustments in contributions of employees and annuitants as necessary to give effect to the increased employer's contribution provided in Section 22825.1 of the Government Code, as of March 31, 1975.

SEC. 4. The increases in the employer's contributions required by the amendments to Section 22825.1 of the Government Code by this act shall be paid from the funds made available for allocation in items 94, 94.1, 95, 96, and 97 of the Budget Act of 1974.

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

Premium charges required for basic and related major medical plans contracted by the state will be increased on April 1, 1975. In order for the employer's contribution for each employee or annuitant for health benefit plans to remain at the present percentage, it is necessary that this act go into immediate effect.

CHAPTER 39

An act to amend Sections 253.1, 253.2, 253.4, 253.5, 263.2, 263.3, 263.4, and 263.8 of, and to repeal Sections 303.1, 315.1, 317.1, 340.1, 377.1, 379.1, 450.1, 494.1, 494.2, 510.1, and 607.2 of the Streets and Highways Code, relating to state highways.

[Became law without Governor's signature April 23, 1975 Filed with Secretary of State April 23, 1975]

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

SECTION 1. Section 253.1 of the Streets and Highways Code is amended to read:

253.1. The California freeway and expressway system shall include:

Routes 5, 6, 7, 8, 10, 13, 14, 15, 18, 21, 24, 28, 30, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 65, 67, 68, 70, 71, 73, 74, 78, 80, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 107, 108, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 154, 156, 157, 161, 163, 164, 171, 179, 181, 183, 184, 194, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 242, 244, 247, 249, 251, 252, 256, 257, 258, 259, 280, 330, 371, 380, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

SEC. 2. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

(a) Route 105 to the south boundary of the Los Angeles

International Airport.

(b) Los Angeles-Ventura county line to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 227 south of Oceano.

(d) Route 101 near San Luis Obispo to San Simeon.

(e) Carmel to the west city limits of Santa Cruz.

(f) The Higgins-Purisima Road to Route 280 south of San Francisco.

(g) Route 280 to the San Francisco county line.

(h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 17 from:

(a) Route 1 near Santa Cruz to Granite Creek Road near Scott's Valley.

(b) The south city limits of Los Gatos to Route 80 in Oakland.

(c) Route 80 near Albany to Route 101 near San Rafael via the Richmond-San Rafael Bridge.

(d) Route 101 near San Rafael to Route 1 near Point Reyes Station.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

SEC. 3. Section 253.4 of the Streets and Highways Code is amended to read:

253.4. The California freeway and expressway system shall also include:

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.
(d) Route 80 near Auburn to Route 20 near Grass Valley.
(e) Route 20 at Nevada City to Route 89 near Sattley.
(f) Route 89 near Sierraville to Route 70 near Vinton.
Route 58 from:
(a) Route 5 to Route 43.
(b) Route 43 to Route 99.
(c) Route 99 near Bakersfield to Route 15 near Barstow.
Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.
Route 64 from Route 101 near Hidden Hills to Route 5.
Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.
Route 76 from Route 5 near Oceanside to Route 15.
Route 77 from Route 93 westerly of Moraga to Route 24 near Lafayette.
SEC. 4. Section 253.5 of the Streets and Highways Code is amended to read:
253.5. The California freeway and expressway system shall also include:
Route 79 from:
(a) Route 8 near Descanso to Route 78.
(b) Route 371 near Aguanga to Route 15 near Temecula.
(c) Route 15 near Temecula to Route 10 near Beaumont.
Route 84 from:
(a) The westerly approach to the Dumbarton Bridge to Route 238.
(b) Route 680 near Scotts Corners to Route 580.
(c) Route 580 to Route 4 near Brentwood.
(d) Route 4 near Antioch to Route 80 near Broderick.
Route 86 from Route 78 near Brawley to Route 10 near Indio.
Route 91 from Route 405 to Route 15 near Riverside.
Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.
Route 95 from Route 10 near Blythe to Route 40 near Needles.
Route 99 from:
(a) Route 5 south of Bakersfield to Route 80 in Sacramento.
(b) Route 5 in Sacramento to Route 20.
(c) Route 20 to Route 5 near Red Bluff.
Route 101 from:
(a) Route 5 near Seventh Street in Los Angeles to near Fell Street in San Francisco.
(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.
Route 105 from Route 405 to Route 605.
SEC. 5. Section 263.2 of the Streets and Highways Code is amended to read:
263.2. The state scenic highway system shall also include:
Route 1 from:
(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.

(b) Route 187 near Santa Monica to Route 101 near El Rio.
(c) Route 101 at Las Cruces to Route 246 near Lompoc.
(d) Route 227 south of Oceano to Route 101 near Pismo Beach.
(e) Route 101 near San Luis Obispo to Route 35 near Daly City.
(f) Route 35 in San Francisco to Route 480 in San Francisco.
(g) Route 101 near Marin City to Route 208 near Rockport.

Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.

Route 3 from:
(a) Route 36 near Peanut to Route 299 near Douglas City.
(b) Route 299 near Weaverville to Montague.

Route 4 from:
(a) Route 239 near Brentwood to Route 84 near Antioch.
(b) Route 49 near Angels Camp to Route 89.

SEC. 6. Section 263.3 of the Streets and Highways Code is amended to read:

263.3. The state scenic highway system shall also include:

Route 5 from:
(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.
(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.
(c) Route 210 near Tunnel Station to Route 126 near Castaic.
(d) Route 152 west of Los Banos to Route 580 near Vernalis.
(e) Route 44 near Redding to the Shasta Reservoir.
(f) Route 89 near Mt. Shasta to Route 97 near Weed.
(g) Route 3 near Yreka to the Oregon state line near Hilts.

Route 8 from Sunset Cliffs Boulevard in San Diego to Route 98 near Coyote Wells.

Route 9 from:
(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.
(b) Route 236 near Boulder Creek to Route 236 near Waterman Gap.
(c) Route 236 near Waterman Gap to Route 35.
(d) Saratoga to Route 17 near Los Gatos.
(e) Blaney Plaza in Saratoga to Route 35.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:
(a) Route 76 near the San Luis Rey River to Route 91 near Corona.
(b) Route 138 near Cajon Pass to Route 138 near Cajon Pass.
(c) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:
(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 24 from the Alameda-Contra Costa county line to Route 680 in Walnut Creek.

Route 27 between Route 1 and Route 268.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 330 near Highland to Route 10 near Redlands.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

SEC. 7. Section 263.4 of the Streets and Highways Code is amended to read:

263.4. The state scenic highway system shall also include:

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 40 from Barstow to Needles.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from:

(a) Route 1 near Cambria to Route 101 near Paso Robles.

(b) Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.

Route 57 from Route 90 to Route 60 near Industry.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 68 from Monterey to Route 101 near Salinas.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.

Route 71 from Route 91 near Corona to Route 83 north of Corona.

SEC. 8. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include:

Route 194 from Route 74 near Romoland to Route 74 near Perris.

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 134.

Route 280 from Route 17 in Santa Clara County to Route 80 near First Street in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 680 from the Santa Clara-Alameda County line to Route 24 in Walnut Creek.

SEC. 9. Section 303.1 of the Streets and Highways Code is repealed.

SEC. 10. Section 315.1 of the Streets and Highways Code is repealed.

SEC. 11. Section 317.1 of the Streets and Highways Code is repealed.

SEC. 12. Section 340.1 of the Streets and Highways Code is repealed.

SEC. 13. Section 377.1 of the Streets and Highways Code is repealed.

SEC. 14. Section 379.1 of the Streets and Highways Code is repealed.

SEC. 15. Section 450.1 of the Streets and Highways Code is repealed.

SEC. 16. Section 494.1 of the Streets and Highways Code is repealed.

SEC. 17. Section 494.2 of the Streets and Highways Code is repealed

SEC. 18. Section 510.1 of the Streets and Highways Code is repealed.

SEC. 19. Section 607.2 of the Streets and Highways Code is repealed.

SEC. 20. Any section of any act enacted by the Legislature at its 1975–76 Regular Session which takes effect on or before January 1, 1976, and which amends, amends and renumbers, or repeals a section amended or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 40

An act to repeal and add Section 39177.1 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1975 Filed with Secretary of State April 24, 1975.]

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

SECTION 1. Section 39177.1 of the Health and Safety Code is repealed.

SEC. 2. Section 39177.1 is added to the Health and Safety Code, to read:

39177.1. (a) Whenever an exhaust emission control device meeting the standards established by the board under Section 39107.6 is accredited pursuant to the provisions of this article and is available for installation as determined by the board, every 1966 through 1970 model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds shall be equipped with such an accredited exhaust emission control device upon initial registration and upon transfer of ownership and registration.

(b) Enforcement of the provisions of subdivision (a) shall be as follows:

(1) Vehicle inspections shall be conducted pursuant to Section 2814 of the Vehicle Code.

(2) Certificates of compliance shall be required upon initial registration, and upon transfer of ownership and registration pursuant to Section 4000.1 of the Vehicle Code.

(3) By such other authorized means as the board, the Department of Motor Vehicles, and the Department of the California Highway Patrol find practicable.

(c) After one or more devices are initially accredited, no device shall be accredited which is less effective than the one or ones initially accredited. Any subsequent accreditation of a more effective device shall not affect the accreditation of a previously accredited device.

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

The State Air Resources Board, on September 11, 1974, adopted a revised schedule of installation for accredited oxides of nitrogen exhaust emission control devices on 1966 through 1970 model year motor vehicles, under which the scope of the original installation program was reduced for all such motor vehicles in the state, except for those registered in counties included, in whole or in part, within the South Coast Air Basin. Such schedule was based upon the

enactment of Chapter 670 of the Statutes of 1974. To continue to apply the full scope of the original program only with respect to motor vehicles within the South Coast Air Basin would cause hardships and create inequities. This act would result in a revision of the schedule adopted by the board and the provisions of Chapter 670 by requiring devices on such vehicles within the South Coast Air Basin only upon initial registration and upon transfer of ownership and registration, thus making motor vehicles registered in the South Coast Air Basin subject to the same requirements as motor vehicles registered elsewhere in the state. In order that this act may achieve its intended results, it is necessary that the act take effect immediately.

CHAPTER 41

An act making an appropriation for in-home supportive services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1975 Filed with Secretary of State April 26, 1975]

I am reducing the appropriation contained in Assembly Bill No 244 from $3,600,000 to $2,700,000.

The $900,000 reduction reflects additional funds recently reallocated from other social services to the homemaker/chore program That allocation brings the current level of funding for the homemaker/chore program to $78 3 million The present level of funding should be adequate to meet program needs for the rest of the fiscal year.

I am approving the remainder of the appropriation to insure that additional funds will be available for in-home supportive services if the Secretary of the Health and Welfare Agency determines that such a need exists

With this reduction, I approve Assembly Bill No 244

EDMUND G BROWN JR , Governor

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Health the sum of three million six hundred thousand dollars ($3,600,000) to be allocated to the counties to pay for in-home supportive services under Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code for the 1974–75 fiscal year in augmentation of any other appropriation for such purpose. No funds shall be expended under this section if the Secretary of the Health and Welfare Agency decides not to expend these funds and submits a detailed written report to the Legislature within 15 days after the operative date of this section of an alternative solution

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order to have sufficient funds to continue in-home supportive services for the aged, blind, and disabled for the remainder of the 1974–75 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 42

An act to amend Section 1298 of the Labor Code, relating to employment of minors.

[Approved by Governor April 26, 1975 Filed with Secretary of State April 26, 1975]

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

SECTION 1. Section 1298 of the Labor Code is amended to read:

1298. No minor under 10 years of age shall be employed or permitted to work at any time in or in connection with the street occupation of peddling, bootblacking, the sale or distribution of newspapers, magazines, periodicals, or circulars or in any other occupation pursued in any street or public place. Nothing in this section shall apply to cities whose population is less than 23,000 according to the preceding federal census.

CHAPTER 43

An act to amend Section 203 of the Labor Code, relating to payment of wages.

[Approved by Governor April 26, 1975. Filed with Secretary of State April 26, 1975.]

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

SECTION 1. Section 203 of the Labor Code is amended to read:

203. If an employer willfully fails to pay, without abatement or reduction, in accordance with Sections 201, 201.5, and 202, any wages of an employee who is discharged or who quits, the wages of such employees shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefor is commenced; but such wages shall not continue for more than 30 days. No employee who secretes or absents himself to avoid payment to him, or who refuses to receive the payment when fully tendered to him, including any penalty then accrued under this section, shall be entitled to any benefit under this section for the time during which he so avoids payment.

Suit may be filed for such penalties at any time before the expiration of the statute of limitations on an action for the wages from which the penalties arise.

CHAPTER 44

An act to amend Section 1297 of the Labor Code, relating to employment of minors.

[Approved by Governor April 26, 1975 Filed with Secretary of State April 26, 1975]

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

SECTION 1. Section 1297 of the Labor Code is amended to read:

1297. No minor under the age of 16 years shall be employed or permitted to work as a messenger for any telegraph, telephone, or messenger company, or for the United States government or any of its departments while operating a telegraph, telephone, or messenger service, in the distribution, transmission, or delivery of goods or messages in cities of more than 15,000 inhabitants; nor shall any minor under the age of 18 years be employed, permitted, or suffered to engage in such work before 6 o'clock in the morning or after 9 o'clock in the evening.

CHAPTER 45

An act to amend Section 23731 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1975 Filed with Secretary of State April 29, 1975]

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

SECTION 1. Section 23731 of the Government Code is amended to read:

23731. The county clerk shall prepare and mail to each qualified elector in the county a sample ballot. The sample ballot shall be mailed with and at the same time as the complete text of the proposed amendment or amendments. In all other respects, every such election shall be held and conducted, the returns canvassed and the result declared by the governing body in the same manner as provided by law for general elections.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

In order that the provisions of this act shall be applicable to county charter elections conducted in 1975, it is necessary that this act shall go into immediate effect.

CHAPTER 46

An act to amend Sections 3097 and 3114 of, and to add Section 3097.1 to, the Civil Code, relating to works of improvement.

[Approved by Governor April 29, 1975 Filed with Secretary of State April 29, 1975]

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

SECTION 1. Section 3097 of the Civil Code is amended to read:

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the recording of a mechanic's lien and prior to the filing of a stop notice, and is required to be given under the following circumstances:

(a) Except one under direct contract with the owner or one performing actual labor for wages, or an express trust fund described in Section 3111, every person who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a notice to withhold, cause to be given to the owner or reputed owner, to the original contractor, or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) Except the contractor, or one performing actual labor for wages, or an express trust fund described in Section 3111, all persons who have a direct contract with the owner and who furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, equipment, or materials to the jobsite, and shall contain the following information:

(1) A general description of the labor, service, equipment, or materials furnished, or to be furnished, and if there is a construction

lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

(2) The name and address of such person furnishing such labor, service, equipment, or materials.

(3) The name of the person who contracted for purchase of such labor, service, equipment, or materials.

(4) A description of the jobsite sufficient for identification.

(5) A statement that if bills are not paid in full for labor, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's liens.

(6) If such notice is given by a subcontractor who is required pursuant to a collective bargaining agreement to pay supplemental fringe benefits into an express trust fund described in Section 3111, such notice shall also contain the identity and address of such trust fund or funds.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section shall be sufficient notice.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite. Such person shall, however, be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice, and at any time thereafter.

(e) Any agreement made or entered into by an owner, whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) The notice required under this section may be served as follows:

(1) If the person to be notified resides in this state, by delivering the notice personally, or by leaving it at his address of residence or place of business with some person in charge, or by first-class registered or certified mail, postage prepaid, addressed to the person to whom notice is to be given at his residence or place of business address or at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to subdivision (j) of this section.

(2) If the person to be notified does not reside in this state, by any method enumerated in paragraph (1) of this subdivision. If such

person cannot be served by any of such methods, then notice may be given by first-class certified or registered mail, addressed to the construction lender or to the original contractor.

(3) When service is made by first-class certified or registered mail, service is complete at the time of the deposit of such registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor, and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or equipment he furnishes for a work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event, the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such contractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor, or equipment not within the scope of such general description.

(h) Where the contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section, constitutes grounds for disciplinary action by the Registrar of Contractors.

Where such notice is required to contain the information set forth in paragraph (6) of subdivision (c), a failure to give such notice, including such information, that results in the filing of a lien or the delivery of a stop notice by the express trust fund to which such obligation is owing constitutes grounds for disciplinary action by the Registrar of Contractors against the subcontractor if the amount due such trust fund is not paid.

(i) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

(j) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of

constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

(k) Every contractor and subcontractor who is required pursuant to a collective bargaining agreement to pay supplementary fringe benefits into an express trust fund described in Section 3111, and who has failed to do so shall cause to be given to such fund and to the construction lender, if any, or to the reputed construction lender, if any, not later than five days following the date such payment was due to such fund, a written notice containing:

(1) The name of the owner and the contractor.

(2) A description of the jobsite sufficient for identification.

(3) The identity and address of the express trust fund.

(4) The total number of straight-time and overtime hours on each such job, payment for which the contractor or subcontractor is delinquent to the express trust.

(5) The amount then past due and owing.

Failure to give such notice shall constitute grounds for disciplinary action by the Registrar of Contractors.

(*l*) Every written contract entered into between a property owner and an original contractor shall provide space for the owner to enter his name and address of residence; and place of business if any. The original contractor shall make available a copy of such contract for inspection by any person seeking to serve notice required by this section.

SEC. 2. Section 3097.1 is added to the Civil Code, to read:

3097.1. Proof that the preliminary 20-day notice required by Section 3097 was served in accordance with subdivision (f) of Section 3097 shall be made as follows:

(a) If served by personally delivering the notice to the person to be notified, or by leaving it at his address or place of business with some person in charge, or if served by mail, by an acknowledgment of receipt of the notice in a form substantially as follows:

_____

Signature of sender

ACKNOWLEDGMENT OF RECEIPT OF
PRELIMINARY 20-DAY NOTICE

This acknowledges receipt on (insert date) of a copy of the preliminary 20-day notice at (insert address).
Date: _____

(Date this acknowledgment is executed)

_____

Signature of person acknowledging receipt, with title if acknowledgment is made on behalf of another person

(b) If a person to whom the notice is served pursuant to subdivision (f) of Section 3097 fails to complete the acknowledgment or fails to complete and return the acknowledgment within 30 days from the date of mailing, proof of service may be made by affidavit of the person making such service, showing the time, place and manner of service and facts showing that such service was made in accordance with Section 3097. Such affidavit shall show the name and address of the person to whom a copy of the preliminary 20-day notice was delivered, and, if appropriate, the title or capacity in which he was served. If service was made by mail, the receipt of certification or registration shall be attached to the affidavit.

SEC. 3. Section 3114 of the Civil Code is amended to read:

3114. A claimant shall be entitled to enforce a lien only if he has given the preliminary 20-day notice (private work) in accordance with the provisions of Section 3097, if required by that section, and has made proof of service in accordance with the provisions of Section 3097.1.

CHAPTER 47

An act to add Section 2709 to the Public Resources Code, relating to earthquake safety.

[Approved by Governor April 30, 1975 Filed with Secretary of State April 30, 1975]

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

SECTION 1. Section 2709 is added to the Public Resources Code, to read:

2709. Any city or county that has been exempted from the provisions of Section 2705 by Section 2708 may participate in the state strong-motion instrumentation program by a written request to the State Geologist by the governing body of such city or county that its exemption be rescinded.

CHAPTER 48

An act to add Chapter 8 (commencing with Section 33750) to Part 1 of Division 24 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1975 Filed with Secretary of State April 30, 1975]

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

SECTION 1. Chapter 8 (commencing with Section 33750) is added to Part 1 of Division 24 of the Health and Safety Code, to read:

CHAPTER 8. REDEVELOPMENT CONSTRUCTION LOANS

Article 1. General Provisions and Definitions

33750. The Legislature finds and declares that it is necessary and essential that redevelopment agencies be authorized to make long-term, low-interest loans through qualified mortgage lenders to finance residential construction in redevelopment project areas in order to encourage investment and upgrade such areas. Unless redevelopment agencies intervene to generate mortgage funds and to provide some form of assistance to finance residential construction, many redevelopment areas will stagnate and deteriorate because owners and investors are not able to obtain loans from private sources.

33751. The Legislature further finds and determines that a program to provide residential construction financing would accomplish the following:

(a) Facilitate increasing the supply of urban housing and ease the housing shortage that exists in many parts of the state.

(b) Encourage Californians of all social and economic positions to reinhabit urban areas, thereby rendering these areas more socially balanced and economically self-sufficient.

(c) Reduce pressures for suburbanization and thereby mitigate many of the problems caused by urban migration, including inefficient use of scarce energy resources and urban sprawl.

(d) Stimulate urban building and construction activity and thereby increase urban employment and improve the urban tax base.

33752. It is the intent of the Legislature, in enacting this chapter, to strengthen the vitality and promote the completion of urban redevelopment for the general public benefit. The construction of federally assisted housing for low- and moderate-income households is not a primary purpose of this chapter. However, nothing in this chapter shall be deemed to prohibit financing of federally assisted housing for low- and moderate-income households when such

housing is consistent with the redevelopment plan and the loan is directly or indirectly insured.

33753. The definitions set forth in Article 1 (commencing with Section 33000) of Chapter 1 of this part shall govern the construction of this chapter. Additionally, as used in this chapter:

(a) "Insured loan" means a construction loan or a mortgage loan insured by any instrumentality of the United States, the State of California, or any person licensed to insure mortgages in this state.

(b) "Financing" means the lending of moneys or any other thing of value for the purpose of facilitating residential construction in a redevelopment project area pursuant to this chapter, including the making of construction loans and mortgage loans to purchasers of newly constructed residences.

(c) "Local codes" means applicable local, state and federal standards for the construction of buildings located in redevelopment project areas, including any higher standards adopted by the agency as part of its redevelopment program.

(d) "Participating party" means any person, corporation, partnership, firm, or other entity or group of entities requiring financing for residential construction pursuant to the provisions of this chapter. No elective officer of the state or any of its political subdivisions or employee of any redevelopment agency shall be eligible to be a participating party under the provisions of this chapter.

(e) "Qualified mortgage lender" means a mortgage lender authorized by a redevelopment agency to do business with the agency and to make loans pursuant to this chapter on behalf of the agency, for which service the qualified mortgage lender will be reasonably compensated. Such a mortgage lender shall be a state or national bank, federal or state-chartered savings and loan association, or trust company or mortgage banker which is capable of providing service or otherwise aiding in the financing of mortgages on residential construction in any redevelopment project area within the jurisdiction of the agency. Nothing in any other provision of state law shall prevent such a lender from serving as a qualified mortgage lender pursuant to this chapter.

(f) "Redevelopment project area" means a project area, as defined in Section 33320.1, for which a final redevelopment plan has been adopted pursuant to Section 33365.

(g) "Residential construction" means the construction within a redevelopment project area of new residences meeting requirements of local codes and the redevelopment plan.

(h) "Residence" means a residential structure or a commercial structure, or a mixed residential and commercial structure which the redevelopment agency determines to be an integral part of a residential neighborhood. "Residence" includes condominium and cooperative housing.

(i) "Revenue bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to this

chapter and which are payable exclusively from revenues and from any other funds specified in this chapter upon which the revenue bonds may be made a charge and from which they are payable.

(j) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the redevelopment agency from the financing of residential construction, including moneys deposited in a sinking, redemption, or reserve fund or other fund to secure the revenue bonds or to provide for the payment of the principal of, or interest on, the revenue bonds.

Article 2. Powers and Procedures

33760. An agency may determine the location and character of any residential construction to be financed under the provisions of this chapter and may lend financial assistance, through a qualified mortgage lender, to any participating party for the purpose of such residential construction in any redevelopment project area within its jurisdiction.

33761. An agency may issue revenue bonds for the purpose of financing residential construction authorized by this chapter and for the purpose of funding or refunding previously issued revenue bonds.

33762. An agency may establish limitations respecting fees, charges, and interest rates to be used by qualified mortgage lenders for financing residential construction pursuant to this chapter and may from time to time revise such fees, charges, and interest rates to reflect changes in interest rates on the agency's revenue bonds, losses due to defaults, changes in loan-servicing charges, or other expenses related to administration of the residential construction financing program. Any change in interest rate shall conform to the provisions of Section 1916.5 of the Civil Code, except that paragraph (3) of subdivision (a) of Section 1916.5 shall not apply and that the "prescribed standard" specified in Section 1916.5 shall be periodically determined by the redevelopment agency after hearing preceded by public notice to affected parties, and shall reflect changes in interest rates on the agency's bonds, and bona fide changes in loan servicing charges related to the administration of a program under the provisions of this chapter. An agency may collect interest and principal together with such fees and charges incurred in financing and may contract to pay any person, partnership, association, corporation, or public agency with respect thereto. An agency may hold deeds of trust as security for financing residential construction and may pledge the same as security for repayment of revenue bonds. An agency may establish the terms and conditions of financing, which shall be consistent with the provisions of the applicable federal law under which the financing is to be insured.

33763. No loan shall be made for financing except through a qualified mortgage lender and only to the extent it is an insured loan.

33764. An agency may employ engineering, architectural, accounting, collection, or other services, including services in connection with the servicing of loans made to participating parties, as may be necessary in the judgment of the agency for the successful financing of residential construction pursuant to this chapter. An agency may pay the reasonable costs of consulting engineers, architects, accountants, and other experts, if, in the judgment of the agency, such services are necessary to the successful financing of any residential construction and if the agency is not able to provide such services. An agency may employ and fix the compensation of financing consultants, bond counsel, and other advisers as may be necessary in its judgment to provide for the issuance and sale of any revenue bonds of the agency.

33765. In addition to all other powers specifically granted by this chapter, an agency may do all things necessary or convenient to carry out the purposes of this chapter.

33766. Revenues and insurance shall be the sole source of funds pledged by an agency for repayment of its revenue bonds. Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the agency or the state for which is pledged the faith and credit of the agency or the state but shall be payable solely from revenues and insurance.

33767. All residential construction shall be undertaken or completed subject to the rules and regulations of the agency. An agency may acquire by deed, purchase, lease, contract, gift, devise, or otherwise any real or personal property, structures, rights, rights-of-way, franchises, easements, and other interests in lands necessary or convenient for the financing of residential construction, upon such terms and conditions as it deems advisable, and may lease, sell, or dispose of the same in such manner as may be necessary or desirable to carry out the objectives and purposes of this chapter.

33768. The provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title I of the Government Code shall not apply to owners or tenants of any property acquired by foreclosure, trust deed, sale or other proceeding resulting from default on a loan made by the agency.

33769. An agency shall require that any residence which is constructed with financing obtained under this chapter shall be open, upon sale or rental of any portion thereof, to all regardless of race, color, religion, national origin, or ancestry. The agency shall also require that contractors and subcontractors engaged in residential construction financed under this chapter shall provide equal opportunity for employment, without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry. All contracts and subcontracts for residential construction financed under this chapter shall be let without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry. It shall be the policy of an agency financing residential construction under this chapter to encourage participation by minority contractors, and the

agency shall adopt rules and regulations to implement the provisions of this section.

Article 3. Bonds and Notes

33775. (a) An agency may, from time to time, issue its negotiable revenue bonds for the purpose of making insured loans to finance residential construction. In anticipation of the sale of bonds, the agency may issue negotiable bond anticipation notes and may renew such notes from time to time. Bond anticipation notes may be paid from the proceeds of sale of the bonds of the agency in anticipation of which they were issued. Bond anticipation notes and agreements relating thereto and the resolution or resolutions authorizing such notes and agreements may contain any provisions, conditions, or limitations which a bond, agreement relating thereto, or bond resolution of the agency may contain except that any such note or renewal thereof shall mature at a time not later than two years from the date of the issuance of the original note.

(b) Every issue of its revenue bonds shall be a special obligation of the redevelopment agency payable from all or any part of the revenues specified in this chapter. The revenue bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

33776. The revenue bonds may be issued as serial bonds or as term bonds, or the redevelopment agency, in its discretion, may issue revenue bonds of both types. The revenue bonds shall be authorized by resolution of the agency and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates of issuance, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption as the resolution or resolutions of the redevelopment agency may provide. The bonds may be sold at either a public or private sale and for such prices as the agency shall determine. Pending preparation of the definitive bonds, the agency may issue interim receipts, certificates, or temporary bonds, which shall be exchanged for such definitive bonds. The redevelopment agency may sell any revenue bonds or other evidence of indebtedness at a price below the par value thereof, but the discount on any revenue bond so sold shall not exceed 6 percent of the par value thereof.

33777. Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of the revenue bonds:

(a) The pledge of all or any part of the revenues, subject to such agreements with bondholders as may then exist.

(b) The interest and principal to be received and other charges to be charged and the amounts to be raised each year thereby, and the use and disposition of the revenues.

(c) The setting aside of reserves or sinking funds and the regulation and disposition thereof.

(d) Limitations on the purposes to which the proceeds of a sale of any issue of revenue bonds, then or thereafter issued, may be applied, and pledging such proceeds to secure the payment of the revenue bonds or any issue of revenue bonds.

(e) Limitations on the issuance of additional revenue bonds, the terms upon which additional revenue bonds may be issued and secured, and the refunding of outstanding revenue bonds.

(f) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of revenue bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(g) Limitation on expenditures for operating, administration, or other expenses of the agency.

(h) Specification of the acts or omissions to act which shall constitute a default in the duties of the redevelopment agency to holders of its revenue bonds, and providing the rights and remedies of such holders in the event of default.

(i) The mortgaging of any residence and the site thereof for the purpose of securing the bondholders.

(j) The mortgaging of land, improvements, or other assets owned by a participating party for the purpose of securing the bondholders.

33778. Neither the members of the agency nor any person executing the revenue bonds shall be liable personally on the revenue bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

33779. The agency shall have the power out of any funds available therefor to purchase its revenue bonds. The agency may hold, pledge, cancel, or resell such revenue bonds, subject to and in accordance with agreements with the bondholders.

33780. In the discretion of the agency, any revenue bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the agency and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without this state. Such a trust agreement or the resolution providing for the issuance of revenue bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged, and may convey or mortgage any residence the construction of which is to be financed out of the proceeds of such revenue bonds. Such trust agreement or resolution providing for the issuance of revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including such provisions as may be included in any resolution or resolutions of the agency authorizing the issuance of the

revenue bonds. Any bank or trust company doing business under the laws of this state which may act as depositary of the proceeds of revenue bonds or of revenues or other moneys may furnish such indemnity bonds or pledge such securities as may be required by the agency. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the agency may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of residential construction.

33781. Any holder of revenue bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee or trustees appointed pursuant to any resolution authorizing the issuance of such revenue bonds, except to the extent the rights thereof may be restricted by the resolution authorizing the issuance of the revenue bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in the laws of this state or in such resolution, and may enforce and compel the performance of all duties required by this chapter or by such resolution to be performed by the agency or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution to be fixed, established, and collected.

33782. An agency may provide for the issuance of the revenue bonds of the agency for the purpose of refunding any revenue bonds of the agency then outstanding, including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the agency, for the additional purpose of paying all or any part of the cost of additional residential construction.

The proceeds of revenue bonds issued pursuant to this section may, in the discretion of the agency, be applied to the purchase or retirement at maturity or redemption of outstanding revenue bonds, either at their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and, pending such application, that portion of the proceeds allocated for such purpose may be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date, as may be determined by the agency. Pending use for purchase, retirement at maturity, or redemption of outstanding revenue bonds, any proceeds held in such an escrow may be invested and reinvested as provided in the resolution authorizing the issuance of the refunding bonds. Any interest or other increment earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be refunded. After the terms of the escrow have

been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the agency to be used by it for any lawful purpose. That portion of the proceeds of any revenue bonds issued pursuant to this section which is designated for the purpose of paying all or any part of the cost of additional residential construction may be invested and reinvested in obligations of, or guaranteed by, the United States of America or in certificates of deposit or time deposits secured by obligation of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost.

All revenue bonds issued pursuant to this section shall be subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

33783. Notwithstanding any other provision of law, revenue bonds issued pursuant to this chapter shall be legal investments for all trust funds, insurance companies, savings and loan associations, investment companies and banks, both savings and commercial, and shall be legal investments for executors, administrators, trustees, and all other fiduciaries. Such bonds shall be legal investments for state school funds and for any funds which may be invested in county, municipal, or school district bonds, and such bonds shall be deemed to be securities which may properly and legally be deposited with, and received by, any state or municipal officer or by any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now, or may hereafter be authorized by law, including deposits to secure public funds.

33784. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of this state and for their health and welfare. Any revenue bonds issued under the provisions of this chapter, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by the municipalities and other political subdivisions of the state, except inheritance and gift taxes.

Article 4. Residential Construction

33790. An agency may lend money, through a qualified mortgage lender, to any participating party in a redevelopment project area for the purpose of residential construction, if the loan is an insured loan. All agreements for such loans shall provide that the architectural and engineering design of the residential construction shall be subject to such standards as may be established by the agency and that the work of such residential construction shall be subject to such supervision as the agency deems necessary.

33791. An agency may enter into loan agreements with any participating party relating to residential construction of any kind or character. The terms and conditions of such loan agreements may be

as mutually agreed upon, but such terms and conditions shall not be inconsistent with the provisions of this chapter or regulations adopted pursuant thereto. Any such loan agreement may provide the means or methods by which any mortgage taken by the agency shall be discharged, and it shall contain such other terms and conditions as the agency may require. An agency may fix, revise, charge and collect interest and principal and all other rates, fees, and charges with respect to financing of residential construction. Such rates, fees, charges and interest shall be fixed and adjusted so that the aggregate of such rates, fees, charges, and interest will provide funds sufficient with other revenues and moneys which it is anticipated will be available therefor, if any, to all of the following:

(a) Pay the principal of, and interest on, outstanding revenue bonds of the agency issued to finance such residential construction as the same shall become due and payable.

(b) Create and maintain reserves required or provided for in any resolution authorizing such revenue bonds. A sufficient amount of the revenues derived from residential construction may be set aside at such regular intervals as may be provided by the resolution in a sinking or other similar fund, which is hereby pledged to, and charged with, the payment of the principal of and interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of revenue bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time the pledge is made. The rates, fees, interest, and other charges, revenues, or moneys so pledged and thereafter received by the agency shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the agency, irrespective of whether such parties have notice thereof. Neither the resolution nor any loan agreement by which a pledge is created need be filed or recorded except in the records of the agency. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such revenue bonds. Except as may otherwise be provided in the resolution, such sinking or other similar fund may be a fund for all revenue bonds of the agency issued to finance the construction of the residence of a particular participating party without distinction or priority. The agency, however, in any such resolution may provide that such sinking or other similar fund shall be the fund for particular project or projects of residential construction and for the bonds issued to finance such project or projects and may, additionally, authorize and provide for the issuance of revenue bonds having a lien with respect to the security authorized by this section which is subordinate to the lien of other revenue bonds of the agency, and in such case, the agency may create separate sinking or other similar funds securing the revenue bonds having the subordinate lien.

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(c) Pay operating and administrative costs of the agency incurred in the administration of the program authorized by this chapter.

33792. All moneys received pursuant to the provisions of this chapter, whether revenues or proceeds from the sale of revenue bonds, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any bank or trust company in which such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes specified in this chapter, subject to the terms of the resolution authorizing the revenue bonds.

33795. This chapter being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes.

33796. If the jurisdiction of the agency to order a proposed act is not affected, an omission of any officer or the agency in proceedings under this chapter or any other defect in the proceedings shall not invalidate the proceedings or revenue bonds issued pursuant to this chapter.

33797. This chapter is full authority for the issuance of bonds by an agency for the purpose of financing residential construction.

33798. This chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of revenue bonds and refunding revenue bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

33799. An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of any issuance or proposed issuance of revenue bonds under this chapter and the legality and validity of all proceedings previously taken or proposed in a resolution of an agency to be taken for the authorization, issuance, sale, and delivery of the revenue bonds and for the payment of the principal thereof and interest thereon.

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

There is presently a serious lack of mortgage funds in many California urban areas and such funds, when available, are available only at high interest rates and for preferred types of development. Residential construction planned in urban redevelopment areas cannot compete in this mortgage market. It is, therefore, imperative to facilitate financing of residential construction so that redevelopment programs designed to reverse urban blight are not delayed.

CHAPTER 49

An act to amend Section 1461 of the Education Code, relating to school elections.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 1461 of the Education Code is amended to read:

1461. The governing board of the district or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens, or any combination of such voters and associations may file a written argument for or against any school measure. No argument shall exceed 300 words in length. No more than five signatures shall appear with any argument submitted under this section. If an argument is signed by more than five persons, the names of only the first five persons signing, determined by the order in which their signatures appear, shall be printed with the argument. The person conducting the election shall cause an argument for and an argument against the measure to be printed, and shall transmit the arguments to the voters with the card giving notice of the election.

CHAPTER 50

An act to amend Section 20862.5 of, and to add Sections 20750.86 and 20868 to, the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975.]

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

SECTION 1. Section 20750.86 is added to the Government Code, to read:

20750.86. Each employer included in a contract under Chapter 4.5 (commencing with Section 20580) of this part and each school district which is a contracting agency shall make contribution on account of liability for benefits under Section 20862.5 in addition to those otherwise specified in this chapter in a sum equal to 0.23 percent of compensation paid such members by such employer on and after January 1, 1975.

SEC. 2. Section 20862.5 of the Government Code is amended to read:

20862.5. A state or school member, whose effective date of retirement is within four months of separation from employment with the employer subject to this section which granted the sick leave credit, shall be credited at his retirement with 0.004 year of service credit for each unused day of sick leave certified to the board by such employer.

Until receipt of certification from an employer concerning unused sick leave, the board may pay an estimated allowance pursuant to this section. At the time of receipt of such certification, the allowance shall be adjusted to reflect any necessary changes.

Notwithstanding provisions of this part subjecting local miscellaneous members to provisions applicable to state miscellaneous members, this section shall not apply to local miscellaneous members other than local miscellaneous members employed by a school district which is a contracting agency.

The amendments made to this section at the 1973–74 Regular Session of the Legislature shall be applicable to any school member and any local miscellaneous member employed by a school district which is a contracting agency retiring on or after June 1, 1974.

SEC. 3. Section 20868 is added to the Government Code, to read:

20868. All computations, payments, and other acts heretofore made or done by the board or its officers and employees which would be valid if Section 20862.5 as such is amended on the effective date of this section, had been in effect at the time such computations, payments, or other acts were made or done are hereby ratified, confirmed and validated.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this act nor shall there be any appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

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

Subsequent chaptering of Chapter 1399 of the Statutes of 1974 resulted in an unintended repeal of Section 20750.87 amended by Chapter 1398 of the Statutes of 1974 adding an employer contribution for benefits under Section 20862.5 of the Government Code for school members and local miscellaneous members of the Public Employees' Retirement System employed by school district contracting agencies. This act must take effect immediately to avoid this deficiency in funding resulting from enactment of Chapter 1399.

CHAPTER 51

An act to amend Sections 20041 and 21250 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 20041 of the Government Code is amended to read:

20041. "Dependent," in reference to any benefit provided, upon the death of a member, for a surviving dependent parent, or parent dependent upon the member for support, shall mean receipt of at least one-half of the parent's support from the member at the time of the member's death determined according to rules of the board.

SEC. 2. Section 21250 of the Government Code is amended to read:

21250. Upon retirement for service, a member is entitled to receive a service retirement allowance which shall consist of:

(a) The member's service retirement annuity, including, with respect to patrol members and solely in respect to the portion of said annuity derived from the normal accumulated contributions of such members, respectively, automatic continuance to surviving spouse, or if there is no spouse at retirement, to surviving children, or if there are no eligible surviving children at retirement, to surviving dependent parents as provided in this article.

(b) The member's current service pension.

(c) The member's prior service pension.

CHAPTER 52

An act to amend Section 25500 of the Elections Code, relating to candidates.

[Approved by Governor May 2, 1975. Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 25500 of the Elections Code is amended to read:

25500. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election, whether his declaration of candidacy is to be made personally or by sponsors, shall file a written and signed declaration of his intention to become a candidate for his party's nomination for that office. The declaration of intention shall be filed with either the

Secretary of State or the clerk of the county in which the candidate is a resident. The declaration of intention shall be filed, on a form to be supplied by the county clerk or registrar of voters, not more than 15 nor less than 5 days prior to the first day on which his nomination papers may be presented for filing. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the _____ Party's nomination for the office of _____
(Name of political party) (Name of office and district)
_____, at the direct primary election.

_____
(Signature of candidate)

_____
(Address of candidate)

(b) No person may be a candidate nor have his name printed upon any ballot as a candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election unless he has filed the declaration of intention provided for in this section; provided, however, that if the incumbent of the office, for any reason, fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a) of this section.

CHAPTER 53

An act to amend Section 1208 of the Penal Code, relating to work furlough, and, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 1208 of the Penal Code, as amended by Chapter 1252 of the Statutes of 1972, is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment

conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board may, in such ordinance, provide for the performance of any or all functions of the work furlough administrator by any one or more of such persons, acting separately or jointly as to any of such functions; and may, by a subsequent ordinance, revise such provisions within the authorization of this section. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The sheriff may transfer custody of such prisoners to the work furlough administrator to be confined in such facility for the period during which they are in the work furlough program.

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

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational

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

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

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

(e) The earnings of the prisoner may be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the

jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

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

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

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

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

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

SEC. 2. Section 1208 of the Penal Code, as amended by Chapter 1516 of the Statutes of 1974, is amended to read:

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

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

Notwithstanding any other provision of law, the board of supervisors may by ordinance designate a facility for confinement of prisoners classified for the work furlough program and designate the work furlough administrator as the custodian of the facility. The sheriff may transfer custody of such prisoners to the work furlough administrator to be confined in such facility for the period during which they are in the work furlough program.

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

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

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of

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supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

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

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

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

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

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

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

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

SEC. 3. Section 1208 of the Penal Code as amended by Section 1 of this act shall remain operative only until January 1, 1976, and on such date Section 1208 of the Penal Code, as amended by Chapter 1516 of the Statutes of 1974, shall be further amended in the form set forth in Section 2 of this act. Therefore Section 2 of this act shall become operative on January 1, 1976.

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

The performance of the functions of the work furlough administrator by more than one person is necessary for the rehabilitation of prisoners. In order to protect the public safety by providing for such rehabilitation at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 54

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

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation from moneys in the Off-Highway Vehicle Fund, pursuant to the provisions of subdivision (a) of Section 38300 of the Vehicle Code, the sum of two hundred ninety-two thousand five hundred dollars ($292,500) for the purpose of making a grant to the County of Sacramento to acquire and develop McGill Off-Highway Vehicle Park.

SEC. 2. (a) Funds appropriated for state park system projects by Item 410 of the Budget Act of 1974 (Chapter 375, Statutes of 1974), by Item 410.7B of the Budget Act of 1974, as amended and supplemented by Section 4 of Chapter 1484 of the Statutes of 1974, and by Chapter 1521 of the Statutes of 1974, shall not be expended on the purchase price of any real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the

Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for post audit on a selective basis by the Attorney General.

(b) The provisions of subdivision (a) of this section shall be in lieu of and shall supersede the provisos set forth in the Budget Act items and acts specified in subdivision (a) which provide that funds shall not be expended on the purchase price of any real property unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists, or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of such property.

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

Certain lands of unique recreational value are presently being used by the public by permission of the private owner, and in order that such public use of the area may continue, it is necessary that this act take effect immediately.

CHAPTER 55

An act making an appropriation to pay the claim of Bruce Sharp, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. The sum of two hundred sixty thousand dollars ($260,000) is hereby appropriated from the General Fund for settlement of the claim against the State of California in the action brought by Bruce Sharp.

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

In order to settle an action against the state arising out of the injuries of Bruce Sharp ending a hardship to him as quickly as possible, it is necessary for this act to take effect immediately.

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CHAPTER 56

An act to amend Section 651.3 of the Business and Professions Code, relating to advertising, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 651.3 of the Business and Professions Code is amended to read:

651.3. (a) No person, whether or not licensed under this division, shall advertise or cause or permit to be advertised, any representations in any form which in any manner, whether directly or indirectly, refer to the cost, price, charge, or fee to be paid for any commodity or commodities furnished or any service or services performed by any person licensed as a physician and surgeon, optometrist, pharmacist, or registered dispensing optician, when those commodities or services are furnished in connection with the professional practice or business for which he is licensed; provided, however, that the provisions of this section do not apply to the furnishing of information regarding benefits available, and charges therefor, under the coverage of any hospital or medical service or health care service or insurance plan.

(b) This section shall not be construed to do any of the following:

(1) Modify or establish prices or fees or modify or affect in any manner any other provisions of this division.

(2) Prohibit advertising concerning the allowance of credit, time payments, budget terms, or the allowance of any other method of payment for a commodity or a service where the advertising contains no indication of cost, price, charge, or fee.

(3) Prohibit the advertising of any drug or device which does not require a prescription.

(c) Notwithstanding provisions of this section, any labor organization, bona fide employee group or bona fide employee association having contracted health care services from a health care service plan operated by a person or organization which is registered under the Knox-Mills Health Plan Act (commencing with Section 12530 of the Government Code), whether or not the specific plan is operated on a prepaid basis, may inform its members as to the benefits available and the charges therefor through group or union newspapers, newsletters, and direct mailings.

(d) Before any new or revised written advertising or solicitation, or any form of evidence of coverage, is adopted by a health care service plan operated by a person or organization which is registered under the Knox-Mills Health Plan Act (commencing with Section 12530 of the Government Code), whether or not the specific plan is

operated on a prepaid basis, for distribution to members pursuant to subdivision (c), the proposed new or revised advertising or solicitation or evidence of coverage shall be submitted to the Attorney General who shall, within 30 days, prohibit its use if he determines that the advertising or solicitation or evidence of coverage as proposed is untrue or misleading or deceptive as determined pursuant to the definitions contained in Section 12531 of the Government Code. The Attorney General shall notify the plan or its representatives of such determination.

(e) Any labor organization, bona fide employee group or bona fide employee association, contracting for a health care service plan under this section, shall not derive any profit from such plan.

Nothing contained in this section shall be construed as authorizing a provider of medical assistance, including a prepaid health plan, under the Medi-Cal Act or the Waxman-Duffy Prepaid Health Plan Act to advertise in violation of any of the provisions of such acts and regulations developed thereto.

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

In order that the complete public health and welfare benefits contemplated by Chapter 766 of the Statutes of 1974 may be implemented at the earliest possible time, it is necessary that this act shall go into immediate effect.

CHAPTER 57

An act to add Section 409 to the Food and Agricultural Code, to add Section 221 to the Health and Safety Code, and to add Section 1665 to the Vehicle Code, relating to regulatory agencies.

[Approved by Governor May 2, 1975. Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 409 is added to the Food and Agricultural Code, to read:

409. Notwithstanding any other provision of law, the department by rule or regulation may provide for the issuance and renewal on a two-year basis of licenses, certificates of registration, or other indicia of authority issued pursuant to this code by the department or any agency in the department.

The department may, by rule or regulation, set the fee for such two-year license, certificate of registration, or other indicia, not to exceed twice the annual fee for issuance or renewal set by statute.

SEC. 2. Section 221 is added to the Health and Safety Code, to

read:

221. Notwithstanding any other provision of law, the department by rule or regulation may provide for the issuance and renewal on a two-year basis of licenses, certificates of registration, or other indicia of authority issued pursuant to this code by the department or any agency in the department.

The department may, by rule or regulation, set the fee for such two-year license, certificate of registration, or other indicia, not to exceed twice the annual fee for issuance or renewal set by statute.

SEC. 3. Section 1665 is added to the Vehicle Code, to read:

1665. Notwithstanding any other provision of law, the department by rule or regulation may provide for the issuance and renewal on a two-year basis of licenses or other indicia of authority issued pursuant to this code by the department or any agency in the department.

The department may, by rule or regulation, set the fee for such two-year license, certificate of registration, or other indicia, not to exceed twice the annual fee for issuance or renewal set by statute.

This section shall not apply to any driver's license or vehicle or vessel license or certificate of registration issued pursuant to this code.

CHAPTER 58

An act to amend Section 25210.4b of the Government Code, relating to broadcasting.

[Approved by Governor May 2, 1975. Filed with Secretary of State May 3, 1975]

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

SECTION 1. Section 25210.4b of the Government Code is amended to read:

25210.4b. Notwithstanding the provisions of Section 25210.4, a county service area may be established in a county of the 46th class or a county of the 56th class to provide, as an extended service, an unlimited number of television translators and an unlimited number of television channels. In addition, such a county service area may provide as extended service the amplification and rebroadcast of an unlimited number of FM radio signals.

CHAPTER 59

An act making an appropriation in augmentation of Item 81 of the Budget Act of 1974, to take effect immediately, usual current expenses.

[Approved by Governor May 2, 1975 Filed with Secretary of State May 3, 1975.]

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

SECTION 1. The sum of thirty-four million three hundred thousand dollars ($34,300,000) is hereby appropriated from the General Fund to the State Controller for reimbursement of local taxing authorities in augmentation of Item 81 of the Budget Act of 1974.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 60

An act relating to the Stockton Unified School District, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature May 4, 1975 Filed with Secretary of State May 4, 1975]

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

SECTION 1. Section 15516 of the Education Code, insofar as that section prohibits the use, after June 30, 1975, of school buildings which have been examined and found unsafe, shall not be applicable to any school buildings of the Stockton Unified School District which are the subject of a court order prohibiting new school construction pending resolution of proceedings involving desegregation of schools of the district; provided, however, that a contract has been let for, and work commenced on, the repair, reconstruction, or replacement of such buildings by July 1, 1976; and that such buildings shall not be used for school purposes after June 30, 1977, unless such buildings have been repaired, reconstructed, or rehabilitated to meet the requirements referred to in Section 15516 of the Education Code.

SEC. 2. Because of a court order prohibiting the Stockton Unified School District from undertaking new school construction pending resolution of a controversy involving desegregation of schools of the district, the school district is effectively precluded from proceeding with plans to bring its schools up to Field Act standards within the time periods prescribed by law. Therefore, the Legislature hereby finds and declares that due to a unique situation

existing in the Stockton Unified School District a general act of broad operation and effect cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

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

In order that the exemption from Field Act requirements provided for by Section 1 of this act may become effective prior to the June 30, 1975, deadline for complying with such requirements, it is necessary that this act take effect immediately.

CHAPTER 61

An act to amend the heading of Chapter 7.5 (commencing with Section 2621) of Division 2 and Sections 2621, 2621.5, 2622, 2623, 2624, and 2625 of, and to add Sections 2621.6, 2621.7, 2621.8, and 2621.9 to, the Public Resources Code, relating to geologic hazards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1975 Filed with Secretary of State May 4, 1975]

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

SECTION 1. The heading of Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code is amended to read:

CHAPTER 7.5. SPECIAL STUDIES ZONES

SEC. 2. Section 2621 of the Public Resources Code is amended to read:

2621. This chapter shall be known and may be cited as the Alquist-Priolo Special Studies Zones Act.

SEC. 3. Section 2621.5 of the Public Resources Code is amended to read:

2621.5. It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules, and regulations by cities and counties in implementation of the general plan that is in effect in any city or county. The Legislature declares that the provisions of this chapter are intended to provide policies and criteria to assist cities, counties, and state agencies in the exercise of their responsibility to provide for the public safety in hazardous fault zones.

This chapter is applicable to any project, as defined in Section 2621.6, upon issuance of the official special studies zones maps to affected local jurisdictions, but does not apply to any development

or structure in existence prior to the effective date of the amendment of this section at the 1975–76 Regular Session of the Legislature.

SEC. 4. Section 2621.6 is added to the Public Resources Code, to read:

2621.6. (a) As used in this chapter, "project" means

(1) Any new real estate development which contemplates the eventual construction of structures for human occupancy, subject to the Subdivision Map Act (commencing with Section 66410 of the Government Code).

(2) Any new real estate development for which a tentative tract map has not yet been approved.

(3) Any structure for human occupancy, other than a single-family wood frame dwelling not exceeding two stories.

(4) Any single-family wood frame dwelling which is built or located as part of a development of four or more such dwellings constructed by a single person, individual, partnership, corporation, or other organization. No geologic report shall be required with respect to such single-family wood frame dwelling if the dwelling is located within a new real estate development, as described in paragraph (1) or (2) of this subdivision, for which development a geologic report has been either approved or waived pursuant to Section 2623.

(b) For the purposes of this chapter, a mobilehome whose body width exceeds eight feet shall be considered to be a single-family wood frame dwelling not exceeding two stories.

SEC. 5. Section 2621.7 is added to the Public Resources Code, to read:

2621.7. This chapter, except Section 2621.9, shall not apply to the conversion of an existing apartment complex into a condominium. This chapter shall apply to projects which are located within a delineated special studies zone.

SEC. 6. Section 2621.8 is added to the Public Resources Code, to read:

2621.8. This chapter shall not apply to alterations or additions to any structure within a special studies zone the value of which does not exceed 50 percent of the value of the structure.

SEC. 7. Section 2621.9 is added to the Public Resources Code, to read:

2621.9. A person who is acting as an agent for a seller of real property which is located within a delineated special studies zone, or the seller if he is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within a delineated special studies zone.

SEC. 8. Section 2622 of the Public Resources Code is amended to read:

2622. In order to assist cities and counties in their planning, zoning, and building-regulation functions, the State Geologist shall delineate, by December 31, 1973, appropriately wide special studies

zones to encompass all potentially and recently active traces of the San Andreas, Calaveras, Hayward, and San Jacinto Faults, and such other faults, or segments thereof, as he deems sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep. Such special studies zones shall ordinarily be one-quarter mile or less in width, except in circumstances which may require the State Geologist to designate a wider zone.

Pursuant to this section, the State Geologist shall compile maps delineating the special studies zones and shall submit such maps to all affected cities, counties, and state agencies, not later than December 31, 1973, for review and comment. Concerned jurisdictions and agencies shall submit all such comments to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of such review, the State Geologist shall provide copies of the official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within any such zone.

The State Geologist shall continually review new geologic and seismic data and shall revise the special studies zones or delineate additional special studies zones when warranted by new information. The State Geologist shall submit all revised maps and additional maps to all affected cities, counties, and state agencies for their review and comment. Concerned jurisdictions and agencies shall submit all such comments to the State Mining and Geology Board for review and consideration within 90 days. Within 90 days of such review, the State Geologist shall provide copies of the revised and additional official maps to concerned state agencies and to each city or county having jurisdiction over lands lying within any such zone.

SEC. 9. Section 2623 of the Public Resources Code is amended to read:

2623. The approval of a project by a city or county shall be in accordance with policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist. In the development of such policies and criteria, the State Mining and Geology Board shall seek the comment and advice of affected cities, counties, and state agencies. Cities and counties shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture. If the city or county finds that no undue hazard of this kind exists, the geologic report on such hazard may be waived, with approval of the State Geologist.

After a report has been approved or a waiver granted, subsequent geologic reports shall not be required, provided that new geologic data warranting further investigations is not recorded.

SEC. 10. Section 2624 of the Public Resources Code is amended to read:

2624. Nothing in this chapter is intended to prevent cities and counties from establishing policies and criteria which are stricter than those established by this chapter or by the State Mining and

Geology Board, nor from imposing and collecting fees in addition to those required under this chapter.

SEC. 11. Section 2625 of the Public Resources Code is amended to read:

2625. (a) Each applicant for approval of a project may be charged a reasonable fee by the city or county having jurisdiction over the project

(b) Such fees shall be set in an amount sufficient to meet, but not to exceed, the costs to the city or county of administering and complying with the provisions of this chapter.

(c) The geologic report required by Section 2623 shall be in sufficient detail to meet the criteria and policies established by the State Mining and Geology Board for individual parcels of land.

SEC. 12. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because any such costs shall be recovered from fees collected pursuant to this act.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid unwarranted delays in real estate development and to relieve homebuilders and owners seeking home improvement of unnecessary financial burdens at the earliest possible time, it is essential that this act take effect immediately.

CHAPTER 62

An act to amend Section 19878.8 of the Health and Safety Code, and to amend Section 25214 of the Public Resources Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1975 Filed with Secretary of State May 4, 1975]

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

SECTION 1. Section 19878.8 of the Health and Safety Code is amended to read:

19878.8. All the functions specified in this chapter shall be retransferred from the State Energy Resources Conservation and Development Commission, established pursuant to Division 15 (commencing with Section 25000) of the Public Resources Code, to the Department of Housing and Community Development and the

Commission of Housing and Community Development; provided, however, that they shall be transferred back to the State Energy Resources Conservation and Development Commission within 30 days after the adoption of a resolution, by the State Energy Resources Conservation and Development Commission, providing for such transfer.

SEC. 2. Section 25214 of the Public Resources Code is amended to read:

25214. The commission shall maintain its headquarters in the County of Sacramento and may establish branch offices in such parts of the state as the commission deems necessary. The commission shall hold meetings at such times and at such places as shall be determined by it. All meetings and hearings of the commission shall be open to the public, and opportunity to be heard with respect to the subject of the hearings shall be afforded to any person. Upon request, an interested party may be granted reasonable opportunity to examine any witness testifying at the hearing. The first meeting of the commission shall be held within 30 days after the confirmation of the last member of the commission pursuant to Section 25204. The Governor shall designate the time and place for the first meeting of the commission.

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

In order to adequately administer the provisions relating to energy conservation standards for nonresidential buildings, it is necessary to retransfer, as soon as possible, the functions specified in such provisions from the State Energy Resources Conservation and Development Commission to the Department of Housing and Community Development and the Commission of Housing and Community Development until the State Energy Resources Conservation and Development Commission is established and organized and requests that such functions be transferred back to it. Also, it is necessary for the State Energy Resources Conservation and Development Commission to establish its headquarters in the County of Sacramento as soon as possible. To effectuate the objectives of this act, it is necessary that its provisions become effective immediately.

CHAPTER 63

An act to amend Sections 4.14, 6.2, 12.1, 13, 14, 15, 15.1, 15.8, 15.9, and 17 of, and to add Sections 3.8, 3.9, 12.2, 12.3, 12.4, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17, 14.18, 14.19, 14.20, 14.21, 14.22, 14.23, 14.24, 14 25, 14.26, 14.27, 14.28, and 14.29 to, the Amador County Water Agency Act (Chapter

2137 of the Statutes of 1959), relating to the Amador County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 6, 1975 Filed with Secretary of State May 6, 1975]

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

SECTION 1. Section 3.8 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 3.8. The agency shall have the power by resolution or ordinance to adopt regulations respecting the exercise of its powers and the carrying out of its purposes, and to fix and collect rates and charges for the providing or the availability of any service it is authorized to provide or make available or for the sale, lease or other disposition of water or other product of its works or operations, including standby charges and connection charges.

SEC. 2. Section 3.9 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 3.9. The agency may fix standby charges to be applied on an area, or frontage, or parcel basis, or a combination thereof, to such areas within the agency to which service is made available, whether the service is actually used or not, for the purpose of financing or maintaining and operating projects which the agency is authorized to undertake. The agency may establish schedules varying such charges according to the land uses and the degree of availability or quantity of use of such service to the affected lands, and may restrict such charge to lands lying within one or more improvement districts or areas of benefits established within such agency; provided, however, that the agency may not: (1) fix an annual charge in excess of ten dollars ($10) for each acre or for each parcel of less than one acre; (2) apply standby charges to parcels that are being used for the production of plant crops, including timber, or livestock for market; or (3) apply standby charges to lands situated more than one-quarter of a mile from an available main or service connection. The agency may collect the standby charges as a part of the annual general county tax bill, provided the agency furnishes in writing to the board of supervisors and to the county auditor the description of each parcel for which a charge is to be billed together with the amount of the charge applicable to each parcel in sufficient time to meet the schedule established by the county for inclusion of such items on the county general tax bill. The parcel description may be the parcel number assigned by the county assessor to the parcel. In such cases, the standby charge shall become a lien against the parcel of land to which it is charged in the same manner as the county general taxes. Penalties may be collected for late payment of the standby charge or the amount thereof unpaid in the manner and at the same rates as that applicable for late payment or the amount thereof unpaid of

county general taxes. If the agency collects standby charges through the county general tax bill, the amount of the standby charge and any applicable penalty shall be stated on the tax bill separately from all other taxes, if practicable.

SEC. 3. Section 4.14 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 4.14. The agency shall have the power to plan, finance, acquire, construct, operate and maintain facilities for the collection, transmission, treatment, and disposal of sewage, waste, and storm water. Whenever any area in the agency is provided with a sewer or storm drain system by the agency, the board by ordinance may declare the further maintenance or use of cesspools, septic tanks, or other local means of sewage disposal to be a public nuisance, and may require all buildings inhabited or used by human beings which are not more than three hundred (300) feet from such system or any extension thereof to be connected with the system.

SEC. 4. Section 6.2 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 6.2. The agency may cooperate and act in conjunction and contract with the United States, State of California, any county, municipality, district, public or private corporation, or any person: (1) in the purchase and sale of water, (2) in the acquisition of water or a water supply, (3) in the construction, acquisition, financing (including accepting grants or loans from any of the foregoing entities or any person subject to conditions as required by such entity or person), operation and maintenance of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, or for the collection, transmission, treatment, disposal or reuse of sewage, waste, or storm waters, (4) in the use and ownership of such works, and (5) in the sale, lease or other disposition of water or other product of such works or the agency's operations. The agency also may make and perform any agreement with the United States, the state, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply or other product of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, soil conservation district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the state empowered by law to appropriate water and deliver water to users may:

(a) Cooperate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate or act in conjunction and contract with

such districts, municipalities, and political subdivision.

(b) Carry out the terms of such contracts.

SEC. 5. Section 12.1 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 12.1. No works or improvements shall be undertaken by the agency unless an investigation and report has been made and a hearing has been held thereon as provided in this section or Section 14.5, except that this section shall not apply to works or improvements made under the Improvement Act of 1911, Division 7 (commencing at Section 5000) of the Streets and Highways Code, or the Municipal Improvement Act of 1913, Division 12 (commencing at Section 10000) of the Streets and Highways Code.

The board shall make or cause to be made an engineering study and report upon the proposed works or improvements, together with estimates of the cost thereof. The board may, after reviewing the report and estimates of costs, thereafter adopt a resolution declaring its intention to proceed with the proposed works or improvements, briefly describing the same and describing the area which will be benefited thereby, whether all or part of the agency or any one or more of the member units therein. The resolution shall further declare that a public hearing will be held thereon at a specified day, hour and place, where all persons interested may appear and be heard.

The resolution shall be published in a newspaper of general circulation within the area to be benefited by the proposed work or improvement once a week for two weeks, and the last day of publication shall be not less than seven days before the day fixed for the public hearing.

If prior to the conclusion of the public hearing written protests against the proposed works or improvements signed by 50 percent or more of the qualified electors residing within the area to be benefited are filed with the board, the board shall not proceed further with the proposed works or improvements for a period not less than six months thereafter.

SEC. 5.5. Section 12.2 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 12.2. Written protests provided for in Section 12.1 may be signed only by persons who are qualified electors. Each protest shall include the elector's place of residence, giving street and number or a designation sufficient to enable the location to be readily ascertained, and shall include the date the elector signed the protest.

SEC. 5.7. Section 12.3 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 12.3. Any qualified elector who has signed a written protest which has been filed with the board pursuant to Section 12.2 shall have his protest withdrawn upon filing a written request therefor with the board prior to the conclusion of the public hearing.

SEC. 5.9. Section 12.4 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

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Sec 12.4. The sufficiency of written protests shall be determined by the same methods as provided in Section 14.9 for the examination of petitions protesting the formation of an improvement district.

SEC. 6. Section 13 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 13. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts and liabilities incurred pursuant to the provisions of this act authorizing (a) the issuance of bonds, (b) the levying of special assessments, or (c) the execution of contracts with the United States, the state, or the county, or any member unit (including but not limited to contracts to borrow money from the Amador County Water Development Sinking Fund and contracts to acquire works or facilities from member units).

SEC. 7. Section 14 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency unless the board by resolution declares its intention to increase the maximum rate, either for a specified term of years or for an unlimited duration, and declares that a public hearing will be held thereon at a specified day, hour and place where all interested persons may appear and be heard. The resolution shall be published in the agency pursuant to Section 6063 of the Government Code in a newspaper of general circulation in the agency. At any time before or during the public hearing, any holder of title, to real property in the agency may file a written protest against the increase with the secretary of the board. Unless a majority in number of the holders of title to the real property in the agency who are also holders in title to a majority of the real property in the agency according to assessed valuation as shown by the last equalized assessment roll have filed such a protest prior to the conclusion of the hearing, the board may thereafter submit the proposed increase at any countywide election, called for any other purpose and the proposed increase shall become effective if at such countywide election a majority of those voting vote in favor thereof.

The foregoing limitations shall be exclusive of any tax levied pursuant to Sections 14.1, 14.26, 15, or 15.9 of this act, and exclusive of any special assessment levied pursuant to Section 16 of this act.

SEC. 8. Section 14.2 is added to the Amador County Water

Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.2. Improvement districts containing contiguous or noncontiguous territory within the agency may be formed as hereinafter provided to undertake projects to carry out any of the objects or purposes of this act of special benefit to the area of such improvement district, including, without limitation, projects to acquire, construct, operate, maintain, extend, repair or improve any works of improvement of special benefit to such improvement district. Except as otherwise specifically provided in this act, the powers, procedures and funds of the agency may be used in the board's discretion for the benefit of an improvement district and the project for which it was created.

SEC. 9. Section 14.3 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.3. Proceedings for the formation of an improvement district shall be instituted by a resolution of the board, which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed.

(b) A brief general description of the project to be undertaken for the benefit of such improvement district.

(c) A finding that the project will be a special benefit to such improvement district.

(d) A statement of the board's intention to undertake the project.

(e) An estimate of the cost of the project.

(f) The method by which the project is proposed to be financed.

(g) The proposed maximum amount of any tax which may be levied in any year for improvement district purposes other than payment of the principal and interest on bonds.

(h) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed, which shall be not less than 15 nor more than 60 days after the date of adoption of the resolution initiating the formation proceedings.

SEC. 10. Section 14.4 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.4. Notice of the time and place of the hearing shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation within the proposed improvement district, but if there is no such newspaper, then one within the agency. The notice shall contain a copy of the resolution and a designation of a public place within the agency where a copy of a map of the proposed improvement district may be seen by any interested persons. Also, the clerk or secretary of the agency shall give notice of the hearing by mailing a copy of such notice to all landowners owning land within the proposed improvement district as shown by the last equalized assessment roll of the county; provided, that the failure of the clerk to mail the notice to any

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landowner shall not affect the validity of any proceedings taken under this act.

SEC. 11. Section 14.5 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.5. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing and shall consider all written and oral objections of any matters set forth in the resolution. Any person interested may appear at the hearing and present any matters material to the subject thereof.

SEC. 12. Section 14.6 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.6. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by 50 percent or more of the qualified electors residing within the proposed improvement district are filed with the board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall be instituted for a period of not less than six months following the date of the conclusion of the hearing.

SEC. 13. Section 14.7 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.7. Written protests provided for in Section 14.6 may be made only by persons who are qualified electors residing within the proposed improvement district. Each protest shall include the elector's place of residence, giving street and number or a designation sufficient to enable the location to be readily ascertained, and shall include the date the elector signed the protest.

SEC. 14. Section 14.8 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.8. Any qualified elector who has made a written protest which has been filed with the board pursuant to Section 14.6 shall have his protest withdrawn upon filing a written request therefor with the board prior to the conclusion of the hearing.

SEC. 15. Section 14.9 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.9. The board shall submit all written protests filed with the board pursuant to Section 14.6 which have not been withdrawn pursuant to Section 14.8 prior to the conclusion of the hearing, together with a description of the boundaries and a map of the proposed improvement district, to the county clerk. The county clerk shall expeditiously determine and report to the board what number of qualified electors residing within the proposed improvement district have filed valid written protests and what percent such number of qualified electors is of the total number of qualified electors within the proposed improvement district.

SEC. 16. Section 14.10 is added to the Amador County Water

Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.10. The board shall have power to change the boundaries of the proposed improvement district, the project to be undertaken, the estimate of the cost of the project, the method by which the project is to be financed, the proposed maximum amount of any tax or any two or more of such matters; provided, however, that the board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by such improvement and shall exclude from the proposed improvement district any territory which it finds will not be benefited by inclusion therein.

SEC. 17. Section 14.11 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.11. If the board proposes to change the boundaries of the proposed improvement district by adding territory thereto, the project, the estimate of cost, or the method by which the project is to be financed or to increase the proposed maximum amount of any tax, it shall state the proposed change and the time and place for a hearing thereon in a resolution and give notice of such hearing as provided in Section 14.4. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall continue with the hearing. At the hearing any person interested may appear and present any matters material to the changes stated in the notice.

SEC. 18. Section 14.12 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.12. At the conclusion of the hearing, if proceedings relating to the proposed improvement district have not been terminated in the manner set forth in Section 14.6, the board may, after excluding any land which it finds will not be benefited by the proposed project and if it finds and determines that the project is feasible, economically sound and for the best interests of the agency and the proposed improvement district, declare, by resolution, that the proposed improvement district is formed.

SEC. 19. Section 14.13 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.13. The resolution declaring an improvement district to be formed shall contain the following:

(a) A description of the boundaries thereof and the name of such improvement district, which shall thereupon constitute and be known as "Improvement District No. _____ of Amador County Water Agency."

(b) A brief description of the project which may be undertaken for the benefit of the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount set forth in the resolution adopted pursuant to Section 14.3 or Section 14.11. No such tax may be levied unless the maximum amount thereof has been established by the

voters within the improvement district to the extent required by Section 2263.2 of the Revenue and Taxation Code or other applicable law.

After adoption of such resolution, a certified copy thereof together with a map of the improvement district shall be filed with the county assessor, the county tax collector and the State Board of Equalization.

SEC. 20. Section 14.14 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.14. The boundaries of an improvement district determined and established by the board in the resolution declaring the improvement district to be formed may be the whole or part of the proposed improvement district described in the resolution adopted pursuant to Section 14.3 or Section 14.11 and may include additional lands, the owners of which have, by written petition filed with the board, requested be included within the improvement district. The territory of an improvement district need not be contiguous, may include either or both incorporated and unincorporated areas, may include lands within any member units and lands within any other improvement district, but shall be entirely within the agency.

SEC. 21. Sec. 14.15 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.15. Territory within the agency may be annexed to an improvement district, whether or not contiguous thereto, and territory within an improvement district may be detached therefrom pursuant to the procedure hereinafter set forth. Annexation of territory to an improvement district or detachment of territory therefrom shall be initiated by a resolution of the board which shall contain at least all of the following:

(a) A description of the territory proposed to be annexed or detached.

(b) A statement that the area to be annexed to or detached from the improvement district will be benefited by such annexation or detachment.

(c) Any proposed terms and conditions of annexation, including but not limited to (1) payment of a fixed or determinable amount of money, either in a lump sum or in installments for the use or right of use of all or any part of the existing property or rights of the improvement district, and (2) the levying or fixing and collection of special, extraordinary or additional taxes or assessments, or special, extraordinary or additional service charges, rentals or rates, rates, or both, for the purpose of providing for any such payment required pursuant to this subdivision.

(d) The time and place for a hearing by the board on the proposed annexation or detachment, which shall not be less than 15 nor more than 60 days after the date of adoption of the resolution initiating the proceedings.

(e) Any additional matters which the board may determine are necessary or convenient to the proceedings.

SEC. 22. Section 14.16 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.16. The resolution shall be published and notice of the hearing on the proposed annexation or detachment shall be given in the manner required by Section 14.4, except that in applying such section the words "improvement district" shall mean the territory proposed to be annexed or detached.

SEC. 23. Sec. 14.17 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.17. The hearing on the proposed annexation or detachment shall be held in the manner required by Section 14.5.

SEC. 24. Sec. 14.18 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.18. If prior to the conclusion of the hearing written protests against the proposed annexation or detachment signed by 50 percent or more of the qualified electors residing within the territory proposed to be annexed or detached are filed with the board, further proceedings relating to the proposed annexation or detachment shall be terminated and no proceedings for the annexation or detachment of the same territory shall be instituted for a period of not less than six months following the date of the conclusion of the hearing. Such written protests may be withdrawn by the same method as provided in Section 14.8 with respect to the formation of an improvement district. The sufficiency of written protests shall be determined by the same methods as provided in Section 14.9, for the examination of petitions protesting the formation of an improvement district.

SEC. 25. Section 14.19 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.19. The board shall have the power to change the boundaries of territory proposed to be annexed or detached from an improvement district, but shall not add any territory which, in its judgment, will not be benefited by the proposed annexation or detachment, nor shall it subtract any territory which it finds would be benefited by the proposed annexation or detachment.

SEC. 26. Section 14.20 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.20. If the board proposes to change the boundaries of the territory proposed to be annexed or detached by adding territory thereto, it shall give notice thereof in the manner provided in Section 14.16. Owners of land within the affected territory shall be given an opportunity to appear before the board pursuant to Section 14.17 and to register any protests.

SEC. 27. Section 14.21 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.21. At the conclusion of the hearing, the board may, by resolution, order the annexation to or detachment from the improvement district of such territory as it determines will be benefited thereby and shall include in the order any terms and conditions of annexation; provided, that the resolution shall not

include terms and conditions of annexation respecting matters not set forth in the resolution initiating the annexation.

The board may order such annexation or detachment either without election or subject to confirmation by the voters within the territory to be annexed or detached upon the question of such annexation or detachment. However, the board shall not order such annexation or detachment without election unless the board finds that written protests filed and not withdrawn represent less than 25 percent of the number of qualified electors residing in such territory.

Any such election ordered by the board shall be conducted in the same manner prescribed by Article 6 (commencing with Section 2285) of Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code for tax rate limit elections.

SEC. 28. Section 14.22 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.22. If all the owners of land within the territory proposed to be annexed or detached have given their written assent to such annexation or detachment and any terms and conditions thereof, the board may, by resolution, order such an annexation or detachment without notice and hearing by the board.

SEC. 29. Section 14.23 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.23. After the adoption of a resolution ordering such annexation or detachment, a certified copy thereof with a map of the territory thus annexed or detached shall be filed with the county assessor, the county tax collector, and the State Board of Equalization.

SEC. 30. Section 14.24 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.24. Whenever any territory is annexed to an improvement district, the annexed territory shall be subject to all the liabilities and entitled to all the benefits of that improvement district, except as otherwise provided in the order of annexation.

Whenever any territory is detached from an improvement district, except as otherwise provided for herein, the territory detached, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing within such improvement district shall cease to be subject to the jurisdiction thereof and shall have none of the rights or duties of the remaining territory or voters thereof on and after the effective date of the detachment. No inhabitant, property owner, taxpayer, consumer, or user within territory detached from an improvement district shall be entitled (1) to all or any part or to any payment on account of the moneys or funds, including cash on hand and moneys due but uncollected, or any property, real or personal, or such improvement district or (2) to any refund by reason of any taxes, assessments, service charges, rentals, or rates collected prior to the effective date of the detachment.

Territory detached from an improvement district shall continue to be liable for the payment of principal, interest, and any other

amounts which shall become due on account of any bonds, including revenue bonds, or other indebtedness contracts or obligations of the improvement district within which the detached territory was formerly located, as shall be outstanding on the effective date of detachment and such territory shall be subject to the levying or fixing and collection of any (1) taxes or assessments, or (2) service charges, rentals or rates, or (3) a combination thereof, as may be necessary to provide for such payment.

SEC. 31. Section 14.25 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.25. After the formation of an improvement district, if any portion of the cost of a project proposed therefor is to be financed by the issuance of bonds by the agency on behalf of the improvement district, proceedings may be taken by the board for the authorization, issuance, and sale of bonds of the agency on behalf of the improvement district pursuant to Sections 15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16 and 17 of this act.

SEC. 32. Section 14.26 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.26. Subject to any provision of law requiring establishment of the maximum amount of any tax by election, and subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the agency on behalf of such improvement district for the purpose of financing any project in such improvement district, and to pay the costs of administration, maintenance, and operation of any works or facilities of or for said improvement district.

SEC. 33. Section 14.27 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.27. The procedure for levying and collecting taxes in any improvement district shall be the same as that provided for in this act for the levying and collecting of agency taxes.

SEC. 34. Section 14.28 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.28. All the taxes collected pursuant to Section 14.26 of this act for the payment of bond principal and interest shall be expended only for such purpose. All the other taxes collected pursuant to such section shall be expended only for the improvement district for which levied, except that any surplus of such tax proceeds which remain after the termination of the improvement district for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the agency's general fund.

SEC. 35. Section 14.29 is added to the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to read:

Sec. 14.29. For the purpose of any tax levied pursuant to Section

14.26 of this act the properties within any improvement district shall be deemed to be equally benefited.

SEC. 36. Section 15 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in an agreement between the agency and the member unit, or for the benefit of any improvement district, it may determine and declare by resolution the amount of bonds necessary to be issued in each such member unit or improvement district affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk or secretary to be filed for record in the office of the Recorder of Amador County if the improvement is for the benefit of an improvement district and with the governing board of such member unit if the improvement is for the benefit of any member unit.

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit or improvement district to submit to the qualified electors of each such member unit or improvement district the question of whether or not bonds shall be issued in the amount and for the purposes stated in the resolution.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit or improvement district, the proposition of incurring a bonded debt in the member unit or member units or improvement district in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the office of the Recorder of Amador County or with the governing body of the member unit. The ordinance may specify that no bonds authorized at the election will be sold until contracts have been executed with member units within the area to be benefited by the improvement which will provide for payments by such member units to the agency sufficient to pay all or a specified portion of the principal and interest on any such bonds issued. If such a provision is included in the ordinance, no bonds authorized at the election shall be issued until such contracts have been executed. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed eight percent (8%) per annum. For the purposes of the election, the board shall establish special election precincts within the boundaries of each member unit or the improvement district and may form election precincts by consolidating the precincts

established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the state except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the agency, and in the office of the governing body of the member unit affected if said bonds are for an improvement for the benefit of any member unit, for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in the improvement district or member unit or member units affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in the improvement district and in each said affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such improvement district or member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 37. Section 15.1 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 15.1. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the improvement district or member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than five years

from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of eight percent (8%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the president of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 38. Section 15.8 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 15.8. The board may issue and sell the bonds of such improvement district or member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the agency to the credit of the respective improvement district or member units thereof, for the uses and purposes of the improvement district or member unit or member units voting said bonds; and the proper record of such transactions shall be placed upon the books of the agency, and said respective improvement district or member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election.

SEC. 39. Section 15.9 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 15.9. Any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid by (1) revenue received from member units pursuant to any contracts which may be required with such member units by the ordinance adopted pursuant to subdivision (c) of Section 15 of this act and (2) from revenue derived from any taxes levied pursuant to Section 14.1 of this act to raise the amount of delinquencies, if any, of such member units on such contracts, to the extent that such revenues are available. To the extent that such revenues are or are estimated by the board to be insufficient to pay such bonds and interest, or if no such contracts with member units are required by such ordinance, then any bonds issued pursuant to Section 15 of this act, and the interest thereon, may, in the board's discretion, be paid in whole or part from any other money available

to the board and not specifically prohibited from being used for such purpose. To the extent that additional money is still needed to pay such bonds and interest, the same shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property within each improvement district or member unit for which such bonds were issued. No member unit or improvement district nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit or improvement district for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units or improvement districts be used in payment of principal or interest or otherwise of the share of the bonded indebtedness chargeable to any other improvement district or member unit.

SEC. 40. Section 17 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 17. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise" and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code and for such purpose the agency shall be considered a "local agency" as defined by Section 54307 of said code; provided, however, that notwithstanding the provisions of Section 54310 of the Government Code, the board shall have the power, subject to the limitations of Section 4.1 hereof, to borrow money and issue revenue bonds for, and to define "enterprise" to include systems, plants, works or undertakings for the generation, production, transmission, and sale of hydroelectric energy. Any election for the issuance of revenue bonds for an improvement district of the agency shall be limited to the area of such improvement district, and the proceeds from the sale of any such revenue bonds shall be expended only for the benefit of such improvement district.

SEC. 41. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 42. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an immediate need for planning, financing, constructing

and acquiring water supply systems within portions of Amador County which have serious water shortages. The Amador County Water Agency is the logical entity to provide such water supply systems, but needs amendment of its powers as set forth in this act in order to do so. Unless this act takes effect immediately, the agency will have to postpone taking the necessary steps to provide such water supply systems that are necessary to protect the health and safety of residents within the agency.

CHAPTER 64

An act to amend Section 3573 of the Elections Code, relating to ballot pamphlets.

[Approved by Governor May 6, 1975 Filed with Secretary of State May 6, 1975]

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

SECTION 1. Section 3573 of the Elections Code is amended to read:

3573. The Secretary of State shall furnish each county clerk with as many copies of the ballot pamphlets as needed to comply with the provisions of this code. The ballot pamphlets shall be furnished not less than 45 days before the election at which the measures contained in the ballot pamphlets are to be voted on. The county clerk shall mail one copy of the ballot pamphlet to each voter registered prior to the 53rd day before the election not more than 40 nor less than 21 days before the day fixed by law for the election, and no other official publication of such measures shall be made. The mailing of the ballot pamphlets to those voters who register between the 54th and 29th day shall be completed at least 10 whole days before the election. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters.

CHAPTER 65

An act to amend Section 10602 of, and to add Section 10602.5 to, the Education Code, relating to public schools.

[Approved by Governor May 6, 1975 Filed with Secretary of State May 6, 1975]

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

SECTION 1. Section 10602 of the Education Code is amended to read:

10602. Continued willful disobedience, habitual profanity or vulgarity, open and persistent defiance of the authority of the school personnel, or assault or battery upon a student, upon school premises or while under the authority of school personnel, or continued abuse of school personnel, assault or battery upon school personnel, or any threat of force or violence directed toward school personnel, at any time or place shall constitute good cause for suspension or expulsion from school; however, no pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school activity or school attendance.

SEC. 2. Section 10602.5 is added to the Education Code, to read:

10602.5. (a) Smoking or having tobacco on school premises, or while under the authority of school personnel, constitutes good cause for the suspension or expulsion of a pupil except as provided in this section.

(b) The governing board of any school district maintaining a community college or high school may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a community college or high school or while under the authority of school personnel by pupils of the community college or high school; provided that such rules and regulations shall not permit students to smoke in any classroom or other enclosed facility which any student is required to occupy or which is customarily occupied by nonsmoking students.

(c) The governing board of any school district maintaining a high school shall take all steps it deems practical to discourage high school students from smoking.

CHAPTER 66

An act to amend Sections 1804.2 and 2983.5 of the Civil Code, relating to contracts.

[Approved by Governor May 6, 1975 Filed with Secretary of State May 6, 1975.]

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

SECTION 1. Section 1804.2 of the Civil Code is amended to read:

1804.2. (a) An assignee of the seller's rights is subject to all equities and defenses of the buyer against the seller arising out of the sale, notwithstanding an agreement to the contrary, but the assignee's liability may not exceed the amount of the debt owing to the assignee at the time of the assignment.

(b) The assignee shall have recourse against the seller to the extent of any liability incurred by the assignee pursuant to this

section regardless of whether the assignment was with or without recourse.

SEC. 2. Section 2983.5 of the Civil Code is amended to read:

2983.5. (a) An assignee of the seller's right is subject to all equities and defenses of the buyer against the seller, notwithstanding an agreement to the contrary, but the assignee's liability may not exceed the amount of the debt owing to the assignee at the time of the assignment.

(b) The assignee shall have recourse against the seller to the extent of any liability incurred by the assignee pursuant to this section regardless of whether the assignment was with or without recourse.

SEC. 3. The amendments to Sections 1804.2 and 2983.5 of the Civil Code made by this act shall apply only to assignments entered into on or after January 1, 1976.

CHAPTER 67

An act to add Section 11450.5 to the Penal Code, relating to charitable organizations, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature May 7, 1975 Filed with Secretary of State May 7, 1975]

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

SECTION 1. Section 11450.5 is added to the Penal Code, to read:

11450.5. Section 11450 does not apply to an event that does not endanger the health or safety of the participants if that event is sponsored by a charitable organization whose purpose is to further medical research, combat a disease, improve patient care or patient rehabilitation facilities, or to provide services for handicapped persons, and if the event is held to raise funds for those purposes.

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

Fundraising events sponsored by charitable organizations to raise money to further medical research, combat a disease, improve patient care or rehabilitation facilities or provide services for handicapped persons significantly contribute to the public health.

In order to promote the immediate sponsorship of such events, and to avoid an interpretation under Section 11450 that such events are illegal, it is necessary that this act take effect immediately.

CHAPTER 68

An act to amend Section 1208.5 of the Penal Code, relating to work furlough.

[Approved by Governor May 9, 1975 Filed with Secretary of State May 9, 1975]

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

SECTION 1. Section 1208.5 of the Penal Code is amended to read:

1208.5. The boards of supervisors of two or more counties having work furlough programs may enter into agreements whereby a person sentenced to, or imprisoned in, the jail of one county, but regularly employed in another county, may be transferred by the sheriff of the county in which he is confined to the jail of the county in which he is employed, in order that he may be enabled to continue in his regular employment in such other county through such county's work furlough program. Such agreement may make provision for the support of transferred persons by the county from which they are transferred. The board of supervisors of any county may, by ordinance, delegate the authority to enter into such agreements to the work furlough administrator.

CHAPTER 69

An act making an appropriation in augmentation of Item 17 of the Budget Act of 1974, relating to justice courts, to take effect immediately.

[Approved by Governor May 9, 1975 Filed with Secretary of State May 9, 1975]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of two hundred eighty thousand dollars ($280,000) to the Judicial Council in augmentation of Item 17 of the Budget Act of 1974 (Chapter 375 of the Statutes of 1974) for the purpose of implementing Chapter 1493 of the Statutes of 1974.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 70

An act to amend Section 6880.34 of, and to add Section 6880.65 to, the Education Code, relating to development centers.

[Approved by Governor May 9, 1975 Filed with Secretary of State May 9, 1975]

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

SECTION 1. Section 6880.65 is added to the Education Code, to read:

6880.65. The enrollment of otherwise eligible pupils shall be on a first-come, first-served basis. Enrollment priorities shall not favor the admission of an otherwise eligible pupil living with a parent or guardian over an otherwise eligible pupil living in an out-of-home residential placement who has applied earlier in time for admission if such pupil is a resident of the school district, or if the pupil is not a resident of the school district but an interdistrict attendance agreement has been made with the district of residence pursuant to Section 6880.8.

SEC. 2. Section 6880.34 of the Education Code is amended to read:

6880.34. The governing board may adopt such reasonable rules and regulations governing the center or centers maintained by it as are not in conflict with the law or the standards and regulations established for centers by the State Board of Education. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

CHAPTER 71

An act to amend Section 12912 of the Education Code, to amend Sections 972 and 985 of the Evidence Code, and to amend Sections 220, 286, 287, 288a and 290 of, to add Section 286.5 to, and to repeal Sections 269a, 269b, 286.1 and 288b of, the Penal Code, relating to sexual offenses.

[Approved by Governor May 12, 1975 Filed with Secretary of State May 13, 1975]

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

SECTION 1. Section 12912 of the Education Code is amended to read:

12912. "Sex offense" as used in Sections 13175, 13207, 13220.16, 13218, 13255, and 13586 means any one or more of the offenses listed below:

0489 27 10 445 737

(a) Any offense defined in Section 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961 if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975–76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

SEC. 2. Section 972 of the Evidence Code is amended to read:

972. A married person does not have a privilege under this article in:

(a) A proceeding brought by or on behalf of one spouse against the other spouse.

(b) A proceeding to commit or otherwise place his spouse or his spouse's property, or both, under the control of another because of the spouse's alleged mental or physical condition.

(c) A proceeding brought by or on behalf of a spouse to establish his competence.

(d) A proceeding under the Juvenile Court Law, Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

(e) A criminal proceeding in which one spouse is charged with:

(1) A crime against the person or property of the other spouse or

of a child of either, whether committed before or during marriage.

(2) A crime against the person or property of a third person committed in the course of committing a crime against the person or property of the other spouse, whether committed before or during marriage.

(3) Bigamy.

(4) A crime defined by Section 270 or 270a of the Penal Code.

SEC. 3. Section 985 of the Evidence Code is amended to read:

985. There is no privilege under this article in a criminal proceeding in which one spouse is charged with:

(a) A crime committed at any time against the person or property of the other spouse or of a child of either.

(b) A crime committed at any time against the person or property of a third person committed in the course of committing a crime against the person or property of the other spouse.

(c) Bigamy.

(d) A crime defined by Section 270 or 270a of the Penal Code.

SEC. 4. Section 220 of the Penal Code is amended to read:

220. Every person who assaults another with intent to commit rape, sodomy, mayhem, robbery, or grand larceny, is punishable by imprisonment in the state prison not less than one year nor more than 20 years.

SEC. 5. Section 269a of the Penal Code is repealed.

SEC. 6. Section 269b of the Penal Code is repealed.

SEC. 7. Section 286 of the Penal Code is amended to read:

286. (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person.

(b) Any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison for a period of not more than 15 years or in a county jail for a period of not more than one year.

(c) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he, or who has compelled the participation of another person in an act of sodomy by force, violence, duress, menace, or threat of great bodily harm, shall be punished by imprisonment in the state prison for a period of not less than three years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting such other person, commits an act of sodomy by force or violence and against the will of the victim shall be punished by imprisonment in the state prison for a period of five years to life.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison for a period of not more than five years, or in a county jail for a period of not more than one year.

SEC. 8. Section 286.1 of the Penal Code is repealed.

SEC. 8.5. Section 286.5 is added to the Penal Code, to read:

286.5. Any person who sexually assaults any animal protected by Section 597f for the purpose of arousing or gratifying the sexual desire of the person is guilty of a misdemeanor.

SEC. 9. Section 287 of the Penal Code is amended to read:

287. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

SEC. 10. Section 288a of the Penal Code is amended to read:

288a. (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ of another person.

(b) Any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison for a period of not more than 15 years or in a county jail for a period of not more than one year.

(c) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he, or who has compelled the participation of another person in an act of oral copulation by force, violence, duress, menace, or threat of great bodily harm, shall be punished by imprisonment in the state prison for a period not less than three years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting such other person, commits an act of oral copulation by force or violence and against the will of the victim shall be punished by imprisonment in the state prison for a period of five years to life.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison for a period of not more than five years, or in a county jail for a period of not more than one year.

SEC. 11. Section 288b of the Penal Code is repealed.

SEC. 12. Section 290 of the Penal Code is amended to read:

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape, the infamous crime against nature, or sodomy under Section 220, or of any offense defined in Section 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 2 or 3 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314, or of any offense involving lewd and lascivious conduct under Section 272; or any person who since such date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since such date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since such date or at any time hereafter is determined to be a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code; or any person who

has been since such date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the Department of Justice. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the Department of Justice. The court shall give one copy of the form to the person, and shall send two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the

Department of Justice, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the Department of Justice.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

As used in this section "mentally disordered sex offender" includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which upon the effective date of the amendment of this section enacted at the 1975–76 Regular Session of the Legislature is, or which prior to such date has been, contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

CHAPTER 72

An act to amend Section 27454 of the Vehicle Code, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1975 Filed with Secretary of State May 13, 1975]

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

SECTION 1. Section 27454 of the Vehicle Code is amended to read:

27454. No tire on any vehicle upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire.

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed 0.075 inches in diameter and which are so constructed that

under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Transportation.

(e) Pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the percentage of metal in contact with the roadway exceed 3 percent of the total tire area in contact with the roadway, between the first day of December and the first day of March. This subdivision shall remain in effect until March 1, 1978, and shall have no force or effect after that date.

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

The present termination date of the exception governing tires with metal studs is May 1, 1975. Unless this bill goes into immediate effect, the statute will lapse before legislation to extend it will be operative.

CHAPTER 73

An act to amend Section 830.4 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1975. Filed with Secretary of State May 13, 1975]

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

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

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

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

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

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

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

(5) The Director of the Department of Navigation and Ocean

Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

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

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

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

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

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

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

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

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

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

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

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

(16) (A) Persons regularly employed and designated by the

Board of Directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973, or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before September 25, 1973, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after September 25, 1973, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(18) Housing authority patrol officers employed by the City of Los Angeles.

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

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

Regulations adopted by the federal government for the safety of passengers and to deter air piracy provide that all airports serviced by air carriers under the authority of the Civil Aeronautics Board have armed peace officer security guards at the passenger boarding area. California's present statutory provisions, providing that security officers employed by any airport operated by San Joaquin County area peace officers, took effect immediately as an urgency measure during 1974, but will have no force or effect on or after April 30, 1975. Therefore, in order to assure continued compliance with federal requirements, it is necessary that this bill take effect at the earliest possible date.

CHAPTER 74

An act to amend Section 13257.5 of the Education Code, relating to school certificated employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1975. Filed with Secretary of State May 13, 1975.]

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

SECTION 1. Section 13257.5 of the Education Code is amended to read:

13257.5. (a) When a school district or a county superintendent of schools wishes to employ a person in a position requiring certification qualifications and that person has not previously been employed in a position requiring certification qualifications in this state, the district or county superintendent shall require a medical certificate in such form as shall be prescribed by the State Board of Education showing that the applicant is free from any disabling disease unfitting the applicant to instruct or associate with children. The medical certificate shall be submitted directly to the governing board or county superintendent by a physician and surgeon licensed under the Business and Professions Code, a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions Code, or a commissioned medical officer in the United States Air Force. The medical examination shall have been conducted not more than six months before the submission of the certificate and shall be at the expense of the applicant. A governing board or county superintendent may offer a contract of employment to an applicant subject to the submission of the required medical certificate. Notwithstanding Section 13001.5, the medical certificate

shall become a part of the personnel record of the employee and shall be open to the employee or his designee.

(b) The governing board of a school district or a county superintendent of schools may require certificated employees to undergo a periodic medical examination by a physician and surgeon licensed under the Business and Professions Code, or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions Code, to determine that the employee is free from any communicable disease unfitting the applicant to instruct or associate with children. The periodic medical examination shall be at the expense of the school district or county superintendent. The medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his designee.

(c) The State Board of Education shall adopt rules and regulations relating to the implementation and administration of this section.

SEC. 2. A medical certificate, otherwise in compliance with Section 13257.5 of the Education Code, which was issued prior to the effective date of this act by a commissioned medical officer exempt from licensure by Section 2144 of the Business and Professions Code, shall be valid for the purposes of Section 13257.5 of the Education Code.

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

In order that teachers who are eligible for medical care at military installations may comply with a recent enactment requiring a medical examination and the issuance of a medical certificate by a licensed physician and surgeon, it is necessary that this act go into effect immediately.

CHAPTER 75

An act to amend Sections 17686 and 24832 of, and to add Sections 17686.5 and 24835.5 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor May 14, 1975 Filed with Secretary of State May 14, 1975]

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

SECTION 1. Section 17686 of the Revenue and Taxation Code is amended to read:

17686 (a) In the case of oil and gas wells the allowance for depletion under Section 17681 shall be 22 percent of the gross income from the property during the taxable year, excluding from such gross

income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. The allowance shall not exceed 50 percent of the taxable income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance be less than it would be if computed without reference to this section. For purposes of the preceding sentence, the allowable deductions taken into account with respect to expenses of oil and gas wells in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (A) is treated under Section 18211 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182, and (B) is properly allocable to the property.

(b) Where the total accumulated amount of deduction allowed or allowable for depletion exceeds an amount equal to the adjusted cost of the taxpayer's interest in any property which is subject to recovery through depletion under this part, percentage depletion shall be allowed in respect to such interests in such property, subject to the limitations and adjustments of subdivisions (c) and (d).

(c) Where the total depletion allowance for all properties in subdivision (b) exceeds one million five hundred thousand dollars ($1,500,000), the allowance in subdivision (b) shall be reduced by 125 percent of the excess

(d) In any case where husband and wife file separate returns, the amount specified in subdivision (c) shall be seven hundred fifty thousand dollars ($750,000) in lieu of one million five hundred thousand dollars ($1,500,000).

SEC. 2. Section 17686.5 is added to the Revenue and Taxation Code, to read:

17686.5. Notwithstanding the provisions of any section in this chapter, the total accumulated amount of deduction allowed or allowable for depletion, with respect to oil and gas wells, shall be limited to an amount equal to the adjusted cost of the taxpayer's interest in such property which is subject to recovery through depletion under this part, except as provided in Section 17686.

SEC. 3. Section 24832 of the Revenue and Taxation Code is amended to read:

24832. (a) In the case of oil and gas wells the allowance for depletion under Section 24835 shall be 22 percent of the gross income from the property during the income year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 percent of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under Section 24835 be less than it would be if computed without reference to this section.

(b) Where the total accumulated amount of deduction allowed or allowable for depletion exceeds an amount equal to the adjusted cost

of the taxpayer's interest in any property which is subject to recovery through depletion under this part, percentage depletion shall be allowed in respect to such interests in such property, subject to the limitations and adjustments of subdivisions (c) and (d).

(c) Where the total depletion allowance for all properties in subdivision (b) exceeds one million five hundred thousand dollars ($1,500,000), the allowance in subdivision (b) shall be reduced by 125 percent of the excess.

(d) When either (1) the income from sources within this state of two or more corporations which are commonly owned or controlled is determined in accordance with Chapter 17 (commencing with Section 25101) of this part or Part 18 (commencing with Section 38001) of this division, or (2) two or more commonly owned or controlled corporations derive income from sources solely within this state, whose business activities are such that if conducted within and without this state, the income derived from sources within this state would be determined in accordance with Chapter 17 (commencing with Section 25101) of this part or Part 18 (commencing with Section 38001) of this division (hereinafter referred to as "wholly intrastate corporations"), then such corporations shall determine the percentage depletion prescribed in subdivision (b) as if such corporations were one corporation. As to "wholly intrastate corporations", if subdivision (c) applies, then the amount of percentage depletion (as adjusted and limited by subdivision (c)) shall be prorated among them in the ratio to which the percentage depletion of each prescribed in subdivision (b) (before the application of subdivision (c)) bears to the total percentage depletion prescribed in subdivision (b) for all corporations (before the application of subdivision (c)).

SEC. 4. Section 24835.5 is added to the Revenue and Taxation Code, to read:

24835.5. Notwithstanding the provisions of any section in this chapter, the total accumulated amount of deduction allowed or allowable for depletion, with respect to oil and gas wells, shall be limited to an amount equal to the adjusted cost of the taxpayer's interest in such property which is subject to recovery through depletion under this part, except as provided in Section 24832.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the operative effect of the provisions of this act shall be as follows:

(a) Sections 1 and 2 of this act shall be applied in the computation of taxes for taxable years beginning on or after January 1, 1975, and

(b) Sections 3 and 4 shall be applied to the computation of taxes for income years beginning on or after January 1, 1975.

CHAPTER 76

An act to add Section 8210.2 to, and to repeal Sections 8210 and 8210.6 of, the Fish and Game Code, relating to fishing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1975. Filed with Secretary of State May 14, 1975]

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

SECTION 1. Section 8210 of the Fish and Game Code is repealed.

SEC. 2. Section 8210.2 is added to the Fish and Game Code, to read:

8210.2. In Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19 under the authority of a commercial fishing license, king salmon may be taken only between April 15th and September 30th and silver salmon may be taken only between May 15th and September 30th. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to extreme tip of the tail. Salmon may be taken only by hook and line and there is no bag limit.

SEC. 3. Section 8210.6 of the Fish and Game Code is repealed.

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

In order to meet the needs of the next commercial salmon fishing season, it is necessary that the provisions of this act become effective immediately.

CHAPTER 77

An act to amend Sections 7710 and 7710.5 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor May 14, 1975 Filed with Secretary of State May 14, 1975]

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

SECTION 1. Section 7710 of the Fish and Game Code is amended to read:

7710. If the director determines, based on thorough and adequate scientific evidence and at least one public hearing in the area of the fishery, that any species or subspecies of fish is in danger of irreparable injury, he may order the closure of any waters or otherwise restrict the taking under a commercial fishing license in

state waters of such species. Any such closure or restriction order shall be adopted by emergency regulation in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

The director shall bring to the attention of the Legislature within seven calendar days any regulations adopted pursuant to this section. Any such regulations shall be effective for only 30 days if the Legislature is not in joint recess during such 30-day period, or shall remain in effect only until 30 days after the end of the joint recess if the Legislature is in joint recess during such period.

Nothing in this section or Section 7710.5 shall in any way restrict any existing jurisdiction of the department with regard to the regulation of fisheries on the high seas.

This section shall remain in effect only until January 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1978, deletes or extends such date.

SEC. 2. Section 7710.5 of the Fish and Game Code is amended to read:

7710.5. If, during the period that regulations adopted pursuant to Section 7710 are effective, the director determines, based on thorough and adequate scientific evidence and at least one public hearing in the area of the fishery, that any species or subspecies previously restricted to take has recovered or additional evidence indicates that the resource is not in danger of irreparable injury, he may remove the restriction on take. Action to remove the restriction shall be by adoption of emergency regulation in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

The director shall bring to the attention of the Legislature, within seven calendar days, any regulations adopted pursuant to this section.

This section shall remain in effect only until January 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1978, deletes or extends such date.

CHAPTER 78

An act to amend Section 25505.8 of the Education Code, relating to community colleges.

[Approved by Governor May 16, 1975 Filed with Secretary of State May 16, 1975]

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

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less or (b) are both citizens and residents of a foreign country. Any exemptions shall be made with regard to all nonresidents described in (a) or (b), and shall not be made on an individual basis.

A district may, with the approval of the Board of Governors of the California Community Colleges contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the governing board of each community college district not later than January 1st of each year. The fee shall represent the amount per student enrolled in the district, which is expended by the district for the current costs of education as defined by the California Accounting Manual for students enrolled in grades 13 and 14.

Each governing board shall compute the amount per student enrolled in the district.

The amount per student enrolled shall be derived by dividing the current costs expended from funds from all sources during the preceding year by the average daily attendance during the same year in grades 13 and 14. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The governing board of each community college district shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units) for colleges operating on the semester system and 45 (units) for colleges operating on the quarter system. The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the summer session ends.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district which borders on another state and has fewer than 500 average daily attendance, except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

CHAPTER 79

An act to amend Sections 19594 and 19700.78 of the Education Code, relating to state school building aid.

[Approved by Governor May 16, 1975 Filed with Secretary of State May 16, 1975]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to January 1, 1976, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

SEC. 2. Section 19700.78 of the Education Code is amended to read:

19700.78. Whenever a conditional apportionment has, prior to January 1, 1976, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, the qualified electors of the district voting thereat authorized the governing board of the applicant school district, by the same majority vote required at a district bond election, to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has

certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund or the School Building Safety Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 80

An act to amend Sections 8572 and 8702 of the Education Code, relating to physical education courses.

[Approved by Governor May 16, 1975 Filed with Secretary of State May 16, 1975]

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

SECTION 1. The Legislature finds and declares that it is in the interest of the state that all Californians be physically fit. It is the continuing intent of the Legislature, therefore, that California's young people learn the pleasure and benefit of a life-long program of regular, self-motivated, physical exercise.

The Legislature also finds that compulsory attendance upon physical education classes may in some instances frustrate that intent. It is therefore the further intent of the Legislature that local governing boards exercise the discretionary authority granted them by this act in a manner which they determine to be most effective under their circumstances in maintaining physical education classes which achieve the goal of having the maximum number of pupils seek and maintain physical fitness throughout their lives.

SEC. 2. Section 8572 of the Education Code is amended to read:

8572. (a) All pupils, except pupils excused or exempted pursuant to Section 8702, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. Such pupil who is excused from physical education classes to enroll in driver training shall attend upon a minimum of 7,000 minutes of physical education instruction during such school year.

(b) The governing board of each school district that maintains a high school and that elects to exempt pupils from required attendance in physical education courses pursuant to paragraph (1) or (2) or both of subdivision (b) of Section 8702 shall offer those pupils so exempted a variety of elective physical education courses of not less than 400 minutes each 10 schooldays.

SEC. 3. Section 8702 of the Education Code is amended to read:

8702. (a) The governing board of any school district may grant

temporary exemption to a pupil from courses in physical education, if the pupil is:

(1) Ill or injured and a modified program to meet the needs of the pupil cannot be provided; or

(2) Enrolled for one-half, or less, of the work normally required of full-time pupils.

(b) The governing board of any school district may grant permanent exemption from courses in physical education if the pupil:

(1) Has completed the 10th grade; or

(2) Is 16 years of age or older and has been enrolled in the 10th grade for one academic year or longer; or

(3) Is enrolled as a postgraduate pupil.

(c) No pupil exempted under paragraph (1) or (2) of subdivision (b) shall be permitted to attend fewer total hours of courses and classes if he elects not to enroll in a physical education course than he would have attended if he had elected to enroll in a physical education course.

CHAPTER 81

An act authorizing the County of Tulare to exchange a portion of lands acquired pursuant to a grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 for contiguous lands of equal value, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1975 Filed with Secretary of State May 16, 1975.]

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

SECTION 1. The County of Tulare may exchange a portion of the lands acquired for Elk Bayou Regional Park pursuant to a grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 for contiguous lands of equal value. The exchange of such lands shall be subject to the approval of the Secretary of the Resources Agency.

SEC. 2. The lands received by the County of Tulare in such exchange shall be a part of, and devoted solely to the purposes of, Elk Bayou Regional Park.

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

A portion of lands acquired by the County of Tulare pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 for Elk Bayou Regional Park is urgently

needed by the City of Tulare for street purposes. The county is not authorized under the provisions of the bond act to exchange such lands for other lands unless permitted by specific act of the Legislature. It is, thus, necessary that this act take immediate effect.

CHAPTER 82

An act to amend Section 630 of the Welfare and Institutions Code, relating to juvenile court proceedings.

[Approved by Governor May 16, 1975 Filed with Secretary of State May 16, 1975]

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

SECTION 1. Section 630 of the Welfare and Institutions Code is amended to read:

630. (a) If the probation officer determines that the minor shall be retained in custody, he shall immediately file a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the matter for hearing on the detention hearing calendar. Immediately upon filing the petition with the clerk of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the probation officer shall serve such minor with a copy of the petition and notify him of the time and place of the detention hearing. The probation officer shall thereupon notify each parent or each guardian of the minor of the time and place of such hearing if the whereabouts of each parent or guardian can be ascertained by due diligence, and if the minor is alleged to be a person described in Section 600, the probation officer shall serve those persons entitled to notice of the hearing under the provisions of Section 658 with a copy of the petition and notify such persons of the time and place of the detention hearing. Such notice may be given orally.

(b) In such hearing the minor has a privilege against self-incrimination and has a right to confrontation by, and cross-examination of, any person examined by the court as provided in Section 635.

CHAPTER 83

An act to add Article 2.5 (commencing with Section 27200) to Chapter 5 of Division 12 of, and to repeal Sections 27160 and 27161 of, the Vehicle Code, relating to vehicles.

[Approved by Governor May 17, 1975 Filed with Secretary of State May 17, 1975]

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

SECTION 1. Section 27160 of the Vehicle Code is repealed.

SEC. 2. Section 27161 of the Vehicle Code is repealed.

SEC. 3. Article 2.5 (commencing with Section 27200) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 2.5. Noise Limits

27200. (a) The Department of Motor Vehicles shall not register on a dealer's report of sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces a maximum noise exceeding the applicable noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol.

(b) The Department of Motor Vehicles may accept a dealer's certificate as proof of compliance with this article.

(c) Test procedures for compliance with this article shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person shall sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces a maximum noise exceeding the applicable noise limit specified in this article, and for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(e) No person shall sell or offer for sale a new motor vehicle, except an off-highway motor vehicle subject to identification as defined in Section 38012, which produces noise that exceeds or in any way violates the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section, the term "register" is equivalent to the term "licensing" as used in Section 6(e)(2) of the Federal Noise Control Act of 1972 (P.L. 92-574).

27201. For the purposes of Section 27200, the noise limit of 92 dbA shall apply to any motorcycle manufactured before 1970.

27202. For the purposes of Section 27200, the following noise limits shall apply to any motorcycle, other than a motor-driven cycle, manufactured:

(1) After 1969, and before 1973	88 dbA
(2) After 1972, and before 1975	86 dbA
(3) After 1974, and before 1978	83 dbA
(4) After 1977, and before 1988	75 dbA
(5) After 1987	70 dbA

27203. For the purposes of Section 27200, the noise limit of 82 dbA shall apply to any snowmobile manufactured after 1972.

27204. For the purposes of Section 27200, the following noise limits shall apply to any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured:

(1) After 1967, and before 1973 ..... 88 dbA
(2) After 1972, and before 1975 ..... 86 dbA
(3) After 1974, and before 1978 ..... 83 dbA
(4) After 1977, and before 1988 ..... 80 dbA
(5) After 1987 ..... 70 dbA

27205. For the purposes of Section 27200, the following noise limits shall apply to any other motor vehicle, not specified in Section 27201, 27202, 27203, or 27204, manufactured:

(1) After 1967, and before 1973 ..... 86 dbA
(2) After 1972, and before 1975 ..... 84 dbA
(3) After 1974 ..... 80 dbA

SEC. 4. Section 27204 is added to the Vehicle Code, to read:

27204. For the purposes of Section 27200, the following noise limits shall apply to any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured:

(1) After 1967, and before 1973 ..... 88 dbA
(2) After 1972, and before 1977 ..... 86 dbA
(3) After 1976, and before 1978 ..... 83 dbA
(4) After 1977, and before 1988 ..... 80 dbA
(5) After 1987 ..... 70 dbA

SEC. 5. Section 4 of this act shall become operative only if Senate Bill No. 390 and this bill are both chaptered and become effective on or before January 1, 1976, and this bill is chaptered after Senate Bill No. 390, in which case Section 27204 of the Vehicle Code, as contained in Section 3 of this act shall not become operative.

SEC. 6. It is the intent of the Legislature to review continuously the progress of automobile manufacturers in making noise control improvements, and to propose increased standards for further noise reduction for the years after 1978, if it appears necessary and advisable. It is also the intent of the Legislature to require such manufacturers to show why any such proposed increased standards for further noise reduction are neither advisable nor feasible.

CHAPTER 84

An act to amend Section 10652 of the Education Code, relating to tuition, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1975 Filed with Secretary of State May 17, 1975]

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

SECTION 1. Section 10652 of the Education Code is amended to read:

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to:

(a) Any dependent receiving assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the Military and Veterans Code, or

(b) Any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed five thousand dollars ($5,000), or

(c) Any child of any veteran who has been killed in service or has died of a service-connected disability, where the annual income of such child, including the value of any support received from a parent, and the annual income of a surviving parent, does not exceed five thousand dollars ($5,000).

Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state university or college under the jurisdiction of the Trustees of the California State University and Colleges.

This section shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated to the State Controller for allocation to the University of California and the California State University and Colleges in reimbursement for revenues not realized by reason of this act.

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

In order that the children of veterans of the United States military who have been killed in service or who have died of a service-connected disability may be able to enroll in any state-owned college, university, or other school without paying a tuition or incidental fee, as is already provided for dependents of veterans and children of veterans who have a service-connected disability, at the earliest possible time, and more particularly in the fall of 1975, it is essential that this act take immediate effect.

CHAPTER 85

An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1975 Filed with Secretary of State May 17, 1975.]

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

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 of this code and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until January 1, 1980, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

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

In order to protect applications for the appropriation of water made by the Department of Water Resources and to continue the vitally needed development of water in this state, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 86

An act to amend Section 6007 of the Business and Professions Code, relating to attorneys, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1975. Filed with Secretary of State May 17, 1975]

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

SECTION 1. Section 6007 of the Business and Professions Code is amended to read:

6007. (a) When a member requires involuntary treatment pursuant to the provisions of Article 6 (commencing with Section 5300) of Chapter 2 of Division 5 of, or Part 2 (commencing with Section 6250) of Division 6 of the Welfare and Institutions Code, or under an order pursuant to Section 3051, 3106.5 or 3152 of the Welfare and Institutions Code he has been placed in or returned to inpatient status at the California Rehabilitation Center or its branches, or he has been determined insane or mentally incompetent and is confined for treatment pursuant to the provisions of the Penal Code, or on account of his mental condition a guardian or conservator, for his estate or person or both, has been appointed, the board of governors shall enroll the member as an inactive member.

The clerk of the appropriate court concerned in any such proceeding shall immediately transmit to the board a certified copy of any such determination, order, or adjudication for involuntary treatment or confinement or for the appointment of a guardian or conservator.

The clerk of the appropriate court concerned shall also transmit to the board a certified copy of any notice of certification for intensive treatment filed with the court pursuant to Article 4 (commencing with Section 5250) of Chapter 2 of Division 5 of the Welfare and Institutions Code.

The State Bar of California may procure a certified copy of any such determination, order, adjudication, appointment or notice when the clerk concerned has failed to transmit one or when the proceeding was had in a court other than a court of this state.

In the case of an enrollment pursuant to this subdivision (a) the board of governors shall terminate the enrollment when the member has had the fact of his restoration to capacity judicially determined, upon the member's release from inpatient status at the California Rehabilitation Center or its branches pursuant to Section 3053, 3109 or 3151 of the Welfare and Institutions Code, or upon the member's unconditional release from the medical facility pursuant to Section 5304 or 5305 of the Welfare and Institutions Code; and on payment of all fees required.

When a member is placed in, returned to, or released from inpatient status at the California Rehabilitation Center or its branches, or discharged from the narcotics treatment program, the Director of Corrections or his designee shall transmit to the board a certified notice attesting to such fact.

(b) In cases not provided for in subdivision (a), the board of governors shall enroll a member of the State Bar as an inactive member if, after notice and opportunity to be heard before the board or a committee, the board finds that the member, because of mental

infirmity or illness, or because of addiction to intoxicants or drugs, is (1) unable or habitually fails to perform his duties or undertakings competently, or is (2) unable to practice law without danger to the interests of his clients and the public. No proceeding pursuant to this subdivision shall be instituted unless the board or a committee finds, after preliminary investigation, or during the course of a disciplinary proceeding, that probable cause exists therefor.

In the case of an enrollment pursuant to this subdivision (b) the board of governors shall terminate the enrollment upon proof that the facts found as to the member's disability no longer exist; and, on payment of all fees required.

(c) The pendency or determination of a proceeding or investigation provided for by this section shall not abate or terminate a disciplinary investigation or proceeding except as required by the facts and law in a particular case.

(d) No membership fees shall accrue against the member during the period he is enrolled as an inactive member pursuant to this section.

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

In order to conform Section 6007 of the Business and Professions Code to the changes made in the law by Chapter 1511 of the Statutes of 1974, it is necessary that this act take effect immediately.

CHAPTER 87

An act to amend Section 2786 of the Business and Professions Code, relating to nursing schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 1975 Filed with Secretary of State May 17, 1975]

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

SECTION 1. Section 2786 of the Business and Professions Code is amended to read:

2786. (a) An accredited school of nursing is one which has been approved by the board, gives the course of instruction approved by the board, covering not less than two academic years, and is affiliated or conducted in connection with one or more hospitals, and is an institution of higher education or is affiliated with an institution of higher education. For purposes of this section, "institution of higher education" includes community colleges offering an associate degree. An accredited school of nursing which is not an institution of higher education shall make an agreement with an institution of

higher education in the same general location to grant an associate of arts degree to individuals who graduate from such school of nursing or to grant a baccalaureate degree in nursing with successful completion of an additional course of study as approved by the board and the institution involved.

(b) The board shall determine by regulation the required subjects of instruction, and the number of units of instruction, together with the training necessary to achieve minimum clinical competence, to be completed in an accredited school of nursing for licensure as a registered nurse.

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

Existing schools of nursing would be required to drastically revise their existing programs in order to be approved as an accredited school or nursing. In order for these schools to maintain their present curriculum and be accredited as soon as possible it is necessary that this act go into immediate effect.

CHAPTER 88

An act to add Section 172.8 to the Penal Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature May 18, 1975. Filed with Secretary of State May 19, 1975]

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

SECTION 1. Section 172.8 is added to the Penal Code, to read:

172.8. The provisions of Section 172a shall not apply to the sale of alcoholic beverages for consumption on the premises, by a nonprofit organization at a municipally owned conference center located more than one but less than 1½ miles from the California Institute of Technology in Pasadena.

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

In order that municipally owned conference centers be able to function in their entirety during the 1975 calendar year so as to subserve the public interest, it is necessary that this act take effect immediately.

CHAPTER 89

An act to amend Section 5006.4 of the Public Resources Code, relating to the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 20, 1975 Filed with Secretary of State May 20, 1975]

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

SECTION 1. Section 5006.4 of the Public Resources Code is amended to read:

5006.4. (a) The department may acquire, on behalf of the state, a fee or lesser interest in such real and personal property located near Hollister in San Benito County for the state park system. If such property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the director and the lessor, and with the rental to be paid by the department. Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). With respect to such lands subject to the grantor's reservation of oil and gas and mineral rights, the proviso contained in Section 5019 shall not apply.

(b) The department shall carry out a program in such unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to paragraph (3) of subdivision (d) of Section 5001.5.

Any fees, rentals, or other returns collected by the department in its administration of such unit shall be paid into the State Treasury to the credit of the Off-Highway Vehicle Fund.

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

In order for the state to acquire and protect lands of unique recreational value, it is necessary that this act take immediate effect.

CHAPTER 90

An act to amend Sections 31295.3 and 31295.5 of the Education Code, relating to higher education.

[Approved by Governor May 23, 1975 Filed with Secretary of State May 23, 1975]

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

SECTION 1. Section 31295.3 of the Education Code is amended to read:

31295.3. To be eligible for an occupational education and training grant under this chapter, an applicant shall meet all of the following requirements:

(a) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(b) Be a citizen of the United States or have been admitted to permanent residence.

(c) Have not attained his 30th birthday. This age limitation does not apply in the case of renewed grants. Although grants may be given within this limitation, it is the intent of the Legislature that the major effort of the program be directed to applicants who have recently completed high school.

(d) Demonstrate occupational achievement or aptitude and financial need. In determining occupational achievement or aptitude, the commission may use acceptable testing procedures to the extent these are available. In determining financial need of an applicant, the commission shall expect each student to make a self-help contribution toward occupational or technical training costs and the financial status of his parents shall be taken into consideration.

(e) Use his grant for occupational or technical training in California in institutions which are either accredited or are candidates for accreditation by the Western Association of Schools and Colleges or by a national accrediting association recognized by the U.S. Office of Education or in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19. As used in this section, "occupational or technical training" shall mean that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission, which shall include three-year hospital-based programs to train licensed registered nurses approved by the Board of Registered Nursing.

(f) Have applied for a state occupational education and training grant and have met the criteria established by the commission for eligibility for such grant.

(g) Have complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state occupational education and training grants adopted pursuant to this chapter.

SEC. 2. Section 31295.5 of the Education Code is amended to read:

31295.5. There shall be available 700 new grants in each of the fiscal years of, 1974–75, 1975–76, and 1976–77 and the recipients of such grants shall be eligible for renewal of their grants until they have completed their occupational or technical training in

conformance with terms prescribed by the commission. In no case shall such grants exceed two calendar years, except that recipients enrolled in three-year, hospital-based programs to train licensed registered nurses may receive grants for a maximum of three calendar years. The average annual grant for recipients enrolled in three-year, hospital-based programs to train nurses shall not exceed in amount the average annual grant for two-year nursing programs. No grant shall be awarded for a course of training of less than six weeks' duration.

A grant shall be deemed vacated if the recipient does not begin the course of training within six months after the grant is awarded.

CHAPTER 91

An act to amend Section 8560 of the Business and Professions Code, relating to structural pest control.

[Approved by Governor May 23, 1975 Filed with Secretary of State May 23, 1975]

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

SECTION 1. Section 8560 of the Business and Professions Code is amended to read:

8560. (a) Licenses issued to operators or field representatives shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination. For the purpose of delimiting the type and character of work authorized by the various branch licenses hereinafter set forth, the practice of pest control is classified into the following branches, namely,

Branch 1. Fumigation. The practice relating to the control of household and wood-destroying pests or organisms by fumigation with poisonous or lethal gases.

Branch 2. General pest. The practice relating to the control of household pests, excluding fumigation with poisonous or lethal gases.

Branch 3. Termite. The practice relating to the control of wood-destroying pests or organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

The board may issue a license for a combination of two or more branches for which an applicant qualifies under the provisions of this chapter, and such combination license shall be considered one license for the purpose of determining the fee to be charged under Section 8674.

(b) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which such papers may be destroyed on order of the

board. Each applicant for license shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

(c) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(d) Licensees of any branch may be licensed in other branches upon complying with the requirements for qualification and by examination in such other branches. No failure of the licensee to pass examination in such other branch or branches shall have any effect on existing licenses.

(e) Such examinations shall be in each of the subjects specified in the branch or branches relating to the respective applications. License according to such applications shall be granted to any applicant who shall make a general average of not less than 70 percent on each of the subjects of such branch or branches.

CHAPTER 92

An act to add Section 15356 to, and to repeal Section 15356 of, the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1975 Filed with Secretary of State May 23, 1975]

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

SECTION 1. Section 15356 of the Education Code is repealed.

SEC. 2. Section 15356 is added to the Education Code, to read:

15356. The provisions of Article 4 (commencing with Section 15451) and Article 5 (commencing with Section 15501) of this chapter do not apply to an offsite building during the time such building is used wholly or in part for community college purposes if such building is neither owned by a community college district or leased by a community college district under a lease containing an option to purchase such building; provided, however, that this section shall not affect the validity of any action taken pursuant to any provision of Article 4 (commencing with Section 15451) or Article 5 (commencing with Section 15501) of this chapter prior to the effective date of enactment of this section. For the purposes of this section an "offsite building" is a building which is situated on land which is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase such land.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within

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

Existing law prohibits the use, after June 30, 1975, of school buildings not meeting structural standards prescribed pursuant to the so-called Field Act. In order to remove community college districts from such prohibition, it is essential that this act go into effect immediately.

CHAPTER 93

An act to add Chapter 5 (commencing with Section 11890) of Part 3 of Division 2 of the Insurance Code, relating to insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1975. Filed with Secretary of State May 23, 1975.]

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

SECTION 1. Legislative intent. The Legislature recognizes that the voluntary market for medical malpractice insurance is becoming substantially constricted in this state. The immediate cause of this potential constriction of the private insurance market for medical malpractice insurance is that traditional ratemaking methods are unable to predict accurately the ultimate costs of the claims which must be resolved, often in the far distant future. The causes, though complex, are partly attributable to the rapidly expanding concepts of tort liability as applied to medical malpractice litigation.

Despite the shortcomings in the present tort liability insurance reparations system, the unavailability of medical malpractice insurance would seriously affect the practice of medicine and therefore seriously affect the health and welfare of the citizens of this state.

To that end, the Legislature recognizes that significant changes of a procedural nature are necessary in the common law governing actions for professional negligence and declares its intent to enact such changes during the 1975–76 Regular Session. Therefore, the purpose of this statute is to assure the availability of medical practice insurance.

SEC. 2. Chapter 5 (commencing with Section 11890) is added to Part 3 of Division 2 of the Insurance Code, to read:

CHAPTER 5. CALIFORNIA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

Article 1. Definitions

11890. As used in this article:

(1) "Association" means the Joint Underwriting Association established pursuant to the provisions of this chapter.

(2) "Medical malpractice insurance" means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed physician.

(3) "Net direct premiums" mean gross direct premiums written on liability insurance, including the liability portion of the multiperil policies and of automobile insurance policies, less return premiums and any surplus premium deposits. "Net direct premiums" shall not mean any reinsurance premiums or premiums for ocean marine insurance.

(4) "Commissioner" means the Insurance Commissioner.

(5) "Licensee" means any person licensed under the State Medical Practice Act, Dental Practice Act, Registered Nursing Practice Act as defined in Chapter 6 of the Business and Professions Code, or Chiropractic Initiative Act, and any health care facility as defined in Section 1250 of the Health and Safety Code.

Article 2. Joint Underwriting Association

11895. (a) A temporary Joint Underwriting Association is hereby created consisting of all those insurers authorized to write and engaged in writing within this state on a direct basis, liability insurance including the liability portion of multiperil policies and of automobile insurance policies but not of ocean marine insurance. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance in this state.

(b) The association shall be the exclusive agency through which medical malpractice insurance may be written on a primary basis for licensees in any county in this state. The association may operate in any such county only upon a finding by the commissioner, after public hearing, that medical malpractice insurance is not substantially available to physicians through private insurers operating therein, and that such county is eligible for insurance through the association, or upon a finding by the commissioner that the premiums being charged for medical malpractice insurance in any such county are so high as to have caused or threatened to cause in the immediate future a significant unavailability of needed health care service to the residents of such county. Thereafter, if the commissioner determines, upon application of any interested party

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and after public hearing, that medical malpractice insurance is available through private insurers in any such county with respect to which he has previously made such finding, the association shall thereupon cease its underwriting operations. Notwithstanding anything to the contrary contained in this code, any licensed health care facility may, but need not, include physicians as coinsureds on any liability insurance contracts held by the facility.

(c) Nothing contained in this chapter shall prohibit the renewal of any policy of medical malpractice insurance lawfully issued or delivered prior to the effective date of the plan of operation, provided, however, that immediately after said renewal, the insurer will insure and continue to insure an approximately representative sample of rating classifications so that no substantial adverse selection against the association will result.

(d) In order to insure compliance with subdivision (c), the commissioner shall be entitled to inspect at any time a list of each insurer's insureds, grouped according to their rating classifications.

11896. The purpose of the association shall be to provide, for a period not exceeding two years, a market for medical malpractice insurance on a self-supporting basis without subsidy from association members.

11897. The association shall, pursuant to provisions of this article and the plan of operations with respect to medical malpractice insurance, have the power on behalf of its members to do all the following, which powers may be exercised directly or by contractual delegation:

(a) Issue or cause to be issued policies of medical malpractice insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation, but not to exceed one million dollars ($1,000,000) for each claimant under one policy, and three million dollars ($3,000,000) for all claimants under one policy in any one year.

(b) Underwrite such insurance and adjust and pay losses with respect thereto, or appoint service companies to perform those functions.

(c) Assume reinsurance from its members.

(d) Cede reinsurance.

11898. The association shall be governed by a board of 11 directors elected annually. Seven of such directors shall be elected at a time and place designated by the commissioner from the members of the association, of which four shall be domestic insurers and three shall be foreign insurers. Four of such directors shall be licensed physicians practicing in counties declared eligible for medical malpractice insurance through the association; provided, however, that the initial physician directors shall be appointed by the commissioner after consultation with the medical profession.

11899. Within 30 days after the effective date of this chapter, the directors of the association shall submit to the commissioner for his review a proposed plan of operation consistent with the provisions

of this article. The plan of operation shall provide for economic, fair, and nondiscriminatory administration, and for the prompt and efficient provision, of medical malpractice insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements, and procedures for determining amounts of insurance to be provided by the association.

11900. The plan of operation shall be subject to approval by the commissioner after consultation with the members of the association and other affected individuals and organizations. If the commissioner disapproves all or any part of the proposed plan of operation the directors shall, within 15 days, submit for review an appropriate revised plan of operation or a part thereof. If the directors fail to act, the commissioner shall promulgate a plan of operation or a part thereof, as the case may be. The plan of operation approved or promulgated by the commissioner shall become effective and operational upon order of the commissioner, who shall act not later than 60 days from the effective date of this chapter.

Any such plan of operation shall require the association to issue a claims-made policy covering the period from the effective date of this chapter to the date on which the association is in full operation to any person newly licensed under any of the acts specified in Section 11890, subsection (5) or any licensee who qualifies under this chapter. However, such coverage shall be subject to the underwriting standards and cancellation provisions set forth in Sections 11902.1 and 11906. Pending the approval of the operation, the association shall designate a service company or service companies to bind the association for such coverage.

11901. Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the commissioner, or shall be made at the direction of the commissioner.

11902. No medical malpractice insurance policy issued by the association shall be on other than a claims-made basis, the policy form for which shall be filed with the commissioner. The initial premium for any claims-made policy issued by the association shall not exceed in amount the premium paid by an insured physician or other licensee for an occurrence policy issued to him, or on his behalf, on or before January 1, 1975. Claims-made premiums issued to persons licensed after May 1, 1975 shall not exceed those rates charged licensees who were issued malpractice insurance on or before January 1, 1975.

However, each such policy so issued shall include full coverage on an occurrence-policy basis at no additional cost, should the insured die or become totally disabled during the period covered by the

policy. Such policies shall provide for continuous coverage commencing with their respective effective dates and terminating automatically on January 1, 1976. Such policies shall be assessable and shall make provision for payment of dividends.

11902.1. The policy may provide that the association may cancel any of its policies in the event of nonpayment of any premium assessment or other charge by mailing or delivering to the insured at the address shown in the policy written notice stating when, not less than 10 days thereafter, cancellation shall be effective.

11902.2. During the last 20 days of December, 1975, the association shall issue, on the written demand of any licensee to whom it has issued a claims-made policy, a rider to said policy, providing full liability coverage for any acts or omissions by said licensee which occurred during the period the association's claims-made policy was in effect, excluding liability for any claim of injury or loss made to the association during such period.

The premium for such rider shall not exceed the premium offered by any insurance company to a given licensee for the renewal, for a 12-month period, of any occurrence policy which expired on or after April 30, 1975 said premium shall be adjusted, however, to reflect the period during which the claims-made policy was in effect, and shall be reduced by the amount of any premium paid by a licensee for the claims-made policy issued by the association. A private insurer issuing a medical malpractice insurance policy on an occurrence or claims-made basis, which replaces or commences coverage upon the expiration of a policy issued by the association, may provide liability coverage for acts or omissions by the insured which occurred during the period the association's policy was in effect, excluding liability for any claim of injury or loss made to the association during such period. The intent of this section is to permit a qualified licensee to purchase an occurrence rider from either the association, or from a private insurer.

11903. The rates, rating plans, rating rules, rating classifications, and territories applicable to insurance written by the association, and the statistics relating thereto, shall be subject to the provisions of Chapter 9 (commencing with Section 1850) of Part 2 of Division 1, giving due consideration to the past and prospective loss and expense experience of medical malpractice insurers, trends in the frequency and severity of losses, the investment income of the association, and such other information as may be relevant. All rates shall be on an actuarially sound basis, giving due consideration to the group retrospective rating plan, and shall be calculated to be self-supporting. Such rates shall be deemed not inadequate if they are so constituted that the expense and loss costs of the plan of operation are equal to or exceeded by the premium. Competition or lack thereof shall not be considered as a rating standard hereunder.

All policies issued by the association shall be subject to a nonprofit group retrospective rating plan under which the final premium for all policyholders of the association, as a group, shall be equal to

administrative expenses, loss and loss adjustment expenses, and taxes, plus an allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses, and a reasonable management fee, on policyholder supplied funds. The maximum final premium for all policyholders of the association, as a group, shall be limited as provided in this chapter.

The commissioner shall make the examination provided for under Article 6 (commencing with Section 1857) of Chapter 9 of Part 2 of Division 1 as often as he deems appropriate to ensure that the group retrospective rating plan is being operated in a manner consistent with this section. If he finds that it is not being so operated, he shall issue an order to the association, specifying in what respect its operation is deficient and stating what corrective action shall be taken.

11904. The association shall certify to the commissioner the estimated amount of any deficit remaining after the termination of all underwriting activities of the association Within 60 days after such certification the commissioner shall authorize the association to commence recoupment of the deficit by making an equitable assessment against any persons who obtained insurance through the association. Any member of the association assessed by or contributing to it shall, upon termination of the association, recoup all such assessments from the association out of a reserve established by it for such purposes. Such reserve shall be funded by premium or assessment income derived from charges to policyholders of the association.

11905. In the event that sufficient funds are not available for the sound financial operation of the association pending recoupment as provided herein all members shall, on a temporary basis, contribute to the financial requirements of the association in the manner provided for in this chapter. Any such contributions shall not exceed 1 percent of each member's net direct premium attributable to the line of insurance the writing of which requires it to be a member of this association.

11906. Any licensee in or practicing in a county declared eligible by the commissioner under this chapter shall, on or after the effective date of the plan of operations, be entitled to apply to the association for medical malpractice insurance. Such application may be made on behalf of an applicant by a broker or agent authorized by the applicant.

If the association determines that the applicant meets the underwriting standards of the association, as prescribed in the plan of operation, the association upon receipt of the premium or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical malpractice insurance.

11907. All members of the association shall participate in its writings, expenses, servicing allowances, management fees, and losses in the proportion that the net direct premium of each member

(excluding that portion of a premium attributable to the operation of the association) written during the preceding calendar year bears to the aggregate net direct premium written in this state by all members of the association. Each member's participation in the association shall be determined annually on the basis of such net direct premium written during the preceding calendar year.

11908. Any applicant to the association, any person insured pursuant to this chapter, or their representatives, or any affected member, may appeal to the commissioner within 30 days after any ruling, action, or decision by or on behalf of the association, with respect to those items the plan of operation defined by the board of directors as appealable matters. All orders of the commissioner made pursuant to this article shall be subject to judicial review.

11909. The association shall file in the office of the commissioner, annually on or before the first day of March, a statement which shall contain information with respect to its transactions, condition, operations and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the commissioner. The commissioner may, at any time, require the association to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation and experience of the association.

11910. The commissioner shall make an examination into the affairs of the association at least annually. Such examination shall be conducted and the report thereon filed in the manner prescribed in Article 4 (commencing with Section 730) of Chapter 1 of Part 2 of Division 1.

11911. In addition to the provisions of Section 736, all reasonably necessary costs incurred by the commissioner pursuant to this chapter shall be charged to and promptly reimbursed by the association.

Article 3. Liability

11915. There shall be no liability on the part of, and no cause of action of any nature shall arise against the association or its members, the commissioner or his authorized representatives, or any other person or organization, for any statements made in good faith by them during any proceeding or concerning any matters within the scope of this chapter.

11916. The association shall not be a member of the California Insurance Guaranty Association, nor shall that association be otherwise responsible for losses sustained by the Joint Underwriting Association.

SEC. 3. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to the Insurance Commissioner as an advance on costs incurred by the Department of Insurance

pursuant to this act. Such sum shall be returned to the General Fund as soon as the department has been reimbursed pursuant to Section 11911 of the Insurance Code.

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

There is a crisis in health care in California because of the inability of many physicians and surgeons to secure malpractice insurance which may cause many of them to leave the private practice of medicine. To help solve this problem, it is imperative that this act take effect immediately.

CHAPTER 94

An act making an appropriation in augmentation of Item 83 of the Budget Act of 1974, to take effect immediately, usual current expenses.

[Approved by Governor May 30, 1975 Filed with Secretary of State May 30, 1975]

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

SECTION 1. The sum of twenty-eight million two hundred thousand dollars ($28,200,000) is hereby appropriated from the General Fund to the State Controller for reimbursement to local taxing authorities in augmentation of Item 83 of the Budget Act of 1974.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 95

An act to add Section 392.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor May 30, 1975 Filed with Secretary of State May 30, 1975]

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

SECTION 1. Section 392.1 is added to the Streets and Highways Code, to read:

392.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include that portion of Route 92 from

Route 238 to Route 580.

CHAPTER 96

An act to add Section 15717.7 to the Education Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 1, 1975. Filed with Secretary of State June 2, 1975]

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

SECTION 1. Section 15717.7 is added to the Education Code, to read:

15717.7. (a) This section shall apply only to a school district in which the electorate authorizes an increase in the maximum tax rate of the district pursuant to the provisions of this article for the lease of one or more schools, and there exists at the time of such election on a site owned by the district a school facility not owned by the district meeting all of the requirements of Article 4 (commencing with Section 15451) of this chapter, which site and school facility are designated and described in the ballot proposition approved by the voters.

(b) Notwithstanding any other provisions of law, a school district may lease from a California nonprofit corporation such existing school and may pay rentals therefor from funds derived from the increase in the maximum tax rate approved by the voters at such election; provided, further that the purchase price of the school paid by the nonprofit corporation to the owners of the school shall not exceed the actual audited cost of construction thereof including actual interest paid on money borrowed to finance such construction. Prior to the purchase of the school by the nonprofit corporation, an independent certified public accountant shall be retained by the school district to verify the actual cost of construction and any interest paid to finance such construction, and the nonprofit corporation may conclusively rely upon any certificate or opinion setting forth such actual cost of construction and such interest prepared by the independent certified public accountant.

(c) A school district, the electorate of which, prior to the effective date of this section, authorized an increase in the maximum tax rate in the manner, for the purposes, and under the circumstances specified in subdivision (a), may avail itself of the authority afforded by subdivision (b).

SEC. 2. During the 1974–75 fiscal year only, the board of supervisors of each county or city and county may authorize the treasurer of the county or city and county to make a temporary transfer from the funds in his custody not immediately needed to pay

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claims against them to any school district in the county or city and county for the purpose of planning and constructing one or more newly authorized schools as soon as possible; if in such school district:

(1) At least three general obligation bond issues intended to provide schools in growth areas of the school district were presented to the electorate since 1970 but failed to achieve the necessary two-thirds vote; and

(2) The electorate on November 5, 1974, authorized an increase in the maximum tax rate of the district, effective July 1, 1975, pursuant to Article 9 (commencing with Section 15701) of Chapter 2 of Division 11 of the Education Code, for the lease of more than one school.

Such temporary transfer shall be made only upon the adoption of a resolution by a school district declaring the urgent need therefor and shall be subject to the provisions of Section 3 of this act. The county or city and county may establish a charge to pay all costs of any such transfer of funds. The costs may include, but are not limited to, all the costs to the county or city and county of securing the funds to make such temporary transfers.

SEC. 3. The temporary transfer of funds made to eligible school districts, as described in Section 2 of this act, shall not exceed an amount equal to 60 percent of the maximum tax rate authorized to be levied for the 1975–76 fiscal year by the district pursuant to Article 9 (commencing with Section 15701) of Chapter 2 of Division 11 of the Education Code, multiplied by the school district's 1974–75 secured assessed valuation.

SEC. 4. Any school district receiving a temporary transfer of funds as described in Section 2 of this act shall repay such transfer from funds received from the tax levied in accordance with Article 9 (commencing with Section 15701) of Chapter 2 of Division 11 of the Education Code, as soon as such tax funds are received. If such temporary transfer of funds is not repaid by December 31, 1975, the county treasurer shall withhold from the first principal apportionment for the 1975–76 school year to such school district an amount equal to the temporary transfer of funds and charges made to the school district under Section 2 of this act which have not been repaid.

SEC. 5. The provisions of Sections 2 to 4, inclusive, of this act shall be effective until June 30, 1976, and shall have no force or effect thereafter.

SEC. 6. Notwithstanding any other provision of law, any elections conducted pursuant to Section 20803 or 20803.2 of the Education Code for the lease or lease-purchase of sites, buildings, or facilities by the governing board of any school district, as authorized by Section 15708 of the Education Code, that have occurred subsequent to the enactment of Chapter 547 of the Statutes of 1974 and prior to the effective date of this act, are hereby ratified, validated, and confirmed, and declared to be legally effective for all purposes.

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

School districts which received authorization from the electorate on November 5, 1974, to lease-purchase school facilities are unable to begin meeting the urgent needs of students for new schools for a considerable period of time due to a lack of funds pending receipt of property tax revenues to be levied in the 1975–76 fiscal year. Also, due to the rapidly increasing cost of school construction, the sooner such schools are constructed, the less they will cost. In order to permit school districts to effectively meet the needs of students for school facilities as quickly as possible and at the lowest cost, it is necessary that this act take immediate effect.

CHAPTER 97

An act to amend Section 15503.5 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 2, 1975 Filed with Secretary of State June 2, 1975]

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

SECTION 1. Section 15503.5 of the Education Code is amended to read:

15503.5. "School building" as used in this article excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes, into which pupils are not required to enter, and buildings utilized by adult schools or community colleges for off-campus, voluntary adult education courses or registered apprentice courses.

If any building so excluded was not constructed in accordance with Article 4 (commencing with Section 15451) of this chapter and was not repaired, reconstructed, or replaced in accordance with this article, there shall be posted in a conspicuous place on such building a public notice stating that such building does not meet the structural standards imposed by law for earthquake safety.

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

In order that this act may effectively exempt from Field Act structural standards certain off-campus buildings used for registered apprentice courses, thereby avoiding the existing prohibition against using such buildings for school purposes after June 30, 1975, it is

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necessary that this act take effect immediately.

CHAPTER 98

An act to amend Section 9891.35 of the Business and Professions Code, relating to tax preparers.

[Approved by Governor June 2, 1975 Filed with Secretary of State June 2, 1975]

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

SECTION 1. Section 9891.35 of the Business and Professions Code is amended to read:

9891.35. A tax preparer shall deposit with the division, prior to registration or registration renewal, one of the following:

(a) A cash deposit in the penal sum of one thousand dollars ($1,000).

(b) A bond issued by an admitted surety payable to the people of the State of California in the penal sum of one thousand dollars ($1,000).

(c) Certificates of deposit in the penal sum of one thousand dollars ($1,000) assigned to the division on behalf of the people of the State of California issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(d) Investment certificates or share accounts in the penal sum of one thousand dollars ($1,000) assigned to the division on behalf of the people of the State of California and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

Any of the above forms of security shall be conditioned that the person applying for registration or registration renewal will comply with this chapter and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit or any unlawful acts or omissions by the tax preparer, or its agents or employees while acting in the scope of their employment or agency. The aggregate liability of the surety shall in no event exceed the penal sum of the bond or deposit.

CHAPTER 99

An act to add Section 20308 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1975 Filed with Secretary of State June 3, 1975]

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

SECTION 1. Section 20308 is added to the Government Code, to read:

20308. Any employee, who was a state member in employment in a function at the time of the assumption of such function by a city and county and became a local member on the date of such assumption and in employment of the city and county in such function under the contract with the city and county, shall continue in membership thereafter so long as he continues, without a break exceeding 30 days, in such employment or any other employment, falling in the same membership category under this system, of the city and county or any other public entity in which he would be a member of the retirement system of the city and county except for this section. Any such employee shall be excluded from membership in the city and county retirement system in such employment. Any employee whose membership in this system was terminated, because of entry prior to January 1, 1976 into other employment in which he became a member of the retirement system of the City and County of San Francisco and whose membership would have continued under this section had such entry occurred on or after January 1, 1976, may elect membership in this system with respect to such employment within 90 days' notice of such right to be given by the system. A member electing such membership shall make the contributions to this system which would have been required had he been a member while in such employment.

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

In order for the retirement situation of former state employees to be clarified as soon as possible, this act must take effect immediately.

CHAPTER 100

An act to add Section 15710.5 to the Education Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 4, 1975
Filed with Secretary of State June 4, 1975]

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

SECTION 1. Section 15710.5 is added to the Education Code, to read:

15710.5. Whenever the electors of a school district, at an election held pursuant to Section 15708 or 15709, have approved an increase

in the maximum tax rate of the district for the purpose of enabling the district to enter into a lease or agreement for a site or building, or both, and before such lease or agreement is entered into, or during the term of such lease or agreement, territory is taken from the district and annexed to or included in another district by any means, the acquiring district shall automatically assume and shall pay to the district from which the territory is transferred a proportionate share of any remaining payments due under the lease or agreement, as such payments become due, for so long as such lease or agreement runs.

The acquiring district's proportionate share shall be in the ratio which the total assessed valuation of taxable property in the transferred territory bore to the total assessed valuation of taxable property in the whole district from which the territory is transferred for the year immediately preceding the date on which the transfer became effective for all purposes.

This section shall be applicable only with respect to transfers of school district territory which become effective for all purposes after the effective date of enactment of this section, and shall be applicable whether the election under Section 15708 or 15709 occurred prior to or after the effective date of this section.

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

In order that school districts which have commenced action to acquire needed school facilities by lease or lease-purchase will not have imposed upon them inequitable financial burdens resulting from the unforeseen loss of a substantial portion of taxable property within the district, it is necessary that this act take immediate effect.

CHAPTER 101

An act to repeal Section 19502 of, and to add Section 19502 to, the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975.]

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

SECTION 1. Section 19502 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 19502 is added to the Revenue and Taxation Code, to read:

19502. "Household" includes the claimant and all other persons, except bona fide renters, minors, or students (as defined in

paragraph (5) of subdivision (c) of Section 17054), whose principal place of residence is the homestead of the claimant.

CHAPTER 102

An act to add Article 2.5 (commencing with Section 1527) to Chapter 3 of Division 2 of the Health and Safety Code, relating to community care facilities, and declaring the urgency thereof, to take effect immediately

[Approved by Governor June 8, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Article 2.5 (commencing with Section 1527) is added to Chapter 3 of Division 2 of the Health and Safety Code, to read:

Article 2.5. Day Care Facilities for Children

1527. In licensing community care facilities, the state department shall give special consideration to the special nature, history, and purposes of day care facilities for children. Regulations adopted for day care facilities for children pursuant to Sections 1530, 1531, and 1562 shall substantially conform to the scope of regulations governing such day care facilities which were effective prior to the enactment of Chapter 1203 of the Statutes of 1973.

For purposes of this article, "day care facilities for children" means those facilities which provide nonmedical care to infants and preschool and school-age children under 18 years of age during a portion of the day and includes infant centers, preschools, family day homes, and day care centers.

1528. Evaluations, pursuant to Sections 1534 and 1535, of care and services of a day care facility for children shall be limited to health and safety considerations and shall not include any evaluations of the content of any educational or training program of the facility. Such evaluations shall be conducted not less than once every two years.

1529. Notwithstanding Sections 1523 and 1524, a license or special permit for a day care facility for children which is in compliance with this chapter and applicable rules and regulations shall be issued for a period of two years, and no fee shall be required to accompany any application for a license or special permit for any such facility.

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

In order that the provisions of this act specifying procedures

applicable to certain day care centers may become effective at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 103

An act to amend the heading of Chapter 2 (commencing with Section 11700) of Division 8 of, and to add Section 11708 to, the Elections Code, relating to elections.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975.]

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

SECTION 1. The heading of Chapter 2 (commencing with Section 11700) of Division 8 of the Elections Code is amended to read:

CHAPTER 2. ENDORSEMENTS OF CANDIDATES

SEC. 2. Section 11708 is added to the Elections Code, to read:

11708. Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." Such words shall be set apart from any other printed matter.

As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

Notwithstanding Section 29001, a violation of this section shall not constitute a crime.

CHAPTER 104

An act to add Section 12541 to the Health and Safety Code, relating to fireworks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 12541 is added to the Health and Safety Code, to read:

12541. Nothing in this part shall authorize the use or discharge of fireworks in any city or county in which such use or discharge is otherwise prohibited or regulated by law or ordinance.

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

The use and discharge of fireworks permitted under state law present a fire hazard in many areas in California and local regulation of fireworks more restrictive than state law is necessary as a fire prevention measure in these areas of the state.

CHAPTER 105

An act to add Section 2233 and 2234 to the Revenue and Taxation Code, relating to subventions.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 2233 is added to the Revenue and Taxation Code, to read:

2233. No claim shall be made pursuant to Sections 2229 and 2231 nor shall any payment be made on claims submitted pursuant to Sections 2229 and 2231 unless such claims exceed fifty dollars ($50).

SEC. 2. Section 2234 is added to the Revenue and Taxation Code, to read:

2234. Claims for direct and indirect costs filed pursuant to Sections 2229 and 2231 shall be filed in the manner prescribed by the State Controller.

CHAPTER 106

An act to add Section 155.20 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 155.20 is added to the Revenue and Taxation Code, to read:

155.20. On or before February 14 of each year, a county board of supervisors may exempt from property tax for the next succeeding fiscal year all real property with a full value so low that, if not exempt, the total taxes, special assessments and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

The board shall have no authority to exempt property with a full value of four hundred dollars ($400) or more.

In determining the level of the exemption, the board of supervisors shall determine at what level of exemption the costs of assessing the property and collecting taxes, assessments and subventions on such property exceeds the proceeds to be collected. The board shall establish the exemption level uniformly for classes of property.

SEC. 2. This act implements Section 7 of Article XIII of the California Constitution which was adopted at the November 1974 general election. In implementing this act, a board of supervisors has the discretion to exempt all real property of less than four hundred dollars ($400) of full value.

CHAPTER 107

An act to amend Section 14203 of the Elections Code, relating to elections.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 14203 of the Elections Code is amended to read:

14203. At all elections the precinct board shall mark on one of the copies of the index posted at or near the polling place the name of each person who has voted, by drawing a line through his name with a crayon or pencil, and the board shall mark off the names from time to time during the day of election, at least once each hour to and including 6 o'clock in the evening.

CHAPTER 108

An act to add Section 2271.1 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 2271.1 is added to the Revenue and Taxation Code, to read:

2271.1. An additional levy heretofore or hereafter made pursuant to the provisions of Section 2271 shall not be invalidated and may continue to be made to meet recurring costs resulting from any program or activity undertaken or implemented by a local agency in order to comply with a mandate by the federal government or the courts, notwithstanding the reversal, repeal, stay, or invalidation of such mandate, if the reversal, repeal, stay, or invalidation of the mandate occurred or occurs after the local agency has made such additional levy or has incurred continuing obligations in order to undertake or implement the mandated program or activity.

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

Existing laws authorize counties, cities, and districts to levy taxes over and above their maximum tax rates to meet costs mandated by the courts or the federal government. In reliance on this authority many counties, cities, and districts have levied such additional or override taxes and have established programs and incurred continuing obligations in order to comply with mandates of the federal government and the courts. It is imperative that counties, cities and districts be able to plan and implement mandated programs and incur continuing obligations therefor with assurance that they will be able to continue making the additional tax levies necessary to finance such programs. The reversal, repeal, stay or invalidation of such mandates leaves in doubt the validity of the additional levies and casts doubt on the authority of counties, cities, and districts to continue making such levies to meet recurring obligations and finance programs undertaken or incurred before the mandates were repealed, stayed or invalidated. This act is necessary as an urgency measure to enable counties, cities and districts to continue levying and using moneys derived from override taxes to meet continuing obligations incurred to implement mandated programs whose validity is presently being challenged in court.

CHAPTER 109

An act to amend Section 22655 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, or any regularly employed and salaried officer of the California State Police on or about state grounds or properties, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California, or any regularly employed and salaried officer of a California state university and college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002, through 20006, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

CHAPTER 110

An act to amend Section 22656 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 7, 1975 Filed with Secretary of State June 8, 1975]

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

SECTION 1. Section 22656 of the Vehicle Code is amended to read:

22656. Any member of the California Highway Patrol, or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located, or any regularly employed and

salaried officer of a police department in a city in which a vehicle is located, or any regularly employed and salaried officer of the California State Police on or about state grounds or properties on or in which a vehicle is located, or any regularly employed and salaried officer of the University of California Police Department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Regents of the University of California on or in which a vehicle is located, or any regularly employed and salaried officer of a California state university or college police department on or about a campus or in or about other grounds or properties owned, operated, controlled or administered by the Trustees of the California State University and Colleges on or in which a vehicle is located, or any regularly employed and salaried officer of a transit district security force on or about parking lots owned by the transit district or in or about other grounds or properties owned, operated, controlled or administered by the board of directors of the transit district on or in which a vehicle is located, may remove a vehicle from a railroad right-of-way if the vehicle is parked upon any railroad track or within 7½ feet of the nearest rail.

CHAPTER 111

An act to amend Section 4.5 of Chapter 805 of the Statutes of 1969, relating to bridge and highway districts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 9, 1975
Filed with Secretary of State June 9, 1975]

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

SECTION 1. Section 4.5 of Chapter 805 of the Statutes of 1969 is amended to read:

Sec. 4.5. The district shall submit its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, to the Legislature by September 1, 1975.

The plan shall include a statement indicating that the plan is approved or disapproved by the Metropolitan Transportation Commission.

The district may not, until 120 days after submission of the plan to the Legislature, expend any of its funds to implement the addition of a second deck to the Golden Gate Bridge of any other proposed plan for transit services, other than for its interim system of buses and ferries. It is the intention of the Legislature that the district's interim system of buses and ferries shall be the system outlined in the district's grant application to the Urban Mass Transportation

Administration, dated May 21, 1971, entitled, "Application of the Golden Gate Bridge, Highway and Transportation District for a Mass Transportation Capital Grant under the Urban Mass Transportation Act of 1964, as amended." The district, however, may expend the necessary funds for planning purposes, and for the acquisition of rights-of-way necessary regardless of what type of transit system may be proposed in the transportation facilities plan submitted to the Legislature pursuant to Sections 4 and 4.5.

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

In order that this act take effect in time so that the Golden Gate Bridge, Highway and Transportation District may have adequate time to prepare its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, for submittal to the Legislature, it is necessary that this act take effect immediately.

CHAPTER 112

An act to repeal and add Part 2.5 (commencing with Section 34700) of Division 24 of the Health and Safety Code, relating to housing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1975 Filed with Secretary of State June 9, 1975]

I am reducing the appropriation contained in Section 3 of Senate Bill No 49 from $82,700 to $10,000 by reducing subparagraph (a) from $30,000 to $10,000 and deleting the appropriation contained in subparagraph (b)

The worthy objectives of this bill will be met through an intensification of effort.

With this reduction, I approve Senate Bill No 49.

EDMUND G BROWN JR , Governor

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

SECTION 1. Part 2.5 (commencing with Section 34700) of Division 24 of the Health and Safety Code is repealed.

SEC. 2. Part 2.5 (commencing with Section 34700) is added to Division 24 of the Health and Safety Code, to read:

PART 2.5. SPECIAL HOUSING PROGRAMS FOR THE DEVELOPMENTALLY DISABLED, MENTALLY DISORDERED, AND PHYSICALLY DISABLED

34700. The Legislature finds and declares that recent deemphasis of programs of institutional care for the developmentally disabled, the mentally disordered, and the physically disabled has resulted in participation by many of such persons in programs of rehabilitation, education, and social services within the community. Because of the outpatient status of persons enrolled in such programs, there is a need to provide housing for them which will aid in accomplishment and maintenance of the objectives of such programs, thereby minimizing the numbers of developmentally disabled, mentally disordered, and physically disabled persons in public institutions and improving the quality of life for such persons. In order to assist in providing the variety of living arrangements required for such purpose, it is necessary that the state cooperate with cities, counties, cities and counties, and nonprofit corporations in obtaining federal housing subsidies therefor.

It is the intent of the Legislature in enacting this part to vest in the Department of Housing and Community Development authority to obtain federal housing subsidies for housing for persons requiring continuing care, as defined in this part. Assessment of needs and priorities shall, however, be performed by the State Department of Health, which has overall responsibility for programs for the developmentally disabled and mentally disordered at the state level.

34701. As used in this part, "department" means the Department of Housing and Community Development.

34702. As used in this part, "developmentally disabled" means affected by a disability specified in subdivision (h) of Section 38003, and also means persons affected by such a disability.

34703. As used in this part, "local agency" means a city, county, or city and county.

34704. As used in this part, "mentally disordered" means affected by a mental disorder rendering the affected person eligible to participate in programs of rehabilitation or social services conducted by or in behalf of a public agency, and also means persons affected by such a mental disorder.

34704.5. As used in this part, "physically disabled" means affected by a physical disability rendering the affected persons eligible to participate in programs of rehabilitation or social services conducted by or on behalf of a public agency, and also means persons affected by such a physical disability.

34705. As used in this part, "persons requiring continuing care" means persons not confined in an institution under the jurisdiction of the State Department of Health who are eligible to receive housing assistance pursuant to federal law because of financial inability to provide adequate housing for themselves or persons dependent upon them and who meet the following criteria:

(a) The person shall have been determined to be developmentally disabled by the State Department of Health, a county health department, or a regional center established pursuant to Section 38101; or

(b) The person shall have been determined to be mentally disordered by a local director of mental health services, or by the designated representative thereof; or

(c) The person shall have been determined to be physically disabled by the State Department of Health.

34706. Notwithstanding any other provision of law, the department shall have all the powers granted to housing authorities pursuant to Part 2 (commencing with Section 34200) of this division for the purpose of obtaining financial subsidies or assistance from any agency of the United States to provide leased housing pursuant to this part for persons requiring continuing care.

34707. Any local agency or nonprofit corporation incorporated pursuant to Part 1 (commencing with Section 9000), Division 2, Title 1 of the Corporations Code which is providing, or proposes to provide, housing for persons requiring continuing care may apply to the department for assistance in obtaining federal housing subsidies therefor.

34708. Notwithstanding the provisions of Section 37111, for the purposes of this part the department may do any or all of the following:

(a) Enter into contracts with any agency of the United States for the purpose of obtaining funds for dispersal to local agencies, nonprofit corporations, and owners and developers of housing to subsidize housing for persons requiring continuing care.

(b) Enter into contracts with local agencies, nonprofit corporations, and owners and developers of housing for persons requiring continuing care for the purpose of disbursing federal housing subsidies.

34709. The department, after consultation with the State Department of Health, may adopt, amend or repeal regulations for the administration of this part. The State Department of Health shall review all applications submitted pursuant to this part for assistance in obtaining federal housing subsidies and shall recommend priorities on the basis of need and greatest impact. The State Department of Health shall annually, or as often as reasonably required, solicit from local agencies and nonprofit corporations proposals for utilization of federal housing subsidies for persons requiring continuing care.

Based upon the recommendations of the State Department of Health, the Department of Housing and Community Development shall at least annually submit one or more applications for federal housing subsidies for persons requiring continuing care.

34710. The Legislature finds and declares that proper housing serves as a stabilizing factor and is an important facet of any program designed to rehabilitate mentally disordered, developmentally

disabled, and physically disabled persons and that the disruption of continued occupancy in a dwelling could cause a setback in treatment in particular cases. It is, therefore, the intent of the Legislature that persons who have received housing under a program established pursuant to this part shall be allowed to continue to occupy their dwelling after termination of participation in a public program of rehabilitation, education, or social services if the persons meet the criteria established by federal regulations governing low-rent housing programs.

34711. Housing and housing programs developed or assisted pursuant to this part shall be consistent with the housing element, as required by Section 65302 of the Government Code, of the general plan of the jurisdiction in which the housing is proposed.

SEC. 3. The sum of eighty-two thousand seven hundred dollars ($82,700) is hereby appropriated from the General Fund to be allocated in accordance with the following schedule:

(a) To the Department of Housing and Community Development, for performance of the functions delegated to it by Part 2.5 (commencing with Section 34700) of Division 24 of the Health and Safety Code $30,000

(b) To the State Department of Health for performance of the functions delegated to it by Part 2.5 (commencing with Section 34700) of Division 24 of the Health and Safety Code $52,700

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

In order to avoid loss of federal subsidies available during the 1975 calendar year for housing for developmentally disabled, physically disabled, and mentally disordered persons having outpatient status, it is necessary that this act take effect upon enactment.

CHAPTER 113

An act to amend Section 10826 of, and to add Section 10827 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 9, 1975 Filed with Secretary of State June 10, 1975]

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

SECTION 1. Section 10826 of the Welfare and Institutions Code is amended to read:

10826. Upon election by a county to utilize the aid payment method provided by this chapter, the county shall submit a plan to the department for approval. The plan shall be approved by the department before it is implemented and shall include provisions for assuring that

(a) Each recipient of aid will be assigned a date or dates within the month as the date or dates on which he will be paid in subsequent months;

(b) Each warrant will be placed in the mail in order to be delivered on the assigned payment date and that in the event there is no mail delivery on the assigned payment date, the warrant will be placed in the mail in time to be delivered to the payee on the last mail delivery date prior to the payment date; and

(c) Upon changing payment dates for any recipient, the recipient will receive a pro rata payment on the old payment date in payment of the aid to which such recipient is entitled prior to the new payment date.

SEC. 2. Section 10827 is added to the Welfare and Institutions Code, to read:

10827. To the extent permitted by federal law and notwithstanding Sections 11006.2, 11056, 11450 and 11455, a county electing to utilize the aid payment method provided by this chapter may establish new eligibility periods and payment periods which may be monthly or semimonthly and which are not limited to a calendar month to correspond with changes of payment dates under this chapter.

Changes in eligibility or payment periods under this chapter shall be approved by the department before implementation.

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

In order for counties to elect to establish new eligibility and payment periods to commence with the change in payment dates when spreading the issuance of public assistance warrants evenly over the month, it is necessary that this act take immediate effect.

CHAPTER 114

An act to amend Section 3 of the Orange County Flood District Act (Chapter 723 of the Statutes of 1927), relating to Orange County Flood Control District.

[Approved by Governor June 10, 1975 Filed with Secretary of State June 10, 1975]

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

SECTION 1. Section 3 of the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927) is amended to read:

Sec. 3. The Board of Supervisors of Orange County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Orange County Flood Control District, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

The county counsel, county clerk, county assessor, county tax collector, county auditor and county treasurer of the County of Orange, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Orange County, their assistants, deputies, clerks and employees shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Orange County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Orange County without additional compensation in order to carry out the provisions of this act.

Said board of supervisors may in their discretion employ special counsel and appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Orange.

CHAPTER 115

An act to amend Section 1 of Chapter 1065 of the Statutes of 1973, relating to city parks, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1975 Filed with Secretary of State June 10, 1975]

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

SECTION 1. Section 1 of Chapter 1065 of the Statutes of 1973 is amended to read:

Section 1. Notwithstanding any provision in any agreement entered into between the state and the City of Torrance pursuant to an approved state grant acquisition or development project under

subdivision (d) of Section 5096.15 of the Public Resources Code which provides that the authorized project period shall expire on June 30, 1973, the project period for the City of Torrance Columbia Park grant under such agreement shall not expire until June 30, 1976, and any funds appropriated for any such project shall remain available for expenditure under the agreement until June 30, 1976.

SEC. 1.5. The City of Torrance may permit any person from whom lands have been acquired, and the owners of lands to be acquired on or after the effective date of this act and on or before June 30, 1976, for Columbia Park pursuant to a grant under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, to continue to occupy such lands after acquisition until June 30, 1978, in exchange for a reduction in the cost of acquisition.

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

Inasmuch as the project period for the City of Torrance Columbia Park grant is due to expire on June 30, 1975, it is necessary that this act, extending the expiration date of such project period, take effect immediately.

CHAPTER 116

An act to amend Section 9310 of the Welfare and Institutions Code, relating to aging, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1975. Filed with Secretary of State June 14, 1975.]

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

SECTION 1. Section 9310 of the Welfare and Institutions Code is amended to read:

9310. (a) The Department of Health shall provide appropriate flu vaccine to local governmental or private, nonprofit agencies at no charge in order that the agencies may provide the vaccine, at a minimal cost, at accessible locations in the order of priority first, for all persons 60 years of age or older in this state and then to any other high-risk groups identified by the United States Public Health Service. The Department of Health and the Office on Aging shall prepare, publish, and disseminate information regarding the availability of such vaccines and the effectiveness of such vaccines in protecting the health of older persons.

(b) The program shall be designed to utilize voluntary assistance from public or private sectors in administering such vaccines.

However, local governmental or private, nonprofit agencies may charge and retain a fee not exceeding one dollar ($1) per person to offset administrative operating costs.

(c) Except when the Department of Health determines that it is not feasible to utilize federal funds due to excessive administrative costs, the Department of Health shall seek and utilize available federal funds to the maximum extent possible for the cost of the vaccine, the cost of administering the vaccine and the minimal fee charged under this section, including reimbursement under the Medi-Cal program for persons eligible therefor to the extent permitted by federal law.

(d) Administration of the vaccine shall be performed either by a physician, registered nurse or a licensed vocational nurse acting within the scope of their professional practice acts. The physician under whose direction the registered nurse or a licensed vocational nurse is acting shall require such nurse to satisfactorily demonstrate familiarity with (1) contraindication for the administration of such immunizing agents, (2) treatment of possible anaphylactic reactions, and (3) the administration of treatment, and reactions to such immunizing agents.

Nothing in this section shall be construed to require physical presence of a directing or supervising physician, or the examination by a physician of persons to be tested or immunized.

SEC. 2. The sum of four hundred twenty thousand dollars ($420,000) is hereby appropriated from the General Fund to the Department of Health for expenditure for the purchase of flu vaccine. This appropriation shall be available from the General Fund until June 30, 1976. The appropriation made by this section shall not be deemed to be in augmentation of, but, instead, shall be in lieu of any appropriation made in the Budget Act of 1975 to the Office on Aging for the purpose of purchasing flu vaccine.

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

In order that older persons in this state receive flu vaccines needed to protect their health and that vaccine manufacturers have sufficient advance notification to produce adequate quantities of the appropriate vaccines for immunizations during the usual winter flu season, it is necessary that this act take effect immediately.

CHAPTER 117

An act to add Chapter 23 (commencing with Section 7800) to Division 7 of Title 1 of the Government Code, relating to letters and correspondence, and declaring the urgency thereof, to take effect immediately.

0173 28 1280 88

[Approved by Governor June 14, 1975 Filed with Secretary of State June 14, 1975]

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

SECTION 1. Chapter 23 (commencing with Section 7800) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 23. LETTERS AND CORRESPONDENCE

7800. The letterhead or other prominent location on official stationery of each state agency, and county, city, including, but not limited to, a chartered city, and each school district, municipal corporation, district, political subdivision, and board, commission, and agency thereof, and every other local public agency, used in communication with the public, shall include the telephone number of such entity. The telephone number may be typed or handwritten on the letterhead or other prominent location.

SEC. 2. The Legislature hereby finds and declares that the necessity for citizens of this state to avail themselves of contact with local agencies, including, but not limited to chartered cities, by telephone regardless of whether the citizen is a resident of a particular agency's jurisdiction is a matter of statewide concern necessitating statewide legislation requiring that the letterhead or other prominent location on official stationery of local agencies include the telephone number of such entity. The fuel crisis and the increasing unavailability of transportation to many segments of society, plus the interdependence among local agencies for the provision of governmental services to citizens regardless of the place of residence of the citizen, further necessitate such legislation.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made pursuant to this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

The increasing unavailability of transportation for senior citizens and other segments of society, and the impending fuel crisis, necessitate greater utilization of telephone facilities by such persons in normal contact with governmental agencies. In order to assist such persons in contacting such agencies by phone at the earliest feasible time, it is necessary that this act take effect immediately.

CHAPTER 118

An act to add Section 1234 to the Government Code, relating to public officers and employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1975 Filed with Secretary of State June 14, 1975]

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

SECTION 1. Section 1234 is added to the Government Code, to read:

1234. No public officer while serving in any elective office in this state shall receive a retirement allowance which is based in whole or part upon service in that elective office.

The monthly retirement allowance shall be suspended during the period of such service and shall resume upon discontinuance of such service. Any retired person who renders such service shall not acquire any additional retirement rights or benefits thereunder because of such service. In the event that the retired person dies while rendering such service, his survivors shall receive the benefits provided by the system for the survivors of retired persons.

"Public officer" for purposes of this section includes every officer of the state, and every officer of a county, city, city and county, district, and authority, and each department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing. "Public officer" shall not include a retired judge while serving under assignment by the Chairman of the Judicial Council.

This section shall only be applicable to persons elected to public office after its effective date.

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

In order that an unintended retirement windfall for public officials be discontinued as soon as possible, this act must take effect immediately.

CHAPTER 119

An act to add Sections 21298 and 21307 to the Government Code, relating to the Public Employees' Retirement System and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1975 Filed with Secretary of State June 14, 1975]

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

SECTION 1. Section 21298 is added to the Government Code, to read:

21298. The disability retirement allowance of a local miscellaneous and local safety member whose effective date of retirement for nonindustrial disability is after the effective date of this section, and whose last employment preceding such retirement was with an employer subject to this section shall be increased by an amount which when added to the disability retirement allowance otherwise payable under this part will make his disability retirement allowance, exclusive of the annuity payable from accumulated additional contributions, equal to 30 percent of final compensation if he has five years of service plus 1 percent of final compensation for each year of service in excess of five years to a maximum of 50 percent of final compensation.

In no event shall the disability retirement pension be more than sufficient to make the disability allowance equal the service retirement allowance, exclusive of any annuity purchased by accumulated additional contributions, receivable by the member were he to continue in service and retire at age 60.

The added amount payable under this section shall be a liability solely of employers subject to this section. In the case of a member who has service with more than one employer, the liability for the disability retirement pension provided by this section shall be apportioned on the basis of the member's service to any of such employers who have elected to be subject to this section.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section shall only apply to members who retire for disability on and after the date the agency elects to be subject to the provisions of this section.

SEC. 2. Section 21307 is added to the Government Code, to read:

21307. Upon retirement of a local safety member for industrial disability, the member shall receive in lieu of the allowance otherwise provided by this article a disability retirement allowance in the amount of the percentage of final compensation equal to the percentage of permanent disability determined by the Workmen's Compensation Appeals Board for the purposes of permanent disability payments pursuant to Article 3 (commencing with Section 4650) of Chapter 2 of Part 2 of the Labor Code with respect solely to the injury resulting in the disability retirement and giving effect to Section 4750 of the Labor Code, but not less than 50 percent nor

in excess of 90 percent of the member's final compensation.

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

This section shall only apply to members who retire for disability on and after the date the agency elects to be subject to the provisions of this section.

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

In order for the benefits provided by this act to be available for fringe benefit negotiations during the 1975 calendar year, this act must take effect immediately.

CHAPTER 120

An act to amend Section 36605 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1975 Filed with Secretary of State June 14, 1975]

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

SECTION 1. Section 36605 of the Vehicle Code is amended to read:

36605. The limitations as to width, as set forth in Chapter 2 (commencing with Section 35100) of Division 15, do not apply to any trailer or semitrailer, including lift-carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry or tools used exclusively for the production or harvesting of agricultural products by farmers or implement dealers, except as follows:

(1) With respect to any trailer or semitrailer transporting a grain-harvesting combine, such vehicle shall not exceed a width of 144 inches.

(2) With respect to any other vehicle described in this section, such vehicle, or the load thereon when such load consists of tools, shall not exceed a width of 120 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this state from receiving any

federal funds for highway purposes.

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

This bill is intended to help facilitate the harvesting of grain. In order that this bill may achieve its maximum intended results, it is necessary that it become effective immediately so that it will apply to the next harvest season.

CHAPTER 121

An act to amend Section 70045.1 of, and to add Section 70045.2 to, the Government Code, relating to court reporters.

[Became law without Governor's signature June 15, 1975 Filed with Secretary of State June 16, 1975]

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

SECTION 1. Section 70045.1 of the Government Code is amended to read:

70045.1. Notwithstanding the provisions of Section 70045 of this code, in Trinity County, each regular official court reporter shall receive an annual salary of ten thousand dollars ($10,000) unless the board of supervisors shall by ordinance provide for compensation in excess of that amount, payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases and juvenile court cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of fifty-five dollars ($55) as provided in Section 69948 of this code and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

The board of supervisors of such a county may provide the court reporters with equipment for the performance of their duties.

SEC. 2. Section 70045.2 is added to the Government Code, to read:

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70045.2. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in Trinity County. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period.

(2) The fees charged and the fees collected for such transcripts.

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts.

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

(5) Such other information as the Judicial Council may require.

SEC. 3. The Legislature hereby finds and declares that, in view of its constitutionally delegated responsibility of setting salaries for court reporters, it is necessary to obtain information regarding the total compensation paid to court reporters from all sources so as to allow proper evaluation of legislative proposals relating to court reporters' salaries on an ongoing basis.

Such legislative proposals are not made on a uniform, statewide basis, but on a county-by-county basis. Therefore, it is necessary to monitor the compensation provided court reporters on an individual county basis reflecting the periodic legislative proposals which are made for specific counties. Accordingly, this legislation affecting Trinity County is necessary to permit the Legislature to carry out its constitutionally delegated responsibility of setting court reporters' salaries in this county in view of the submitted request for an adjustment in the compensation provided to court reporters in such county.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 122

An act to amend Section 15516 of, and to add Sections 15452.1, 15452.2, 19700.748, and 19700.749 to, the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 15, 1975 Filed with Secretary of State June 16, 1975]

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

SECTION 1. Section 15452.1 is added to the Education Code, to read:

15452.1. Any school building, as defined in Section 15452, operated by a county official, board, or commission which on the effective date of this section is in violation of this article, where compliance therewith was otherwise required, may be continued in use as a school building after June 30, 1975, provided that no such building shall be operated after that date unless such county official, board, or commission requests and obtains from the State Allocation Board authority for use of such building for a specific period after such date.

Concurrent with such request such county official, board, or commission shall file with the State Allocation Board a statement or resolution declaring an intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement.

The State Allocation Board shall not authorize such county official, board, or commission to use such building after June 30, 1975, unless it has first determined that the affected authority has already proceeded with a plan of total repair, reconstruction, or replacement in a timely manner and the contract has been let for any phase of, and work commenced on, such project.

In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

SEC. 2. Section 15452.2 is added to the Education Code, to read:

15452.2. Where the primary use of either a building or complex within which such building is situated, operated by an official or board of a city, city and county or county, is for purposes other than educational, such as but not limited to correctional, forestry, or hospital purposes, such building shall not be considered to be a "school building" within the meaning of Section 15452 notwithstanding any educational use thereof incidental to such primary purpose.

SEC. 3. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for

school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article shall be used as a school building for elementary and secondary school or community college purposes after June 30, 1975, unless the governing board of the school district has requested and obtained from the State Allocation Board authority for use of such building for a specific period beyond such date Prior to requesting such authority, the governing board shall adopt a resolution declaring the board's intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement. The State Allocation Board shall not authorize any school district to use such a building beyond June 30, 1975, unless it has first determined that the school district has already proceeded with a plan of total repair, reconstruction or replacement in a timely manner and a contract has been let for any phase of, and work commenced on, such project. In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

SEC. 4. Section 19700.748 of the Education Code is amended to read:

19700.748. Notwithstanding any provisions of this article or Section 19700.745 thereof to the contrary, any school district which lacks sufficient matching funds for a particular project or projects, as required under this article, may file an application and the board may approve a project or projects conditioned upon the district levying, in the 1974–75 fiscal year, the entire twenty-cent ($0.20) tax rate per one hundred dollars ($100) of assessed valuation permitted under Section 15518 and applying the proceeds of such levy as local matching funds for such project or projects.

Under such circumstances, provided such applicant district was not eligible to receive a grant under the provisions of Section 19700.746, the board may increase the basic computed state matching ratio of assistance in such amount, which, when added to the sum of the entire proceeds of the twenty-cent ($0.20) tax rate and such other funds which in the opinion of the board are or can be made currently available for the project or projects, would be necessary to construct minimum essential facilities for the project or projects as determined by the board. Not more than nineteen million dollars ($19,000,000) of the proceeds of the sale of bonds authorized by Section 19700.51, may be apportioned pursuant to this section and in augmentation of the forty-five million dollars ($45,000,000) made available under Section 19700.745.

SEC. 5. Section 19700.749 is added to the Education Code, to read:

19700.749. Notwithstanding any provisions of this article or Sections 19700.745 and 19700.748 thereof to the contrary, any school district, which has issued at least thirty-seven million dollars ($37,000,000) in bonds for the purpose of replacing structurally

unsafe buildings and which lacks sufficient matching funds for a particular project or projects, as required under this article, may apply and the board may approve, a project or projects conditioned upon the district having levied or being required to levy, in the fiscal years 1974–75, 1975–76, and 1976–77, the entire twenty-cent ($0.20) tax rate per one hundred dollars ($100) of assessed valuation permitted under Section 15518 and applying the entire proceeds therefrom as local matching funds to an eligible project or projects.

Under such circumstances, the board may increase the basic computed state matching ratio of assistance in such amount which, when added to the sum of (1) the entire proceeds which have been collected from the aforementioned twenty-cent ($0.20) tax levies at the time of the application and not yet applied as matching funds to previously approved projects and (2) such other funds which in the opinion of the board are or can be made currently available for the project or projects, would be necessary to construct minimum essential facilities for the project or projects as determined by the board. Not more than six million dollars ($6,000,000) of the proceeds of the sale of bonds authorized by Section 19700.51, may be apportioned pursuant to this section.

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

In order that school districts may contract for the orderly and efficient replacement or reconstruction of structurally inadequate school buildings without undue disruption of the education program and dislocation of pupils, it is necessary that this act take effect immediately.

CHAPTER 123

An act to amend Section 1 of Chapter 1521 of the Statutes of 1974, relating to the Suisun Marsh, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 14, 1975. Filed with Secretary of State June 16, 1975]

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

SECTION 1. Section 1 of Chapter 1521 of the Statutes of 1974 is amended to read:

Section 1. The sum of twenty-five million eight hundred fifty thousand dollars ($25,850,000) is hereby reappropriated from the Bagley Conservation Fund, pursuant to the provisions of Item 383.5 of the Budget Act of 1974 (Ch. 375, Stats. 1974), in accordance with the following schedule:

(a) Project planning and acquisition costs..... 350,000

(b) Augmentation for development cost increases for Bagley Conservation Fund projects	1,000,000
(c) Augmentation for land acquisition, condemnation proceedings for Bagley Conservation Fund projects	1,650,000
(d) Augmentation for land value increases, land acquisition, for Bagley Conservation Fund projects	1,000,000
(e) Opportunity purchases, land acquisition	500,000
(f) Bear Harbor project. augmentation, land acquisition	250,000
(g) Usal Ranch project, augmentation, land acquisition	500,000
(h) Mendocino Headlands augmentation, land acquisition	550,000
(i) Van Damme Beach State Park, land acquisition	280,000
(j) Schooner Gulch project augmentation, land acquisition	70,000
(k) Elk Creek augmentation to previously funded project, land acquisition	250,000
(*l*) Fort Ross State Historical Monument augmentation, land acquisition	750,000
(m) Tomales Bay, land acquisition	2,000,000
(n) Inverness Ridge augmentation to previously funded project, land acquisition	500,000
(q) Corral Beach project, land acquisition	2,000,000
(r) Doheny State Beach, land acquisition	750,000
(s) Salt Point State Park, land acquisition	1,100,000
(t) Century Ranch extension, land acquisition	7,000,000
(u) Las Tunas Beach project, land acquisition	250,000
(v) Red Rock Canyon State Recreation Area, land acquisition	450,000
(w) Poppy Preserve project, land acquisition	300,000
(x) Torrey Pines State Reserve, land acquisition	200,000
(y) Prairie Creek-"Belotti Grove," land acquisition	1,000,000
(z) Benbow Dam, for development	150,000
(bb) Point Lobos State Reserve augmentation, land acquisition	1,000,000
(cc) Leo Carrillo State Beach Extension, land acquisition	1,000,000
(dd) Encinal Beach, land acquisition	650,000
(ee) El Presidio de Santa Barbara State Historic Park, land acquisition	100,000

provided, that the Department of Parks and Recreation may sell or trade Santa Barbara County Tax Assessor's Lots No. 29-212-12 and No. 29-221-22, which lots are not immediately adjacent to the main area of the park, in order to acquire Lots No. 29-291-14 and No. 29-291-13, which contain impor-

tant parts of the park; and, provided further, that the department may in turn exchange portions of Lot No. 29-291-14 which do not contain ruins belonging to the park for portions of Lot No. 29-291-17 which do contain portions of the ruins of the park.

(ff) Las Tunas Beach project, land acquisition..... 250,000
provided, that the funds appropriated in this subitem may only be expended for the purchase of that certain property lying between the presently state-owned Las Tunas State Beach and that property proposed to be purchased under subitem (u) of this act.

None of the funds appropriated by this section shall be expended on the purchase price of any real property unless and until the Attorney General certifies in writing that there is no evidence that any prescriptive right or claim in the property to be acquired exists, or that if such prescriptive right or claim does exist, the value of such right or claim has been reflected in the purchase price of such property.

SEC. 2. The sum of two million dollars ($2,000,000) is hereby appropriated from the Bagley Conservation Fund, from moneys appropriated to such fund pursuant to the provisions of Item 383.5 of the Budget Act of 1974 (Chapter 375 of the Statutes of 1974), to the Wildlife Conservation Board for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years for the purposes of Section 1880 of, and in accordance with the provisions of Section 1881 of, the Fish and Game Code.

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

Rapid urbanization of the land areas adjacent to the Suisun Marsh has created environmental and economic pressures on the marsh which pose an urgent and immediate threat to the continued viability of the marsh as a wildlife habitat of nationally recognized critical importance. In order to ensure that the protection of Suisun Marsh, as contemplated by the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974, will be effective, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 124

An act to amend Section 16476 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 16476 of the Public Utilities Code is amended to read:

16476. Notwithstanding subdivision (b) of Section 16475, the Board of Directors of the Tahoe City Public Utility District, the Board of Directors of the North Tahoe Public Utility District, and the Board of Directors of the South Tahoe Public Utility District shall all have the authority, until July 1, 1979, to fix, for each fiscal year, such water standby or immediate availability charges at not to exceed twenty dollars ($20) per acre or any parcel of less than one acre; provided, that any funds derived from a charge in excess of the maximum amount authorized by subdivision (b) of Section 16475 shall only be used to pay for the acquisition of nonpublic domestic water supply systems, and the maintenance and operation of domestic water supply systems owned by the respective districts on January 1, 1976, or acquired on or after such date.

This section, applicable only to the Tahoe City Public Utility District, the North Tahoe Public Utility District, and the South Tahoe Public Utility District, is necessary because of the unique and special water management problems of those areas of the Lake Tahoe Basin.

CHAPTER 125

An act to amend Sections 3100, 17200.5, 17503, 18351, 18351.1, 20504, 20603, and 20907 of, and to repeal Sections 924.5, 3252, 13252.5, and 15355 of, the Education Code, relating to public schools.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 924.5 of the Education Code is repealed.

SEC. 2. Section 3100 of the Education Code is amended to read:

3100. It is the intent and purpose of the Legislature that the procedures prescribed by the provisions of this chapter and Chapter 9 (commencing with Section 3001) of this division be utilized primarily for the formation of unified school districts, and that this form of organization be ultimately adopted throughout the state. It is the further intent of the Legislature that in exercising the authority to approve master plans and plans and recommendations developed at the local level, the State Board of Education consider the boundaries of existing high school districts as the minimum geographical base for the organization of individual unified school districts, to be deviated from only in exceptional situations. The State

Board of Education may approve proposals for the formation of districts based upon the division of the territory of existing high school districts, provided that the board has determined, with respect to the proposal and the resulting new districts that the following conditions are substantially met:

(a) That the new districts will be adequate in terms of number of pupils enrolled, having a projected average daily attendance of at least 10,000 by the beginning of the seventh fiscal year following the date that any such new district became effective for all purposes; provided that, if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be an average daily attendance of more than 5,000 in the year following the date that the resulting districts would become effective for all purposes, or if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be a projected average daily attendance of more than 7,000 by the beginning of the seventh fiscal year following the date that the resulting districts become effective for all purposes.

(b) That the new districts will be adequate in terms of financial ability. For purposes of determining financial ability, the board shall consider assessed valuations per pupil, revenue limits per pupil, and tax rates required for the revenue limits. For purposes of evaluating proposals pursuant to this section, the board may give such consideration as it deems appropriate to federal funds received by a school district under the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress) or under any similar act of Congress. Except as otherwise provided in this section, the board shall not approve of the formation of districts by division of the territory of existing high school districts, where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in any of the proposed new districts varies from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised by more than 10 percent, except that if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in each and every proposed new district is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board shall not approve of the formation where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in any of the new districts varies by more than 15 percent from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised.

(c) That the new districts are each organized on the basis of a substantial community identity.

(d) That the proposal will result in an equitable division of property and facilities of the original district.

(e) That the proposal and the formation of the new districts will not promote racial or ethnic discrimination or segregation. The State Board of Education may secure the advice and assistance of any other public agencies concerned with intergroup relationships for purposes of making determinations under this subdivision.

The State Board of Education may approve a proposal for the formation of two or more unified districts from the territory of a high school district if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

The board may require that proposals combine the area of existing high school districts, with respect to any proposed new or reorganized districts which would not meet the requirements prescribed by Section 17672 or come within the exceptions prescribed by Section 17673.

SEC. 3. Section 3252 of the Education Code is repealed.

SEC. 3.5. Section 13252.5 of the Education Code is repealed.

SEC. 4. Section 15355 of the Education Code is repealed.

SEC. 4.5. Section 17200.5 of the Education Code is amended to read:

17200.5. For purposes of determining allowances pursuant to Article 14 (commencing with Section 6421) of Chapter 6 of Division 6, and Chapters 7.1 (commencing with Section 6750), 8 (commencing with Section 6801), and 9 (commencing with Section 6901), respectively, of Division 6, the Superintendent of Public Instruction shall require the use of a uniform cost accounting procedure, as set forth in the California School Accounting Manual.

SEC. 5. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code provided, however, that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of education" means expenditures for certificated salaries other than certificated salaries for pupil transportation, food services, and community services; classified salaries other than classified salaries for pupil transportation, food services, and community services; employee benefits other than employee benefits for pupil transportation personnel, food services personnel, and community services personnel; books, supplies, and equipment replacement other than for pupil transportation and food services; and community services, contracted services, and other operating expenses other than for pupil transportation, food services,

and community services. "Current expense of education," for purposes of this section shall not include expenditures classified as sites, buildings, books, and media and new equipment (object of expenditure 6000 of the California School Accounting Manual) or expenditures for facility acquisition and construction.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a community college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars ($1,000), and if the amount is one thousand dollars ($1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or

exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

SEC. 6. Section 18351 of the Education Code is amended to read:

18351. The county superintendent of schools shall on or before April 1st of each year submit to the Superintendent of Public Instruction a budget for the succeeding fiscal year, in such form as the Superintendent of Public Instruction shall prescribe, setting forth all known and estimated revenues of the county school service fund for such fiscal year from all sources, and the proposed expenditures from the county school service fund for such fiscal year. The budget shall be approved by the Superintendent of Public Instruction. When a budget is submitted to the Superintendent of Public Instruction for his approval, he shall make a review of each program prior to approving the budget. No allowance shall be made under Sections 18351 to 18354, inclusive, whichever are in effect, to a county superintendent of schools for any item of current expenses or capital outlay with respect to which the county superintendent has failed to comply with the regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt applicable to such item. The regulations adopted by the Superintendent of Public Instruction hereunder shall not be limited to, but shall, among other matters:

(a) Prescribe procedures relating to budgeting, purchasing and replacing capital outlay items.

(b) Prescribe procedures relating to the purchase, replacement, operation and maintenance of automotive equipment.

(c) Prescribe the conditions under which the county superintendent of schools may provide services to districts by contract.

(d) Prescribe the conditions under which allowances may be made to the county superintendent of schools to contract for the services of special consultants.

(e) Prescribe the conditions under which allowances may be made to the county superintendent of schools to assume functions authorized by law to be performed either by the county superintendent of schools or another public agency.

(f) Prescribe conditions under which allowances will be made to meet conditions of an emergency nature requiring the establishment and maintenance of emergency schools, the providing of emergency teachers for regular elementary schools, the providing of emergency transportation to regular elementary schools, or emergency

apportionments to school districts.

(g) Define county school service fund publications and prescribe the procedures to be followed relating to budgeting, printing and distributing such publications.

(h) Establish, solely for budget approval purposes, a classification of county school service fund personnel and a salary schedule for each classification.

Upon the approval of the budget by the Superintendent of Public Instruction, he shall note his approval thereon and transmit one copy thereof to the county superintendent of schools and one copy to the county auditor of the county.

SEC. 6.5. Section 18351.1 of the Education Code is amended to read:

18351.1. The amount of any expenditure by a county superintendent of schools in excess of the amount set forth for the particular program of the approved budget of a county school service fund shall be withheld by Superintendent of Public Instruction from the allowances made in the next succeeding fiscal year to that county school service fund.

SEC. 7. Section 20504 of the Education Code is amended to read:

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing program expenditures, cash balances, and all the appropriations from the state as required to be tabulated in Sections 20602 and 20603 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, including a summary of the district tax requirements for the ensuing fiscal year to be derived by levies on the secured roll as shown on the budget form prescribed for this purpose by the Superintendent of Public Instruction, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week in August at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or

districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week in August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

SEC. 8. Section 20603 of the Education Code is amended to read:

20603. Each budget shall be itemized to set forth the necessary revenues and expenditures, by program, in each fund to operate the public schools of the district as authorized by law and on forms prescribed by the Superintendent of Public Instruction.

SEC. 9. Section 20907 of the Education Code is amended to read:

20907. Whenever the computation required by Section 20904 or 20905 results, because of estimating or other errors, in a total revenue limit in an amount more or less than actual data would have produced, the revenue limit for the succeeding fiscal year shall be reduced by an amount equal to the amount of the error if the total produced was more, and may be increased by an amount up to the amount of the error if the total produced was less.

Whenever the collection and distribution of local taxes from the secured roll results in an amount more or less than the taxes required as computed by Section 20904 or 20905, the local tax requirement for the succeeding fiscal year shall be reduced by an amount equal to the amount of the difference if the total received was more, and may be increased by an amount up to the amount of the difference if the total received was less.

CHAPTER 126

An act to amend Sections 3501, 3502, and 3507 of, and to add and repeal Section 3500.5 of, the Health and Safety Code, relating to treatment of pupils teeth, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 3500.5 is added to the Health and Safety Code, to read:

3500.5. The program of topical application shall not include provision of more than two topical applications to the teeth of each pupil within the school year, except in those programs where additional applications are available on a voluntary basis.

This section shall remain in effect only until January 1, 1978, and as of such date is repealed.

SEC. 2. Section 3501 of the Health and Safety Code is amended to read:

3501. Treatment as specified in this chapter shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving the treatment is an adult, the copy shall be given to him.

SEC. 3. Section 3502 of the Health and Safety Code is amended to read:

3502. The county health officer of each county shall organize and operate a program so that treatment is made available to all persons specified in Section 3500. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons treated, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

SEC. 4. Section 3507 of the Health and Safety Code is amended to read:

3507. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of the topical application of fluoride or other decay-inhibiting agent to the teeth of all school pupils in this state. However, it is understood that this treatment is not a substitute for regular professional dental care. This chapter is designed to provide for the keeping of adequate records of treatment so that appropriate public agencies and the persons treated will be able to ascertain that a person has been so treated.

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

In order to avoid the costs of making topical application of fluorides or other decay-inhibiting agents to the teeth of pupils more than two times within a school year, it is necessary that this act take effect immediately.

CHAPTER 127

An act to add Section 16479 to the Public Utilities Code, relating to municipal improvements and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1975. Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 16479 is added to the Public Utilities Code, to read:

16479. If the Board of Directors of the Tahoe City Public Utilities District determines to use all or any portion of a surplus remaining in the improvement fund from any assessment proceeding to improve the sewer system within district's jurisdiction in accordance with the provisions of subdivision (c) of Section 10427 of the Streets and Highways Code, all of the surpluses to be used for the maintenance of the improvements may be transferred by the legislative body to a single fund for the maintenance and operation of the sewer system without regard to the proportion of the funds so created attributable to each proceeding from which the surplus arose.

The board of directors shall transfer to such single fund the same percentage of the surplus from each improvement fund. The fact that in one or more of such improvement funds no surplus exists shall not prevent the board of directors from proceeding pursuant to this section as to all improvement funds in which a surplus does exist if a surplus of no less than 2½ percent of the total cost exists in no less than 75 percent of such funds.

This section, applicable only to the Tahoe City Public Utilities District, is necessary because of unique and special fiscal management problems of improvement districts in the Lake Tahoe Basin.

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

The improvement funds in several of the assessment districts have been completed for some time, and unless this act takes effect immediately, the Tahoe City Public Utility District would have to wait until January 1, 1976, to pool the surpluses remaining and give the property owners the benefit of reduced maintenance and operation charges.

CHAPTER 128

An act to amend Section 206.1 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 206.1 of the Revenue and Taxation Code is amended to read:

206.1. All real property necessarily and reasonably required for the parking of automobiles of persons while attending religious services, or engaged in religious services or worship, or engaged in any religious activity, whether or not the real property is contiguous to the land on which is erected the church or other structure used for the religious service or as the place of worship or religious activity and which real property is owned by the church or religious denomination or sect using the same for the parking of automobiles as aforesaid, and which real property is not at other times used for commercial purposes is exempt from taxation. As used in this section, "commercial purposes" does not include the parking of vehicles or bicycles, the revenue of which does not exceed the ordinary and necessary costs of operating and maintaining the property for parking purposes.

SEC. 2. Notwithstanding Section 2229 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section because this act will permit the use by the public of property which is already exempt from taxation and will not result in significant identifiable loss of property tax revenues by local agencies.

CHAPTER 129

An act to amend Section 10705 of, and to repeal Section 10703.4 of, the Education Code, relating to student body funds.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 10703.4 of the Education Code is repealed.

SEC. 2. Section 10705 of the Education Code is amended to read:

10705. In schools or classes for adults, regional occupational centers or programs, or in elementary schools in which the student body is not organized, the governing board may appoint an employee or official to act as trustee for student body funds and to receive said funds in accordance with procedures established by the board. These funds shall be deposited in a bank approved by the board and shall be expended subject to the approval of said appointed employee or official and also subject to such procedure as may be established by the board.

CHAPTER 130

An act to amend Sections 21800, 21801, 21807, and 28453 of the Education Code, to amend Sections 6553, 26338, 26343, 26438, 29916, 43610, 43655, 43722, 43727, 50738, 53400, 53553, 53827, 53843, 53854, 53859.04, 54382, and 54402 of the Government Code, to amend Sections 4186.09, 4613, 4789, 4988, 6646, 6694.2, 13917, 13919, 13926, 32130, 32305, and 34354 of the Health and Safety Code, to amend Sections 5306, 5357, 5544.1, 5544.2, and 5784.24 of the Public Resources Code, to amend Sections 13207, 16576, 16577, 17003, 29173, 30904, and 102505 of the Public Utilities Code, to amend Sections 1185, 10602, 25402, 26181, 33138, and 35419 of the Streets and Highways Code, to amend Sections 8034, 23669, 23810, 23811, 24504, 24629, 24631, 24651, 24761, 25208, 31304, 31391, 36198, 36352, 36402, 36408.5, 36408.6, 44952, 45553, 46671, 51342, 51511, 51514, 52104, 52711, 53022, 53092, 53300, 56079, 60270, 71861, 71953, 71960, 74853, and 75210 of the Water Code, to amend Sections 68, 69, 72, and 72.1 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Sections 28, 29, 31, and 34 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), and to amend Sections 18, 19, 19.5, and 22 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), relating to local agency indebtedness.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 21800 of the Education Code is amended to read:

21800. Bonds of a school district shall be offered for sale by the board of supervisors of the county, the county superintendent of which has jurisdiction over the district, as soon as possible following receipt of a resolution duly adopted by the governing board of the school district. The resolution shall prescribe the total amount of bonds to be sold. The resolution may also prescribe the maximum acceptable interest rate, not to exceed 8 percent, and the time or times when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds.

SEC. 2. Section 21801 of the Education Code is amended to read:

21801. When authorized by the governing board of a school district, bonds of a school district may be offered for sale as a group by the board of supervisors of the county, the county superintendent of which has jurisdiction over the district, at a time determined by the board of supervisors following receipt of a resolution duly adopted by the governing board of the school district. The resolution shall prescribe the total amount of bonds to be sold. The resolution

may also prescribe the maximum acceptable interest rate, not to exceed 8 percent, and the time or times when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. Bidders shall be required to bid a lump sum bid on all bonds as a group. If bids satisfactory to the governing board of each school district included in the group are received, the bonds offered for sale shall be awarded to the bidder whose bid will result in the lowest net interest cost for the group or for the bonds of any district included within the group. Bonds shall be issued and sold in the name of each school district in the same manner as provided in this chapter.

SEC. 3. Section 21807 of the Education Code is amended to read:

21807. The bonds shall not bear a rate of interest greater than 8 percent per annum, payable annually or semiannually.

SEC. 4. Section 28453 of the Education Code is amended to read:

28453. The bonds shall not bear a rate of interest greater than 8 percent, payable annually or semiannually.

SEC. 5. Section 6553 of the Government Code is amended to read:

6553. The indenture authorizing the issuance of such bonds shall recite the objects and purposes for which the bonds are to be issued, which may include any or all of the purposes stated in this article and which shall comprise the project, the principal amount of the bonds, the maximum rate of interest to be payable thereon which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be made payable at the end of said year, the date or dates of issue of said bonds, the maturity date or dates thereof, and the fund or funds from which said bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable, and such other provisions authorized by this article as the governing body of the entity deems necessary or desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this article shall be conclusive evidence of compliance with the provisions of this article and of the validity of such bond. Said bonds may be issued and sold to the United States of America, or the State of California, or to any appropriate department or agency thereof, to provide a source for the payment of principal and interest on any loan made by the United States of America, or the State of California, or agency thereof, to any agency created by an agreement entered into pursuant to this chapter.

SEC. 6. Section 26338 of the Government Code is amended to read:

26338. Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the board may fix limitations or restrictions on the payment of interest.

SEC. 7. Section 26343 of the Government Code is amended to read:

26343. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The board may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than 8 percent per annum, payable semiannually, according to standard tables of bond values.

SEC. 8. Section 26438 of the Government Code is amended to read:

26438. Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the board may fix limitations or restrictions on the payment of interest.

SEC. 9. Section 29916 of the Government Code is amended to read:

29916. Interest on the bonds shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year after the date of the bonds may be made payable at the end of said year.

SEC. 10. Section 43610 of the Government Code is amended to read:

43610. The ordinance shall recite:

(a) The object and purpose of incurring the indebtedness.

(b) The estimated cost of the public improvements.

(c) The amount of the principal of the indebtedness.

(d) The rate or maximum rate of interest on the indebtedness, which shall not exceed 8 percent, and need not be recited if it does not exceed 4½ percent. Said interest shall be payable semiannually except that interest for the first year after the date of the bonds may be made payable at the end of said year.

(e) The date of the election.

(f) The manner of holding the election and the procedure for voting for or against the proposition.

SEC. 11. Section 43655 of the Government Code is amended to read:

43655. The bonds shall be sold as the legislative body shall determine but for not less than a price which will produce a net interest cost that will not exceed an average of 8 percent a year as determined by standard tables of bond values.

SEC. 12. Section 43722 of the Government Code is amended to read:

43722. The bonds shall be issued in denominations of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) each, have not more than 40 years to run, and bear a rate of interest not to exceed 8 percent a year, payable semiannually.

SEC. 13. Section 43727 of the Government Code is amended to read:

43727. The bonds may be sold in the manner provided by the legislative body, to the highest bidder, at such price that the interest

rate paid by the city, computed on the sale price, will not exceed 8 percent a year, or may be exchanged for the outstanding evidences of indebtedness pursuant to this article.

SEC. 14. Section 50738 of the Government Code is amended to read:

50738. Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the board may fix limitations or restrictions on the payment of interest.

SEC. 15. Section 53400 of the Government Code is amended to read:

53400. A county, city, district, or political subdivision may sell any of its bonds, authorized by the electors and unsold, at a price which will net the purchaser not more than 8 percent a year, payable semiannually, on the par value of the bonds.

SEC. 16. Section 53553 of the Government Code is amended to read:

53553. When the legislative body determines to issue refunding bonds pursuant to this article, it shall adopt a resolution providing for the issuance of such bonds. Such resolution shall:

(a) Describe the bonds being refunded; and the date on which it is anticipated that the exchange, purchase or call and redemption necessary to effect the refunding shall occur;

(b) Fix the date of such refunding bonds;

(c) Designate the denomination or denominations thereof;

(d) Fix the rate or rates of interest to be borne by such refunding bonds, which rate or rates shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year from date of issuance may be payable at the end of said year;

(e) Fix the maturity dates of such refunding bonds, which shall not exceed 40 years from the date of such refunding bonds, or the latest maturity date of the bonds being refunded, whichever occurs earlier;

(f) Designate the place or places of payment of both principal and interest;

(g) Prescribe the form of such refunding bonds; and

(h) State the designated costs of issuing the refunding bonds.

SEC. 17. Section 53827 of the Government Code is amended to read:

53827. The sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the local agency. The rate of interest shall not exceed 8 percent a year.

SEC. 18. Section 53843 of the Government Code is amended to read:

53843. In any county which finds it necessary to borrow current operating requirements, as provided in the foregoing sections, the board of supervisors shall either:

(1) Advertise for bids by publication for two weeks in a newspaper of general circulation in the county, setting forth the date

upon which the amount will be required, which shall be not less than three weeks following the date of the first publication, the amount required and the repayment date. Bids shall be opened at the time set forth in the notice which shall be during a regular meeting of the board; and the board, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 8 percent, or

(2) After finding that time is of the essence, direct the county treasurer to negotiate for a loan to the county and to solicit and receive bids without advertising for them. The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 8 percent, or

(3) After finding that any political subdivision subject to this article periodically requires advances of current operating requirements prior to receipt of tax revenues, direct the county treasurer, upon request of such political subdivision, to solicit and receive bids for loans from time to time without advertising for them. The board of supervisors, unless it rejects all bids, shall accept the bid which offers the loan to the county at the lowest net interest cost not in excess of 8 percent.

SEC. 19. Section 53854 of the Government Code is amended to read:

53854. Any note issued under this article may be negotiable, may be payable to order or to bearer and may be in any denomination. Such note shall be payable not later than the last day of the fiscal year in which it is issued; provided that such note may be made payable during the fiscal year succeeding the fiscal year in which issued, but in no event later than 15 months after the date of issue, when such note is payable only from revenue received or accrued during the fiscal year in which issued. Such note may bear interest not to exceed 8 percent per annum, payable as provided therein. Such interest may be represented by coupons attached to said note.

SEC. 20. Section 53859.04 of the Government Code is amended to read:

53859.04. Any grant anticipation note issued under this article may be negotiable or may be payable to order or to bearer and may be in any denomination. Except as limited by the Constitution of the State of California, such note shall be payable not later than 36 months after the date of issue and shall be payable solely, except as provided in Section 53859.07, from committed and appropriated funds of grants of the state or federal government that the granting authority states shall be paid on specified dates within a 36-month period from the dating of the grant anticipation notes issued. Such note may bear interest not to exceed 8 percent per annum, payable as provided on its face. Such interest may be represented by coupons attached to such note or notes.

In those instances where the Constitution of the State of California limits a local agency from incurring an indebtedness or liability in

any year which is in excess of income and revenue for that year, a note or notes issued pursuant to this article may be made payable during the fiscal year next succeeding the fiscal year in which they have been issued, but in no event later than 15 months after the date of issue; provided that such note or notes shall be payable only from income and revenue received or accrued during the fiscal year in which the note or notes were issued.

SEC. 21. Section 54382 of the Government Code is amended to read:

54382. The resolution shall:

(a) State the purpose for which the bonds are proposed to be issued.

(b) State the estimated cost of the acquisition, construction, improvement and financing.

(c) State the principal amount of the bonds.

(d) State the maximum rate of interest on the bonds, which shall not exceed 8 percent a year, payable annually or semiannually.

(e) Fix the election date.

(f) Fix the manner of holding the election.

(g) Fix the manner of voting on the issuance of the bonds.

(h) State that in all other particulars the election shall be held and the votes canvassed pursuant to law for general municipal elections in such local agencies.

SEC. 22. Section 54402 of the Government Code is amended to read:

54402. The legislative body may determine and provide in the resolution for:

(a) The issuance of any bonds or a series in the form of serial bonds or sinking fund bonds with serial or term maturities.

(b) The interest of the bonds not exceeding 8 percent a year, payable annually or semiannually.

(c) The denomination of the bonds.

(d) The form of the bonds, coupon or registered.

(e) The registration and conversion privileges of the bonds.

(f) The manner in which the bonds are to be executed.

(g) The medium and place of payment.

(h) The terms of redemption, with or without a premium.

SEC. 23. Section 4186.09 of the Health and Safety Code is amended to read:

4186.09. The bonds shall be issued in such denominations as the district board determines, except that no bond shall be of a denomination less than one hundred dollars ($100) or greater than one thousand dollars ($1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 8 percent per annum, and shall, after the first year, be payable semiannually.

SEC. 24. Section 4618 of the Health and Safety Code is amended to read:

4618. The maximum rate of interest to be paid on the bonded

indebtedness shall be 8 percent per annum, and shall be payable semiannually. The first interest payable on the bonds or any series of the bonds may, however, be for any period not exceeding one year, as determined by the governing body.

SEC. 25. Section 4789 of the Health and Safety Code is amended to read:

4789. The bonds shall be issued in such denomination or denominations as the district board may determine. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 8 percent per annum, and shall, after the first year, be payable semiannually.

SEC. 26. Section 4988 of the Health and Safety Code is amended to read:

4988. The bonds shall bear interest, as the governing body shall determine, at a rate not to exceed 8 percent per annum, and shall, after the first principal maturity, be payable semiannually by coupon.

SEC. 27. Section 6646 of the Health and Safety Code is amended to read:

6646. The bonds shall be payable in lawful money of the United States at the office of the treasurer and bear interest at a rate not exceeding 8 percent per annum, payable semiannually in like lawful money. The interest for the first year may be payable in one installment at the end of such year, or the interest for the period from the date of the bonds to a date not later than 30 days after the date the second installment of the first district taxes levied after the date of said bonds will become delinquent may be payable in one installment at the end of such period.

SEC. 28. Section 6694.2 of the Health and Safety Code is amended to read:

6694.2. The rate of interest on refunding bonds shall not exceed 8 percent per annum payable semiannually.

SEC. 29. Section 13917 of the Health and Safety Code is amended to read:

13917. When any warrant of the district, properly drawn on any fund in the official custody of the county treasurer, is presented to the county treasurer for payment, and it is not paid for want of funds, the county treasurer shall endorse thereon "not paid for want of funds" and the date and time of presentation and sign his name thereto. From that time until paid the warrant bears interest at the rate of not to exceed 8 percent a year.

SEC. 30. Section 13919 of the Health and Safety Code is amended to read:

13919. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of the proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 30 years.

(d) The maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of the precincts, the location of the polling places, and the names of the officers selected to conduct the election.

SEC. 31. Section 13926 of the Health and Safety Code is amended to read:

13926. The bonds shall bear interest at a rate, or rates, not to exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the year.

SEC. 32. Section 32130 of the Health and Safety Code is amended to read:

32130. The district may borrow money and incur indebtedness in anticipation of the estimated tax revenue and other income for the current year in which the indebtedness is incurred. Such indebtedness shall not exceed 50 percent of the total amount of the estimated tax revenue and other income for the current year.

The district is further authorized when funds shall be needed to meet current expenses of maintenance and operation, to borrow money on certificates of indebtedness or other evidence of indebtedness in an amount not to exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of the district, said certificates of indebtedness to run for a period not to exceed five years and to bear interest not to exceed 8 percent per annum.

All such certificates of indebtedness or other evidence of indebtedness shall be issued after the adoption by a three-fifths vote of the board of directors of the district of a resolution setting forth the necessity for such borrowing and the amount of the assessed valuation of the district and the amount of funds to be borrowed thereon. All such certificates of indebtedness or other evidence of indebtedness shall be offered at public sale by the board of directors of the district after not less than 10 days advertising in a newspaper of general circulation within the district and if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the district; provided, however, that the rate of interest shall not exceed 8 percent per annum.

Such certificates of indebtedness or other evidences of indebtedness shall be signed on behalf of the district by the presiding officer and attested by the secretary of the board of directors of the district. The board of supervisors of the county in which the district lies shall, at the time of fixing the general tax levy, sometimes called

the annual assessment or regular annual assessment for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said certificates of indebtedness or other evidences of indebtedness are paid or until there shall be a sum in the treasury set apart for that purpose sufficient to meet all sums coming due for principal and interest on such certificates of indebtedness or other evidence of indebtedness, a tax sufficient to pay the interest on such certificates of indebtedness as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. Said tax shall be in addition to all of the taxes levied for district purposes and shall be placed in a certificate of indebtedness, interest and sinking fund of the district and, until all of the principal of the interest and certificates of indebtedness is paid, the money in said fund shall be used for no other purpose than the payment of said certificates of indebtedness and accruing interest thereon.

Notwithstanding any limitation as to the amount, nature or purpose of any indebtedness or other obligations referred to in this section, a district may also incur obligations and indebtedness pursuant to and make all rental, purchase, and other payments provided for in any agreement entered into by it pursuant to Section 32135.

SEC. 33. Section 32305 of the Health and Safety Code is amended to read:

32305. The rate of interest to be borne by bonds issued under the authority of this chapter shall be fixed by the board of directors. The rate shall not exceed 8 percent per annum, payable annually or semiannually.

SEC. 34. Section 34354 of the Health and Safety Code is amended to read:

34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

(a) The issuance of bonds in one or more series.

(b) The date the bonds shall bear.

(c) The date of maturity.

(d) The interest rate, not exceeding 8 percent a year.

(e) The denomination of the bonds.

(f) The form of the bonds, either coupon or registered.

(g) The conversion or registration privileges which the bonds shall carry.

(h) The rank or priority of the bonds.

(i) The manner of execution of the bonds.

(j) The medium of payment in which the bonds are payable.

(k) The place of payment.

(*l*) The terms of redemption, with or without premium.

SEC. 35. Section 5306 of the Public Resources Code is amended to read:

5306. If at the election two-thirds of the qualified electors who vote assent to the issuance of the bonds, the city or city and county

may, by ordinance, or in such manner as other municipal legislative acts are enacted by it, provide for the issuance of, and cause to be issued, its bonds to the amount specified and voted for.

The bonds shall mature and become due and payable at a time not exceeding 20 years, and shall bear interest at a rate not exceeding 8 percent a year, payable annually. Before or at the time of the issuance of the bonds, provision shall be made for the collection of an annual tax sufficient to pay the interest as it falls due, and to constitute a sinking fund to pay the principal at maturity.

SEC. 36. Section 5357 of the Public Resources Code is amended to read:

5357. If the legislative body has denied all protests, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under Section 5356, and provide for the submission of the proposition of incurring a debt by the issuance of bonds of the district for the purposes set forth in the ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement or work, the estimated cost, the estimated cost of the incidental expense, the amount of the principal of the indebtedness to be incurred and the rate of interest to be paid on such indebtedness; provided, however, that in its discretion the legislative body may recite in the ordinance or resolution a maximum rate of interest to be paid on such indebtedness not to exceed 8 per centum per annum, which rate when so recited shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which the election shall be held, the manner of holding the election and the manner of voting for or against the proposition.

SEC. 37. Section 5544.1 of the Public Resources Code is amended to read:

5544.1. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000) or 5 percent of the assessed valuation of the real and personal property situated in the district, whichever is the lesser amount, to be used for any revenue-producing purpose for which the district is authorized to expend funds.

Indebtedness incurred pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal year in which it is incurred and shall bear interest at a rate not exceeding eight percent (8%) per annum payable annually or semiannually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory

note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Nothing herein shall be construed so as to limit or restrict the authority of the district to issue promissory notes or deeds of trust in the acquisition of real property or the exercise of its right of eminent domain subject to the limitations set forth in Section 5568 of this code.

Nothing herein shall limit the authority of the district to borrow pursuant to Section 5544.3.

SEC. 38. Section 5544.2 of the Public Resources Code is amended to read:

5544.2. A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next two-year period derived pursuant to Sections 5545 and 5545.5. All such indebtedness which is incurred on or after July 1, 1968, shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 8 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a portion of the taxes levied and collected pursuant to Sections 5545 and 5545.5 shall be levied and collected and set aside sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 39. Section 5784.22 of the Public Resources Code is amended to read:

5784.22. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness which is incurred on or after October 1, 1963, shall be repaid during a period not to exceed 10 years from the date on which it is incurred and shall

bear interest at a rate not exceeding 8 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. Any indebtedness, or portion thereof, authorized to be incurred by this section may be refunded and refinanced pursuant to this section if the net interest cost to the district is reduced by such financing. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 40. Section 5784.24 of the Public Resources Code is amended to read:

5784.24. The resolution calling an election upon the issuance of bonds shall specify the date of the election, the amount of the bonds to be issued, the rate of interest or a maximum rate to be paid thereon, such rate or maximum rate not to exceed 8 percent per annum, and the nature of the proposed structure or improvement or of the property to be acquired or of the indebtedness incurred pursuant to Section 5784.22, or portion thereof, proposed to be refunded, and such resolution shall be published as a notice of the election, in accordance with the provisions of Sections 58006 and 58007 of the Government Code.

SEC. 41. Section 13207 of the Public Utilities Code is amended to read:

13207. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the utility, works, lands, structures, rights, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 8 percent per annum, payable semiannually. If, however, the rate of interest to be paid on the indebtedness does not exceed 4½ percent per annum, payable semiannually, the rate of interest need not be recited in the ordinance.

SEC. 42. Section 16576 of the Public Utilities Code is amended to read:

16576. Notwithstanding any provision of this division limiting the amount of indebtedness which may be incurred by it, in order to repair and replace structures and equipment impaired or destroyed or both by flood, fire, earthquake, or other catastrophe, upon the unanimous vote of its board, a district may do any or all of the following:

(a) Borrow money at a rate of interest not exceeding 8 percent a year, including borrowing from the United States or any of its agencies, in a principal amount not to exceed 6 percent of the assessed value of all real and personal property situated in the district.

(b) Issue evidences of indebtedness to represent the sum borrowed.

(c) Arrange terms for the repayment of the sum borrowed.

SEC. 43. Section 16577 of the Public Utilities Code is amended to read:

16577. A district may refinance any indebtedness incurred pursuant to Section 16576 by borrowing from the United States or any of its agencies and issuing in connection therewith evidences of indebtedness in the form and upon the terms required by the United States or its agency. The sum so borrowed shall not exceed the amount of the obligation being refinanced, and interest shall not exceed 8 percent per year. The money so borrowed for refinancing shall be used only to repay the obligation for the retirement of which the money was borrowed.

SEC. 44. Section 17003 of the Public Utilities Code is amended to read:

17003. The interest on the bonds, other than bonds for sewage works, shall not exceed 8 percent a year. The interest on bonds for sewage works shall not exceed 8 percent a year.

SEC. 45. Section 29173 of the Public Utilities Code is amended to read:

29173. Bonds shall bear interest at a rate of not to exceed 8 percent per annum, payable semiannually, except that interest for the first year or any fraction thereof may be paid in one installment.

SEC. 46. Section 30904 of the Public Utilities Code is amended to read:

30904. The bonds shall bear interest at a rate or rates not exceeding 8 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the

resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds shall be dated, numbered consecutively and shall be signed by the president and treasurer, countersigned by the secretary and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

SEC. 47. Section 102505 of the Public Utilities Code is amended to read:

102505. The bonds shall bear interest at a rate or rates not exceeding 8 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds, the board may also provide for call and redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds, or such series thereof, shall be dated and numbered consecutively and shall be signed by the chairman of the board and the treasurer, countersigned by the secretary and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

SEC. 48. Section 1185 of the Streets and Highways Code is amended to read:

1185. The board, by an order entered upon its minutes, shall prescribe:

(a) The form of the bonds and of the interest coupons attached thereto.

(b) The time when the several bonds shall become due, not exceeding 40 years from the date thereof.

(c) The rate of interest the bonds shall bear, not exceeding 8 percent per annum.

SEC. 49. Section 10602 of the Streets and Highways Code is amended to read:

10602. The bonds may be issued and sold as the legislative body directs. The proceeds of the bonds shall be deposited in the fund specified in Section 10424. The notice in the resolution of intention shall recite a maximum rate of interest to be paid on the indebtedness, not to exceed 8 percent a year payable semiannually, which rate shall not be exceeded in the issuance of the bonds. All bonds shall be made payable to bearer.

SEC. 50. Section 25402 of the Streets and Highways Code is amended to read:

25402. The board of directors shall prescribe the denominations of the revenue bonds which shall mature serially in convenient amounts not necessarily equal. Revenue bonds shall bear such rate of interest not to exceed 8 percent per annum as may be determined by the board of directors.

SEC. 51. Section 26181 of the Streets and Highways Code is amended to read:

26181. All bonds shall be payable in lawful money of the United States at the office of the county treasurer of the county in which the district is situated, and shall bear interest at a rate not to exceed 8 percent per annum which shall be payable semiannually. Not less than one-thirtieth part of the total issue of bonds shall be payable each year, commencing not more than five years after the date of the bond issue.

SEC. 52. Section 33138 of the Streets and Highways Code is amended to read:

33138. The authority may sell bonds at a price below the par or face value, provided that the discount on any bonds so sold shall not exceed 8 percent of the par value thereof.

The interest rate on the bonds shall not exceed 8 percent, payable semiannually. The sale shall be conducted in compliance with Chapter 10 (commencing with Section 5800) of Division 6 of Title 1 of the Government Code.

SEC. 53. Section 35419 of the Streets and Highways Code is amended to read:

35419. The legislative body may sell the bonds at a price below the par or face value, provided that the discount on any bonds so sold shall not exceed 8 percent of the par value thereof.

SEC. 54. Section 8034 of the Water Code is amended to read:

8034. The interest rate shall not exceed 8 percent per annum, and shall be fixed by the city council.

SEC. 55. Section 23669 of the Water Code is amended to read:

23669. Any assessment levied pursuant to Section 23667 shall include both of the following sums:

(a) An amount equal to interest on any deferred payments at a rate not exceeding 8 percent each year.

(b) An amount equal to 10 percent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

SEC. 56. Section 23810 of the Water Code is amended to read:

23810. Except as provided in Section 23811, the improvement district warrants shall be made payable over not to exceed a period of 10 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 8 percent per year.

SEC. 57. Section 23811 of the Water Code is amended to read:

23811. Upon approval by two-thirds of the board, and approval by the State Treasurer, the improvement district warrants shall be made payable over not to exceed a period of 20 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 8 percent per year.

SEC. 58. Section 24504 of the Water Code is amended to read:

24504. If money is not available in the fund designated for the payment of any matured bond or interest coupon, it shall draw interest at the rate of 8 percent per year from the date of its presentation for payment until notice is given that funds are available for its payment.

SEC. 59. Section 24629 of the Water Code is amended to read:

24629. Any warrant authorized in the preceding sections of this article shall draw interest at a rate to be fixed by the board not to exceed 8 percent per year payable annually or semiannually as the board may prescribe.

SEC. 60. Section 24631 of the Water Code is amended to read:

24631. Warrants of any district may be issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment, bearing interest fixed by the board at not more than 8 percent per year. These warrants shall be made payable on a date not later than the first day of July next after the first annual assessment in the district is levied.

SEC. 61. Section 24651 of the Water Code is amended to read:

24651. Whenever any warrant of a district is presented to the treasurer for payment when funds are not available for its payment, it shall thereafter draw interest at a rate determined by resolution of the board but not exceeding 8 percent per year until public notice is given that funds are available for its payment.

SEC. 62. Section 24761 of the Water Code is amended to read:

24761. The rate of interest specified in the agreement or plan shall not exceed 8 percent per year.

SEC. 63. Section 25208 of the Water Code is amended to read:

25208. The bonds shall bear interest at a rate not to exceed 8 percent per year to be fixed by the board.

SEC. 64. Section 31304 of the Water Code is amended to read:

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31304. The district, or the district on behalf of an improvement district thereof, may issue negotiable promissory notes which shall be payable from general taxes, revenues, and other available funds of the district or the improvement district, as the case may be, other than taxes levied for the payment of principal and interest on any bonded indebtedness of the district or an improvement district therein. The notes shall bear interest at a rate not exceeding 8 percent per annum and shall mature and be payable not later than five years from the date of issue. The balance of such notes unpaid shall not at any one time exceed 2 percent of the assessed valuation of the taxable property in the district or the improvement district, as the case may be, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district, or the improvement district, as evidenced by his certificate; provided, however, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars ($25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater.

No district shall borrow, pursuant to this section, for purposes other than flood control, in excess of one million dollars ($1,000,000); provided, however, that any district with an assessed valuation in excess of one hundred million dollars ($100,000,000) may borrow, pursuant to this section, for purposes other than flood control, an amount not exceeding 1 percent of the assessed valuation of all taxable property within the district.

SEC. 65. Section 31391 of the Water Code is amended to read:

31391. After the board has made its determination pursuant to Section 31387, if it deems it necessary to incur the bonded indebtedness, it shall by resolution state:

(a) That it deems it necessary to incur the bonded indebtedness.

(b) The purpose for which the bonded indebtedness will be incurred.

(c) Either of the following in accordance with its previous determination:

(1) That the whole of the district will be benefited by incurring the bonded indebtedness.

(2) That a portion of the district will be benefited by incurring the bonded indebtedness, which portion shall be described as it is described in the resolution of the board made pursuant to Section 31387.

(d) The amount of debt to be incurred.

(e) The maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years from the date of the bonds or any series thereof.

(f) The annual rate of interest to be paid which rate shall not exceed 8 percent, payable annually or semiannually.

(g) The proposition to be submitted to the voters.

SEC. 66. Section 36198 of the Water Code is amended to read:

36198. General obligation bonds shall bear interest at a rate not in excess of 8 percent per annum payable annually or semiannually as may be prescribed by the board.

SEC. 67. Section 36352 of the Water Code is amended to read:

36352. Revenue bonds shall bear interest at a rate not in excess of 8 percent per annum, payable annually or semiannually as may be prescribed by the board.

SEC. 68. Section 36402 of the Water Code is amended to read:

36402. Indebtedness incurred under this chapter shall be evidenced by warrants of the district payable at stated times fixed by the board and bearing interest at a rate not exceeding 8 percent per annum, payable annually or semiannually.

SEC. 69. Section 36408.5 of the Water Code is amended to read:

36408.5. Any warrant authorized in the preceding section shall draw interest at a rate to be fixed by the board not to exceed eight (8) percent per year payable annually or semiannually as the board may prescribe. Interest coupons to bearer in a form and signed as prescribed by the board may be attached to such warrants.

SEC. 70. Section 36408.6 of the Water Code is amended to read:

36408.6. Warrants of any district may be issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment, bearing interest fixed by the board at not more than eight (8) percent per year. These warrants shall be made payable on a date not later than the first day of July next after the first annual assessment in the district is levied.

SEC. 71. Section 44952 of the Water Code is amended to read:

44952. Revenue warrants shall bear interest at a rate or rates not exceeding 8 percent per annum, payable annually or semiannually or in part annually and in part semiannually, as the board may prescribe.

SEC. 72. Section 45553 of the Water Code is amended to read:

45553. The bonds or any series thereof shall bear interest at a rate not to exceed 8 percent per year payable annually or semiannually as may be prescribed by the board at the time of the issuance of the bonds at the office of the treasurer and at any other place within the United States which may be designated by the board, upon the presentation of the proper coupons.

SEC. 73. Section 46671 of the Water Code is amended to read:

46671. All unpaid assessments bear interest at the rate of 8 percent per year. Interest commences to run 30 days after the assessment list is filed with the county treasurer.

SEC. 74. Section 51342 of the Water Code is amended to read:

51342. The rate of interest on unpaid operation and maintenance assessments is 8 percent per year unless the board, by resolution, adopts a lesser rate and files a certified copy of the resolution with the county treasurer for insertion in the operation and maintenance assessment roll.

SEC. 75. Section 51511 of the Water Code is amended to read:

51511. Unpaid assessments on which bonds have been issued shall

bear interest at the rate of 8 percent per year from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon are fully paid, and the interest due at any time on the unpaid assessment may be called without calling any installment of the assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

SEC. 76. Section 51514 of the Water Code is amended to read:

51514. After the period of 30 days all unpaid original assessments shall bear interest at the rate of 8 percent per year.

SEC. 77. Section 52104 of the Water Code is amended to read:

52104. Bonds shall bear interest at a rate not to exceed 8 percent per year, payable on the first day of January and the first day of July in each year at the office of the county treasurer upon the presentation of the proper coupons therefor.

SEC. 78. Section 52711 of the Water Code is amended to read:

52711. The maturity of the refunding bonds issued pursuant to this chapter and the rate of interest thereon shall be fixed by the board, but in no case shall the maturity of any of the refunding bonds exceed 50 years nor the rate of interest exceed 8 percent per year, payable semiannually.

SEC. 79. Section 53022 of the Water Code is amended to read:

53022. Demand warrants not paid on presentation shall bear interest from date of registration at the rate of not to exceed 8 percent per year.

SEC. 80. Section 53092 of the Water Code is amended to read:

53092. If there is insufficient money in the irrigation fund to pay a warrant when presented, endorsement of that fact shall be made thereon by the county treasurer, who shall register it separately from other warrants of the district, and it shall thereafter bear interest from date of registration at the rate of 8 percent per year until paid.

SEC. 81. Section 53300 of the Water Code is amended to read:

53300. The board may provide, by resolution entered in its minutes, such rate of interest upon warrants as it deems reasonable, not to exceed 8 percent per year.

SEC. 82. Section 56079 of the Water Code is amended to read:

56079. The bonds shall be issued in such denominations as the district board determines, except that no bonds shall be of a denomination less than one hundred dollars ($100) or greater than one thousand dollars ($1,000). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 8 percent per annum, and shall, after the first year, be payable semiannually.

SEC. 83. Section 60270 of the Water Code is amended to read:

60270. Whenever the board deems it necessary for the district to incur a bonded indebtedness, the board shall, by resolution, so declare and state the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall

not exceed 40 years; the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, and the measure to be submitted to the voters.

SEC. 84. Section 71861 of the Water Code is amended to read:

71861. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(d) The maximum rate of interest to be paid, which shall not exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

SEC. 85. Section 71953 of the Water Code is amended to read:

71953. The bonds shall bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

SEC. 86. Section 71960 of the Water Code is amended to read:

71960. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of the district or for an improvement district thereof if:

(a) The principal amount of such bonds do not exceed the then unissued balance of the principal amount of bonds authorized at an election held in the district, or in such improvement district, prior to May 9, 1967;

(b) The bonds are issued for the same purpose as that for which said unissued bonds were authorized; and

(c) The bonds are issued in accordance with the provisions of this article, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year. When bonds are issued pursuant to this section, unissued bonds as referred to in (a) and (b) above in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

SEC. 87. Section 74853 of the Water Code is amended to read:

74853. The bonds shall bear interest at a rate not exceeding 8 percent per year, payable annually or semiannually as may be prescribed by the board at the time of the issuance of the bonds.

SEC. 88. Section 75210 of the Water Code is amended to read:

75210. The improvement district assessment shall include a sum that equals interest on any deferred payments at a rate not to exceed 8 percent per year, and 10 percent additional for anticipated delinquencies.

SEC. 89. Section 68 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 68. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds, interest during construction and for one year thereafter, initial working capital, operating and maintenance costs during construction and for one year thereafter, costs of utility relocation, costs of engineering, planning, design and inspection, and costs of acquiring rights-of-way; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon

as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 90. Section 69 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 69. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such notice

shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Antelope Valley-East Kern Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Antelope Valley-East Kern Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to

the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records

of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 91. Section 72 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 72. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 68 or of Section 69 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached.

The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Antelope Valley-East Kern Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC 92. Section 72.1 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 72.1. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of an improvement district thereof subject to the following conditions:

(a) The principal amount of such bonds does not exceed the then unissued balance of the principal amount of bonds authorized at an

election held in Improvement District No. 1 on November 26, 1963, or at an election held in Improvement District No. 3 on November 24, 1964.

(b) The bonds are issued for the same purpose as that for which the unissued bonds referred to in subdivision (a) were authorized.

(c) The bonds are issued in accordance with the provisions of this act, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year. When bonds are issued pursuant to this section, the unissued bonds referred to in subdivisions (a) and (b) of this section in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

SEC. 93. Section 28 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 28. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes

canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 94. Section 29 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 29 Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy

of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Desert Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. ___ of Desert Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such

improvement district within the Desert Water Agency pursuant to this section all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Desert Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the

provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 95. Section 31 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed

by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Desert Water Agency for Improvement District No. ___" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 96. Section 34 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33. If the improvement district is formed under Section 33, the board may provide that the

district shall be repaid for any advance of funds, with interest at a rate not to exceed 8 percent per annum from the taxes levied exclusively upon the taxable property in the improvement district. If the improvement district is formed under Section 29 the board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of such improvement district or as provided in Section 25. To the extent that advances made for improvements for which such bonds were authorized are repaid from funds other than the proceeds of the sale of bonds of the improvement district, the authority of the board to issue bonds of the improvement district in a like amount or amounts shall terminate. The treasurer shall maintain proper records and accounts in which there shall be set forth all repayments of advances to the extent that such advances are made for the improvements for which such bonds were authorized and, to the extent that such repayments reduce the amount of bonds which may be issued on behalf of any improvement district, the net principal amount of authorized but unissued bonds of such improvement district.

SEC. 97. Section 18 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 18. Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper

published in such agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 98. Section 19 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962 First Extraordinary Session) is amended to read:

Sec. 19. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district,

the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with

the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Crestline-Lake Arrowhead Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Crestline-Lake Arrowhead Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the Crestline-Lake Arrowhead Water Agency, if there is a newspaper printed and published in such agency. Such resolution

shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days, following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 99. Section 19.5 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 19.5. The board may, without a vote of the electors, provide for the issuance of, and issue, general obligation bonds of the agency or for an improvement district thereof if:

(a) The principal amount of such bonds do not exceed the then unissued balance of the principle amount of bonds authorized at an election held in the agency, or in such improvement district, prior to June 16, 1965;

(b) The bonds are issued for the same purpose as that for which said unissued bonds were authorized; and

(c) The bonds are issued in accordance with the provisions of this act, except for the requirement of a bond election.

Bonds issued pursuant to this section may bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year. When bonds are issued pursuant to this section, unissued bonds as referred to in subdivisions (a) and (b) above in a principal amount at least equal to the principal amount of bonds issued pursuant to this section, shall be canceled by order of the board and shall not be issued.

SEC. 100. Section 22 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 22. If from the returns it appears that more than two-thirds of the votes cast in an election held pursuant to the provisions of Section 18 or of Section 19 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue

bonds of the agency for the whole or any part of the amount of the indebtedness so authorized and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for the payment of each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 8 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Crestline-Lake Arrowhead Water Agency for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are

received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 101. It is the intent of the Legislature that the amendments made by this act are intended solely to conform various statutes with the provisions of Chapter 721 of the Statutes of 1974, and are declaratory of existing law. The Legislature does not intend by this act to render inapplicable Chapter 721 of the Statutes of 1974 to any entity subject to the provisions of such act and operating pursuant to statutory authority which has not as yet been amended to reflect the changes made by Chapter 721.

CHAPTER 131

An act to amend Sections 12 and 13 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), relating to San Diego County Flood Control District.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 12 of the San Diego Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 12. In each of the zones the board shall appoint a commission as follows: one representative of all the resource conservation districts situated entirely or partially within the zone; one representative of all the water agencies situated entirely or partially within the zone; three or more representatives of the unincorporated territory of the zone, the precise number to be determined as hereinafter specified, and one additional representative appointed by the board if such appointment is necessary to make the total number of representatives an uneven number.

As used in this section the term "water agencies" means any person operating a dam having an impounding capacity of 2,500 acre-feet or more, and any public agency representing the owners of, or controlling, water rights that in the determination of the board would or could be affected by zone or district projects.

The board shall appoint the representative of the resource conservation districts from a list of one or more nominees proposed by all of such districts acting in concert.

The board shall appoint the representative of the water agencies from a list of one or more nominees proposed by all of such agencies acting in concert.

Representatives of the unincorporated area shall be not less than three in number and shall be nominated and appointed by the board. The number of representatives authorized for the unincorporated territory shall be determined according to the following table, provided, however, where the application of such table results in the appointment of less than three representatives for the unincorporated territory the board shall appoint additional representatives so that the number of representatives for the unincorporated territory shall be at least three:

Zone	One representative for *	One additional representative for *	
1	30, or less	each additional full	30
2	100, or less	each additional full	100
3	40, or less	each additional full	40
4	20, or less	each additional full	20
5	10, or less	each additional full	10

* The numbers in the center and right columns represent millions of dollars of assessed valuation

Upon annexation to the district, any corporate area of any city which is within or partially within any zone shall have the right to representation on the zone commission for said zone and the number of representatives shall be determined and they shall be appointed and serve in like manner as representatives of the unincorporated

territory, except that they shall be nominated by the city council.

If the position of representative of the resource conservation districts or of the water agencies is or becomes vacant for any reason, the clerk of the board shall give to each of said districts or agencies, as the case may be, 30 days' notice of the date and place for submitting nominations of its own choosing. In the event no list is submitted proposing nominees for the position of representative of the resource conservation districts or of the water agencies within the said 30-day period specified in the notice, the board of directors may appoint a representative of its own choosing. If the position of representative of any city or of the unincorporated territory is or becomes vacant for any reason the board shall appoint the representative nominated by the city council or by the board of supervisors, as the case may be, only, and such position shall remain vacant unless and until such nomination and appointment is made.

In all zones representatives shall serve four-year terms, except that the initial appointment of one-half the representatives, as determined by lot, shall be for a two-year term, only, so that the terms of the representatives will be staggered. Any representative appointed by the board for the purpose of making the total number of representatives an uneven number shall be appointed only for a two-year term. Zone representatives may be reappointed by the board to serve additional terms.

Each zone representative shall receive such sum as may be fixed by the board for each meeting of the zone commission attended by him, not exceeding two meetings in any calendar month. The board by resolution may provide for the reimbursement from funds of the district of actual and necessary expenses incurred by such representatives in the performance of official duties under this act.

Notwithstanding any other provision of this section, in no event shall the total number of commissioners for any zone exceed the following nine persons: one resource conservation district representative; one water agency representative; and seven representatives of the unincorporated territory of the zone and the corporate area of any city within the zone which may have been annexed to the district. Where the corporate area of a city is included in the zone, the representation shall be apportioned between the unincorporated territory and the corporate area on the basis of assessed valuation of the taxable property in such zone. Where the corporate area of more than one city is included in the zone and the proportionate representation between the unincorporated territory and the corporate area is such that each city will not have the right to representation by at least one representative, the representation of the corporate area shall be by representatives nominated jointly by the councils of such cities.

SEC. 2. Section 13 of the San Diego Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 13. Concurrently with the institution of a project or work of

improvement, the board may establish a subzone or participating subzones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving such project or work of improvement. Whenever it is proposed to establish a subzone or participating subzones the resolution of intention required by this act shall contain, in addition to other required matters, a statement of the board's intention to establish a subzone or participating subzones, as the case may be, a description of the proposed boundaries thereof, and, where participating subzones are proposed, the proportionate amount of the costs to be borne by each subzone. The board may establish a continuously operating subzone or subzones for the financing, construction, maintaining, operating, extending, repairing, or otherwise improving projects or works of improvement. Whenever it is proposed to establish a continuously operating subzone or subzones, the resolution of intention required by this act shall contain, in addition to the other required matters, a statement of the board's intention to establish a continuously operating subzone or subzones and a description of the boundaries thereof.

At the hearing held pursuant to this act in addition to other matters then required to be determined, the board shall determine the extent of any subzone or participating subzones it may establish. The board shall have the power to exclude such territory from any proposed subzone or participating subzones as the board finds will not be benefited by inclusion therein.

No revenues from the taxes or assessments levied in one subzone under this section shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any project or work of improvement located in any other subzone, except in the case of joint projects or projects which are authorized or established outside of the subzone from which the revenues are derived but which are for the benefit of such subzone.

All of the provisions of this act relating to bonds and relating to projects and works of improvement are applicable to subzones and participating subzones, and all of the powers and duties conferred or imposed by this act with respect to zones or participating zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with respect to subzones and participating subzones.

It is hereby declared that for the purposes of any tax or assessment levied pursuant to this act in any subzone or participating subzone, the property so taxed or assessed is equally benefited.

Whenever a special bond election is called and held under Section 18 of this act, or as authorized by Section 27 of this act, with respect to any subzone or participating subzone, it shall be called and held only within such subzone or participating subzone for which the bonded indebtedness is proposed to be incurred and need not be called or held in any of the remaining territory of the zone or participating zones of which such subzone or participating subzone

may be a part. Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. When a project or work of improvement affects a single subzone only, then bonds for such subzone for the amount stated in such proceedings shall be issued and sold as in this act provided only if at the election called for that purpose a majority of the votes cast in said subzone on the proposition of incurring a bonded indebtedness are in favor thereof. When the incurring of bonded indebtedness by a participating subzone is to be determined at any election, no bonds for any of such participating subzones shall be issued or sold unless a majority of the votes cast on the proposition submitted at such election in each such participating subzone are in favor of incurring the bonded indebtedness to be undertaken by such participating subzone. Bonds of the district issued for any subzone or participating subzone pursuant to this act shall be legal investments and may be used as security, and money or funds may be invested in said bonds, as provided in Section 25 of this act with respect to bonds of the district issued for zones.

CHAPTER 132

An act to amend Section 35550 of the Vehicle Code, relating to buses: axle weight limits.

[Approved by Governor June 20, 1975. Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 35550 of the Vehicle Code is amended to read:

35550. (a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 18,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 9,500 pounds.

(b) The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle shall not apply to vehicles the loads of which consist of livestock.

(c) The gross weight on any one axle of a bus shall not exceed 20,500 pounds.

(d) Vehicles having not more than two axles, designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse and which are used regularly for such collection and transportation by any person or any governmental entity engaged in the business of, or in providing the service of, collecting, transporting, and disposing of garbage, rubbish, or refuse may

exceed the weight limitation imposed by this section when the excess weight is not more than 2,000 pounds and is on the rear axle only. The exemption granted by this subdivision shall only apply to such vehicles when engaged in the collection and transportation of garbage, rubbish, or refuse. If the weight on the rear axle is in excess of the provisions of this subdivision, the allowed load in pounds on the rear axle shall be 18,000 pounds maximum for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

Subdivision (c) or (d) shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 133

An act to amend Sections 19, 19.1, and 19.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), relating to conversion of county service areas in the Contra Costa County Flood Control and Water Conservation District.

[Approved by Governor June 20, 1975. Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 19 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 19. Any storm drain maintenance district organized in Contra Costa County under the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), zone established under the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) or county service area established in Contra Costa County pursuant to Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3 of the Government Code may be converted into a drainage area in the manner provided by Sections 19.1, 19.2, 19.3, and 19.4 of this act.

SEC. 2. Section 19.1 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 19.1. Proceedings for the conversion of a storm drain maintenance district, Contra Costa County Storm Drainage District zone, or county service area into a drainage area may be commenced by the board by the adoption of a resolution which shall:

(a) State the name and the boundaries of the district, zone or service area proposed to be converted and the name or number and the boundaries of the drainage area proposed to be established.

(b) State that a tax may be levied pursuant to Section 12.4 to pay for services or works of improvement furnished within such area after due allowance has been made for existing unencumbered funds standing to the credit of the district, zone or service area in the county treasury.

(c) Fix a time and place for a public hearing on the conversion which shall not be less than 30 nor more than 60 days after the adoption of the resolution.

SEC. 3. Section 19.3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 19.3. At the hearing protests against the conversion may be made orally or in writing by any interested persons or taxpayers. The hearing may be continued from time to time, but must be completed within 30 days. At the conclusion of the hearing the board of supervisors may abandon the proceedings or may, after passing upon all protests, by resolution order the district, zone or service area converted into a drainage area. The conversion shall be effective immediately upon the adoption of the resolution, subject only to compliance with the requirements of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code. Upon conversion any unencumbered funds standing to the credit of the district, zone or service area in the county treasury shall be transferred to the credit of the newly established drainage area, and all indebtedness of the district, zone or service area shall become indebtedness of the drainage area. Upon conversion of a district, zone or service area, the right, title and interest to any property owned or controlled by, or held for the district, zone or service area, or for the benefit of the district, zone or service area shall vest absolutely in the Contra Costa County Flood Control and Water Conservation District to be used for the benefit of the drainage area unless otherwise specified in the resolution of conversion.

CHAPTER 134

An act relating to Ventura County Community College District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. The Legislature finds that a unique situation exists with respect to the data processing services being provided the Ventura County Community College District, and that, therefore, a general law within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution cannot be made applicable

with respect to the modification of the statutory authority governing those services. The district entered into a contract pursuant to authority afforded by statute operative for the period August 11, 1971, to July 1, 1976, with a private supplier for data processing and related management services pursuant to a pilot program authorized by the Chancellor of the California Community Colleges which was provided for by Section 2 of Chapter 540 of the Statutes of 1971. Beginning with the summer session of 1975, an additional campus of the district will be opening and unless the district is able to renegotiate its contract for the remainder of the term of the contract in order to extend the services to the new college, without putting such additional services out to bid, the district will incur additional expenses and may be placed in a position of having to coordinate two data processing services, which would make the services provided less effective and thereby possibly impair the educational offering.

SEC. 2. Notwithstanding Section 15963 of the Education Code, any contract entered into for electromechanical or electronic data processing services and for the management of such services that was entered into by a community college district with a private commercial entity pursuant to Section 2 of Chapter 540 of the Statutes of 1971 for not to exceed five years, may be renegotiated with the private commercial entity without putting the contract out to public bid in order that additional data processing and related management services may be provided for thereunder for the duration of the pilot program.

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

In order that additional data processing and related management services may be provided for commencing with the summer of 1975, and to insure that the educational offering will not be detrimentally affected at the campuses of the Ventura County Community College District, it is essential that this act take immediate effect.

CHAPTER 135

An act to amend Sections 25960, 25962, 25964, and 25965 of the Public Resources Code, relating to energy resources, and making an appropriation therefor, to take effect immediately.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 25960 of the Public Resources Code is amended to read:

25960. No new residential-type gas appliance that is equipped with a pilot light shall be sold or installed in the state after an alternate means has been certified by the commission. This prohibition shall become operative 24 months after an intermittent ignition device has been demonstrated and certified by the commission as an alternate means. The commission may determine, after demonstration, that there is no feasible alternative means to the use of a pilot light or that the use of a pilot light is necessary for public health and safety.

SEC. 2. Section 25962 of the Public Resources Code is amended to read:

25962. Within 90 days after an intermittent ignition device has been certified by the commission, the commission shall notify all gas appliance manufacturers doing business in the state, as to the prohibition of affected pilot lights and shall inform the manufacturers of the devices available to comply with this article.

SEC. 3. Section 25964 of the Public Resources Code is amended to read:

25964. After 24 months after an intermittent ignition device has been certified by the commission, no person shall cause to be distributed, sold, or installed in this state any new gas appliances, as defined in Section 25950, without obtaining the proper seal of certification from the commission, unless the commission otherwise permits such action.

SEC. 4. Section 25965 of the Public Resources Code is amended to read:

25965. After 24 months after an intermittent ignition device has been certified by the commission, the commission shall make periodic inspections of manufacturers and distributors of gas appliances and may inspect retail outlets, including gas appliances that have been or are to be installed by contractors or builders at building sites in order to determine their compliance with this article.

SEC. 5. There is hereby appropriated from the State Energy Resources Conservation and Development Special Account in the General Fund the sum of one million thirty-six thousand three hundred thirty-one dollars ($1,036,331) to the State Energy Resources Conservation and Development Commission for purposes of carrying out the provisions of Division 15 (commencing with Section 25000) of the Public Resources Code.

SEC. 6. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 136

An act to amend Section 7.6 of the Government Code, relating to state boards, commissions, and governing bodies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subdivision (c) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position specified in subdivision (c) or (f) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or of the Regents of the University of California, or of the Trustees of the California State University and Colleges.

The Attorney General may also designate any person in his office holding a position specified in subdivision (m) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purpose of this section; provided, that no person designated by the Attorney General pursuant to this section to act as a member on any state board, commission, committee or governing body of which the Attorney General is presiding officer shall act as presiding officer in his place.

The Superintendent of Public Instruction may designate any person in his office holding a position specified in Section 2.1 of Article IX of the California Constitution to act as a deputy for the purposes of this section, provided that the Superintendent of Public Instruction may not appoint a person to act as a deputy for him at meetings of the State Board of Education, of the Regents of the

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University of California, or of the Trustees of the California State University and Colleges.

Notwithstanding the foregoing provisions of this section, not more than one officer subject to this section shall be represented by a deputy subject to this section at any meeting or session of the State Lands Commission.

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

In order that the Lieutenant Governor may efficiently and effectively carry out his constitutional responsibilities and as an ex officio or appointed member of various boards, commissions, and governing bodies having power and authority which are vital to the public interest, it is essential that he have immediately the same power vested in the other members of the State Lands Commission to designate a deputy to act as a member of that commission in his place and stead, when he deems it necessary, in order to carry out his other responsibilities, and it is therefore necessary that this act take effect immediately.

CHAPTER 137

An act to amend Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)), relating to the Ventura County Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 20, 1975 Filed with Secretary of State June 21, 1975]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)) is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving

any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed thirty-two cents ($0.32) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 1, shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zones 2 and 4, shall not exceed twenty-seven cents ($0.27) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 3, and shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

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

In order that the Ventura County Flood Control District may have an adequate tax rate for fiscal year 1975–76, it is necessary that this act take effect immediately.

CHAPTER 138

An act relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

[Approved by Governor June 23, 1975 Filed with Secretary of State June 23, 1975]

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

SECTION 1. The sum of thirty-three million five hundred seventeen thousand fifty-seven dollars ($33,517,057) is hereby appropriated for allocation by the Director of Finance to augment Items 290, 298, 298.1 and 298.2 of the Budget Act of 1974, for the Medi-Cal Program.

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

In order to meet the estimated increased Medi-Cal Program expenditures and to provide funds for development costs of a Medi-Cal claims processing and information system to qualify for increased federal reimbursement, it is necessary that this act take effect immediately.

CHAPTER 139

An act to amend Section 5201 of the Education Code, relating to school holidays, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1975 Filed with Secretary of State June 24, 1975]

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

SECTION 1. Section 5201 of the Education Code is amended to read:

5201. Except as otherwise provided the public schools shall continue in session or close on specified holidays as follows:

(a) The public schools shall close on January 1st, February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," September 9th known as "Admission Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal

holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the public schools shall close on the preceding Friday, and such Friday shall be declared a state holiday.

(g) If any holiday on which the public schools are required to close pursuant to subdivision (a) occurs under federal law on a date different than the date specified in subdivision (a), the governing board of any school district may close the public schools of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(h) Nothing in this section is to be interpreted as authorizing a school district governing board to maintain schools in its district for a lesser number of days during the school year than the minimum established by law.

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

In order to relieve this year the hardship accruing to many parents and pupils as a result of the recognition of Veteran's Day under federal law on a different date than under state law, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 140

An act making an appropriation to the Emergency Fund in augmentation of Item 98, Budget Act of 1974, to take effect immediately, usual current expenses.

[Approved by Governor June 24, 1975 Filed with Secretary of State June 24, 1975]

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

SECTION 1. The sum of fourteen million seven hundred thousand dollars ($14,700,000) is hereby appropriated from the General Fund for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 98, Budget Act of 1974

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 141

An act to authorize the quitclaim of certain property to the Santa Cruz Port District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1975 Filed with Secretary of State June 27, 1975]

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

SECTION 1. The Director of General Services may quitclaim all right, title, and interest of the State of California retained by the state in and to that certain real property described in a deed to the Santa Cruz Port District dated March 22, 1966, and recorded in Book 1762 at page 262 of the Santa Cruz County records, Recorder's Serial No. 12819.

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

In order that certain Santa Cruz Port District property may be made available for the construction of a United States Coast Guard station and presently budgeted federal funds expended for such construction, it is necessary that this act take immediate effect.

CHAPTER 142

An act to amend Section 2601 of the Elections Code, relating to elections.

[Approved by Governor June 28, 1975. Filed with Secretary of State June 28, 1975.]

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

SECTION 1. Section 2601 of the Elections Code is amended to read:

2601. (a) At least 44 days before the general election, and at least 84 days, but not more than 194 days, before a special statewide election, the Governor shall issue an election proclamation, under his hand and the Great Seal of the state, and transmit copies to the boards of supervisors of the counties in which the elections are to be held; provided, that when such vacancy occurs 160 days or less before the end of the term of office, the Governor may decline to issue an election proclamation, at his discretion.

(b) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 84 days, but not more than

91 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code. Any such special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election, but no such special primary election or special election may be conducted on the day after a state holiday.

CHAPTER 143

An act to amend Section 74343.1 of, and to add Section 74743.2 to, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
22	$378	$397	$417	$438	$460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731

32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,801
50.5	1,518	1,594	1,674	1,758	1,846
51	1,555	1,633	1,715	1,801	1,891
51.5	1,594	1,674	1,758	1,846	1,938
52	1,633	1,715	1,801	1,891	1,986
52.5	1,674	1,758	1,846	1,938	2,035
53	1,715	1,801	1,891	1,986	2,085
53.5	1,758	1,846	1,938	2,035	2,137
54	1,801	1,891	1,986	2,085	2,189
54.5	1,846	1,938	2,035	2,137	2,243
55	1,891	1,986	2,085	2,189	2,298
55.5	1,938	2,035	2,137	2,243	2,355
56	1,986	2,085	2,189	2,298	2,413

56.5	2,035	2,137	2,243	2,355	2,473
57	2,085	2,189	2,298	2,413	2,534
57.5	2,137	2,243	2,355	2,473	2,588
58	2,189	2,298	2,413	2,534	2,661
58.5	2,243	2,355	2,473	2,588	2,727
59	2,298	2,413	2,534	2,661	2,794
59.5	2,355	2,473	2,588	2,727	2,863
60	2,413	2,534	2,661	2,794	2,934
60.5	2,473	2,588	2,727	2,863	3,007
61	2,534	2,661	2,794	2,934	3,081
61.5	2,588	2,727	2,863	3,007	3,158
62	2,661	2,794	2,934	3,081	3,235
62.5	2,727	2,863	3,007	3,158	3,316

(a) Unless otherwise specifically provided, each person appointed or promoted to a position, the compensation of which is fixed by reference to the salary schedule set forth in this section, shall, for the first six months of service, receive biweekly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the pay period following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the pay period following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the pay period following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the pay period following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

The provisions of this subdivision shall not apply to any person employed on and after January 1, 1975, and any such person shall be entitled to receive the same step increases as set forth in the Salary Ordinance of the County of San Diego in effect July 1, 1974, for those persons employed by the County of San Diego on or after July 1, 1974.

(b) When any person in the service of the County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or when any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation.

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judicial district to a position

in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court, from a position in the service of a court to a position in the service of the County of San Diego, or between the offices of clerk and marshal in the same manner that classified employees of the County of San Diego may be transferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

(d) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(e) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date prior to the effective date of any amendments to this article enacted by the Legislature at the 1975–76 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1975–76 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until January 1, 1978.

The comparable classifications are as follows:

Municipal court classification	County classification
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV.	Superior court clerk

Supervising deputy clerk.....Superior court clerk
Supervising keypunch operator..... Supervising keypunch operator
Keypunch operator..... Keypunch operator
Court interpreter ..... Senior clerk
Deputy clerk stenographer.....Senior stenographer

SEC. 2. Section 74743.2 is added to the Government Code, to read:

74743.2. Notwithstanding any other provision of law, the deputy clerks IV, III, II and I authorized by Section 74743 shall receive a biweekly salary equal to that paid to deputy clerks of equivalent grade, experience and tenure in the municipal court of the San Diego Judicial District.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

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

A new municipal court was established by Chapter 1306 of the Statutes of 1974 to become effective July 1, 1975. However, there is uncertainty as to the salaries to be paid to the attachés of such court. In order to resolve these uncertainties and provide for continued provision of judicial services it is necessary that this act take effect immediately.

CHAPTER 144

An act to amend Sections 12359, 12774, 12781, 12782, 12784, 12786, 12789, and 12791 of, and to repeal Sections 12360 and 12795 of, the Education Code, and to amend Sections 98, 1294, 1302, 1305, and 1394 of, and to add Sections 1285, 1286, 1287, 1288, 1289, 1293.1, 1301, 1308.5, 1312, and 1399 to, and to repeal Sections 1301, 1306, 1310, 1395, and 1397.5 of, the Labor Code, relating to the employment of minors.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 12359 of the Education Code is amended to read:

12359. The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and

county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time enter into any such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Labor Code or of Chapter 6 (commencing with Section 12101), 7 (commencing with Section 12551), or 7.5 (commencing with Section 12765) of Division 9 of this code. If the attendance supervisor or probation officer is denied entrance to such place of employment, or if any violation of laws relating to the education of minors is found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

SEC. 2. Section 12360 of the Education Code is repealed.

SEC. 3. Section 12774 of the Education Code is amended to read:

12774. Except in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 1-74, and school-approved work experience and cooperative vocational education programs, no employer shall employ a minor under 18 years of age for more than four hours in any day in which such minor is required by law to attend school. No employer shall employ any minor under the age of 18 years in any agricultural occupation for more than 20 hours in any school week in which such minor is required by law to attend school. Minors 16 and 17 years of age shall not work in any agricultural occupation more than six hours on a day they are required to attend school. Minors 14 and 15 years of age shall not work in any agricultural occupation more than four hours on a schoolday. Holidays and days school is not in session are not covered by this section. If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 3.5. Section 12774 of the Education Code is amended to read:

12774. Except in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 1-74, and school-approved work experience and cooperative vocational education programs, no employer shall employ a minor for more than four hours in any day in which such minor is required by law to attend school for 240 minutes or more each schoolday. No employer shall employ any minor under the age of 18 years in any agricultural occupation for more than 20 hours in any school week in which such minor is required by law to attend school for 240 minutes or more each schoolday. Minors 16 and 17 years of age shall not work in any agricultural occupation more than six hours on a day they are required to attend school for 240 minutes or more each schoolday.

Minors 14 and 15 years of age shall not work in any agricultural occupation more than four hours on a schoolday. Holidays and days school is not in session are not covered by this section. If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 4. Section 12781 of the Education Code is amended to read:

12781. Every owner, tenant, or operator of a farm employing thereon as agricultural labor any parent or guardian having minor children in his immediate care and custody shall post at a conspicuous place on the property or place of employment where it may be easily read by those employed, a notice stating that minor children are not allowed to work upon the premises unless legally permitted to do so by law and unless permits to work have been secured by the minor children from duly constituted authorities. All such notices shall be printed in both the English and Spanish languages.

SEC. 5. Section 12782 of the Education Code is amended to read:

12782. In order that children may be disciplined and trained in habits of work and industry by their parents, guardians, or other persons standing in the place of parents, nothing in this chapter shall require a permit to work to be issued to any minor or require a permit to employ to be issued to the parent or guardian when the work or intended work to be performed by the minor is for or under the control of his parent or guardian and is performed upon or in connection with the premises owned, operated, or controlled by the parent or guardian. Nothing in this section shall be held to affect existing provisions of law which require permits to work to be issued to minors employed in manufacturing, mercantile, or similar commercial enterprises by their parents or guardians, or to do work which is otherwise forbidden by Section 1294, 1296, or 1308.5 of the Labor Code. All other provisions of law relating to compulsory education shall be effective as to the minor.

SEC. 6. Section 12784 of the Education Code is amended to read:

12784. Nothing in this chapter shall be construed to repeal or in any way modify the provisions of Sections 1298, 1390, 1394, 1396, and 1397 of the Labor Code.

SEC. 7. Section 12786 of the Education Code is amended to read:

12786. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 18 years shall keep on file all permits to employ minors under the age of 18 years during the term of the employment

SEC. 8. Section 12789 of the Education Code is amended to read:

12789. Permits to work and to employ and certificates of age shall always be open to inspection by supervisors of attendance, probation officers, designees of the Labor Commissioner, and by officers of the Superintendent of Public Instruction. Every permit to work or to employ and every certificate of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, the Labor

Commissioner, or by the person issuing the permit or certificate whenever any person authorized to inspect such permits and certificates finds that the conditions for the legal issuance of the permit or certificate of age do not exist or did not exist at the time the permit or certificate was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated, or that the minor is performing work in violation of any provision of law.

SEC. 9. Section 12791 of the Education Code is amended to read:

12791. If upon inspection or investigation a supervisor of attendance, probation officer, or officer of the Superintendent of Public Instruction determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he shall report the violation to the Labor Commissioner. Such report shall be made within 48 hours, and shall be in writing, setting forth the fact that he has good cause to believe that such statutory provision or rule or regulation is being violated by the person. Upon receipt of the report of violation, the Labor Commissioner shall make an inspection or investigation of the violation and shall take such action as is provided in Section 1287 of the Labor Code.

SEC. 10. Section 12795 of the Education Code is repealed.

SEC. 11. Section 98 of the Labor Code is amended to read:

98. The division may prosecute actions for the collection of wages, penalties, and demands of persons who, in the judgment of the Labor Commissioner are financially unable to employ counsel, in cases in which the Labor Commissioner believes such claims are valid and enforceable.

The division may also prosecute actions for the return of workmen's tools which are in the illegal possession of another person.

The division may also prosecute actions for civil penalties determined to be due under the provisions of Section 1285.

SEC. 12. Section 1285 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1285. It is the intent of the Legislature in enacting Sections 1286 to 1289, inclusive, to establish a citation system for the imposition of prompt and effective civil sanctions against violators of the laws and regulations of this state relating to the employment of minors. The civil penalties provided for in this article are in addition to any other penalty provided by law.

SEC. 13. Section 1286 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1286. As used in this article:

(a) "Director" means the Director of Industrial Relations or his designee.

(b) "Department" means the Department of Industrial Relations.

(c) "Minor" means any person under the age of 18 years who is

required to attend school under the provisions of Chapter 6 (commencing with Section 12101) and Chapter 7 (commencing with Section 12551) of Division 9 of the Education Code.

(d) "Labor Commissioner" means the Chief of the Division of Labor Law Enforcement, his deputies or agents, who shall have the authority to conduct informal hearings and determine the amount of civil penalties in accordance with the provisions of this article.

SEC. 14. Section 1287 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1287. If upon inspection or investigation the director determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he may issue a citation to the person in violation. The citation may be served personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provisions, rule, or regulation alleged to have been violated.

SEC. 15. Section 1288 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1288. Citations issued pursuant to this article shall be classified according to the nature of the violation, and shall indicate the classification on the face thereof, as follows:

(a) Class "A" violations are violations of Section 1292, 1293, 1294, 1308, 1391, or 1392, and such other violations which the director determines present an imminent danger to minor employees or a substantial probability that death or serious physical harm would result therefrom. A physical condition or one or more practices, means, methods, or operations in use in a place of employment may constitute such a violation. A class "A" violation is subject to a civil penalty in an amount not less than one thousand dollars ($1,000) and not exceeding five thousand dollars ($5,000) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations.

(b) Class "B" violations are violations of Section 1299 or 1308.5, and such other violations which the director determines have a direct or immediate relationship to the health, safety, or security of minor employees, other than class "A" violations. A class "B" violation is subject to a civil penalty in an amount not less than one hundred dollars ($100) and not exceeding five hundred dollars ($500) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations.

SEC. 16. Section 1289 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1289. (a) If a person desires to contest a citation or the proposed assessment of a civil penalty therefor, he shall within four business days after service of the citation notify the office of the Labor

Commissioner which appears on the citation of his request for an informal hearing. The Labor Commissioner or his deputy or agent shall, within 10 days, hold a hearing at the conclusion of which the citation or proposed assessment of a civil penalty shall be affirmed, modified, or dismissed. If the person receiving the citation does not request a hearing with the Labor Commissioner within the prescribed time, the proposed civil penalty shall be deemed a final order of the director and shall not be subject to further administrative review. The Labor Commissioner's determination after the conclusion of the hearing shall be deemed the final order of the director and shall not be subject to further administrative review.

(b) A person to whom a citation has been issued, shall, in lieu of contesting a citation pursuant to this section, transmit to the office of the Labor Commissioner designated on the citation the amount specified for the violation within four business days after issuance of the citation.

(c) The Labor Commissioner shall promptly take all appropriate action to enforce the citation and recover the civil penalty prescribed thereon or found to be due after a hearing. The Labor Commissioner may maintain an action in any court of competent jurisdiction to recover the amount of civil penalties found to be due.

SEC. 17. Section 1293.1 is added to the Labor Code, to read:

1293.1. Except as provided in subdivision (c) of Section 1394, no minor under the age of 12 years may be employed or permitted to work, or accompany or be permitted to accompany an employed parent or guardian, in an agricultural zone of danger. As used in this section, "agricultural zone of danger" means any or all of the following: (1) on or about moving equipment; (2) in or about unprotected chemicals; (3) in or about any unprotected water hazard. The Department of Industrial Relations may, after hearing, determine other hazards that constitute an agricultural zone of danger.

SEC. 18. Section 1294 of the Labor Code is amended to read:

1294. No minor under the age of 16 years shall be employed or permitted to work in any capacity:

(a) Upon any railroad, whether steam, electric, or hydraulic.

(b) Upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

(c) In, about, or in connection with any processes in which dangerous or poisonous acids are used, in the manufacture or packing of paints, colors, white or red lead, or in soldering.

(d) In occupations causing dust in injurious quantities, in the manufacture or use of dangerous or poisonous dyes, in the manufacture or preparation of compositions with dangerous or poisonous gases, or in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health.

(e) On scaffolding, in heavy work in the building trades, in any tunnel or excavation, or in, about or in connection with any mine,

coal breaker, coke oven or quarry.

(f) In assorting, manufacturing or packing tobacco.

(g) In operating any automobile, motor car or truck.

(h) In any bowling alley, or pool or billiard room.

(i) In or about a gasoline service station.

(j) In any occupation dangerous to the life or limb, or injurious to the health or morals of such minor.

SEC. 19. Section 1301 of the Labor Code is repealed.

SEC. 20. Section 1301 is added to the Labor Code, to read:

1301. The provisions of this article concerning the employment of minors, and the civil penalties for violations of such provisions, shall be fully applicable to every person who owns or controls the real property upon which a minor is employed, whether or not such person is the minor's employer, if the minor's employment is for the benefit of such person, and such person has knowingly permitted the violation or continuation of such violations.

The posting of a notice pursuant to Section 12781 of the Education Code shall not operate to exempt any person from the provisions of this article.

SEC. 21. Section 1302 of the Labor Code is amended to read:

1302. The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of such county, may at any time, enter such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of this article or of Chapter 6 (commencing with Section 12101), 7 (commencing with Section 12551), or 7.5 (commencing with Section 12765) of Division 9 of the Education Code. If an attendance supervisor or probation officer is denied entrance to such place of employment, or if any violations of laws relating to the employment of minors are found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment, and describing the nature of the violation.

SEC. 22. Section 1305 of the Labor Code is amended to read:

1305. Any fine or civil penalty collected under this article shall be paid into the State Treasury and credited to the General Fund.

SEC. 23. Section 1306 of the Labor Code is repealed.

SEC. 24. Section 1308.5 is added to the Labor Code, to read:

1308.5. (a) This section, with the exception of paragraph (4) of this subdivision, shall apply to all minors under the age of 16 years. The written consent of the Labor Commissioner is required for any minor, not otherwise exempted by this chapter, for any of the following:

(1) The employment of any minor, in the presentation of any

drama, legitimate play, or in any radio broadcasting or television studio.

(2) The employment of any minor 12 years of age or over in any other performance, concert, or entertainment.

(3) The appearance of any minor over the age of eight years in any performance, concert, or entertainment during the public school vacation.

(4) Allowing any minor between the ages of 8 and 18 years, who is by any law of this state permitted to be employed as an actor, actress, or performer in a theater, motion picture studio, radio broadcasting studio, or television studio, before 10 o'clock p.m., in the presentation of a performance, play, or drama continuing from an earlier hour until after 10 o'clock, to continue his part in such presentation between the hours of 10 and 12 p.m.

(5) The appearance of any minor in any entertainment which is noncommercial in nature.

(6) The employment of any minor artist in the making of phonograph recordings.

(7) The employment of any minor as an advertising or photographic model.

(8) The employment or appearance of any minor pursuant to a contract approved by the superior court under the provisions of Section 36 of the Civil Code.

(b) Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the provisions of this section is guilty of a misdemeanor. Failure to produce the written consent from the Labor Commissioner is prima facie evidence of the illegal employment of any minor whose written consent is not produced.

SEC. 25. Section 1310 of the Labor Code is repealed.

SEC. 26. Section 1312 is added to the Labor Code, to read:

1312. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the director.

SEC. 27. Section 1394 of the Labor Code is amended to read:

1394. Nothing in this article or Article 2 (commencing with Section 1290) of Chapter 2 of this part shall prohibit or prevent any of the following:

(a) The employment of minors 16 years of age or over in agricultural, horticultural, viticultural, or domestic labor for more than eight hours in one day or more than 48 hours in one week.

(b) Notwithstanding subdivision (a), no employer shall employ any minor 16 years of age or over in agricultural, horticultural, or viticultural labor for more than six hours on a day when such minor

is required by law to attend school, or more than 20 hours in any school week in which the minor is required by law to attend school.

(c) The employment of any minor at agricultural, horticultural, viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours, when the work performed is for or under the control of his parent or guardian and is performed upon or in connection with premises owned, operated or controlled by the parent or guardian; but nothing herein shall permit children under school age to work at such occupations, while the public schools are in session.

(d) The employment of any minor by engineers engaged in survey work as part of a survey crew in the field.

SEC. 28. Section 1395 of the Labor Code is repealed.

SEC. 29. Section 1397.5 of the Labor Code is repealed.

SEC. 30. Section 1399 is added to the Labor Code, to read:

1399. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the director.

SEC. 30.5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which in the aggregate, do not result in significant identifiable cost changes.

SEC. 31. It is the intent of the Legislature, if this bill and Senate Bill No. 18 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 12774 of the Education Code, and this bill is chaptered after Senate Bill No. 18, that Section 12774 of the Education Code, as amended by Section 4 of Senate Bill No. 18, be further amended on the effective date of this act in the form set forth in Section 3.5 of this act to incorporate the changes in Section 12774 proposed by this bill. Therefore, if this bill and Senate Bill No. 18 are both chaptered and become effective on or before January 1, 1976, and Senate Bill No. 18 is chaptered before this bill and amends Section 12774, Section 3.5 of this act shall become operative on the effective date of this act and Section 3 of this act shall not become operative.

CHAPTER 145

An act to add Article 9 (commencing with Section 11620) to Chapter 1 of Division 8 of the Elections Code, and to add Chapter 6 (commencing with Section 3800) to Division 4.5 of Title 1 of the Government Code. relating to public officials, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Article 9 (commencing with Section 11620) is added to Chapter 1 of Division 8 of the Elections Code, to read:

Article 9. Effectiveness

11620. This chapter shall be inoperative and shall remain inoperative unless Chapter 4 (commencing with Section 84100) of Title 9 of the Government Code is repealed, held invalid by a court of appeal, or otherwise made inoperative; provided that, this chapter shall be considered in full force and effect with respect to any activities covered by this chapter which occurred prior to January 7, 1975, and to campaign statements required to be filed by Section 11621.

11621. Every candidate and committee which received contributions or made expenditures prior to January 7, 1975, and since the closing date of the previous campaign statement, and every elective officeholder shall file a campaign statement not later than July 31, 1975, completing the disclosure requirements under this chapter. The period covered by the campaign statement shall begin from the day after the closing date of the previous campaign statement, or January 1, 1974, if no previous campaign statement has been filed, and shall end January 6, 1975. This section is not applicable to an elective officeholder whose salary is less than one hundred dollars ($100) a month or to judges, unless such an elective officeholder or judge is a candidate or committee who received contributions or made expenditures during the specified period.

11622. Nothing in Section 11620 shall prevent the filing of criminal or civil actions and the enforcement of civil sanctions based on violations of this chapter.

SEC. 2. Chapter 6 (commencing with Section 3800) is added to Division 4.5 of Title 1 of the Government Code, to read:

CHAPTER 6. EFFECTIVENESS

3800. This division shall become inoperative on May 1, 1975, except that Sections 3704, 3705, 3706, 3709 and 3710 shall remain in

effect for a public agency until a Conflict of Interest Code adopted pursuant to Government Code Section 87300 is effective for such agency. This division shall remain inoperative unless Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code is repealed, held invalid by a court of appeal, or otherwise made inoperative. Statements required to be filed in April 1975, by constitutional officers, county supervisors and chief administrative officers of counties, mayors, city council members, and managers and chief administrative officers of general law or charter cities shall include all information reportable under Section 3700 since the date of the last statement filed under this division through January 6, 1975. If no previous statement has been filed, the statement shall contain all reportable information for the period April 1, 1974, through January 6, 1975.

3801. Members of planning commissions and planning officers of cities and counties required to file financial disclosure statements pursuant to Section 3700 shall continue to file the statements required by Section 3700 until such time as a conflict of interest code prepared pursuant to Section 87300 is effective for their agency.

3802. Nothing in Section 3800 shall prevent enforcement of civil actions and civil sanctions based on violations of this division.

SEC. 3. Nothing in this act shall be construed to reflect a legislative determination or judgment regarding the validity or invalidity of any provision contained in the Political Reform Act of 1974 (Title 9 (commencing with Sec. 81000), Gov.C.).

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the additional net costs, if any, imposed on local government by this act are insignificant in nature and will not cause any financial burden on local government.

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

On January 7, 1975, the campaign disclosure and conflict-of-interests provisions of the Political Reform Act of 1974 (Ch. 4 (commencing with Sec. 84100), and Ch. 7 (commencing with Sec. 87100), Title 9, Gov.C.) will become operative. In order to avoid confusion at the local governmental level over what law applies in the areas of campaign disclosure and conflict of interests on and after January 7, 1975, and to avoid the duplication of reporting requirements, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 146

An act to amend Sections 789.9 and 789.10 of, and to add Section 789.4 to, the Civil Code, relating to mobilehomes.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975.]

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

SECTION 1. Section 789.4 is added to the Civil Code, to read:

789.4. The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes required to be moved under permit upon the highways occupied within mobilehome parks be provided with the unique protection from actual or constructive eviction afforded by Sections 789.5 to 789.11, inclusive.

SEC. 2. Section 789.9 of the Civil Code is amended to read:

789.9. The management of a mobilehome park shall provide tenants with the park rules and regulations and the language of Sections 789.5 to 789.11, inclusive, in written form either included within the rules and regulations of the park or in the rental agreement.

SEC. 3. Section 789.10 of the Civil Code is amended to read:

789.10. The ownership or management of a park, subdivision, cooperative, or condominium for mobilehomes shall not make as a condition or precondition of residency or tenancy that the mobilehome be prohibited from remaining in the mobilehome park in the event of a sale to a third party during the term of the tenant's lease or any renewal or extension thereof; provided, however, that the owner may, in the event of a sale to a third party, in order to upgrade the quality of his mobilehome park, require that any mobilehome less than 10 feet wide or more than 15 years old or 25 years old if manufactured after September 15, 1971, or both, or any mobilehome in a rundown condition or in disrepair be removed from the park. The ownership or management shall use reasonable discretion in determining the condition of the mobilehome and its accessory structures.

Nothing in this section shall be construed to deny the ownership or management the right to require prior approval of a purchaser if the mobilehome will remain located in the mobilehome park or other facility; provided, however, that the approval of a purchaser cannot be withheld if the purchaser as a prospective tenant has the financial ability to pay the rent and charges of the park unless the ownership or management reasonably determines that the prospective tenant will not, based upon prior tenancies, comply with the requirements of the rules and regulations of the mobilehome

park. The ownership or management may require that the purchaser as a prospective tenant comply with any rule and regulation of the mobilehome park limiting residence within the park to adults only.

No rental, lease, or sale agreement shall contain any provision by which the purchaser or tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be void and unenforceable.

CHAPTER 147

An act to amend Section 712 of, and to add Section 713 to, the Civil Code, relating to real property.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 712 of the Civil Code is amended to read:

712. Every provision contained in or otherwise affecting a grant of a fee interest in, or purchase money security instrument upon, real property in this state heretofore or hereafter made, which purports to prohibit or restrict the right of the grantee or his agent to display or have displayed on the property a sign of reasonable dimensions advertising the property for sale is void as an unreasonable restraint upon the power of alienation.

This section shall operate retrospectively, as well as prospectively, to the full extent that it may constitutionally operate retrospectively.

SEC. 2. Section 713 is added to the Civil Code, to read:

713. Notwithstanding any provision of any ordinance, an owner of real property or his agent may display or have displayed on the owner's property a sign of reasonable dimensions, as determined by the city or county, advertising:

(a) That the property is for sale, lease, or exchange by the owner or his agent;

(b) The owner's or agent's name; and

(c) The owner's or agent's address and telephone number.

CHAPTER 148

An act to amend Section 7046 of the Insurance Code, relating to transformed county mutual fire insurers.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 7046 of the Insurance Code is amended to read:

7046. After the commissioner has granted tentative approval of any such application, a county mutual fire insurer that shall meet the financial requirements applicable to other insurers under Article 3 (commencing with Section 699), Chapter 1, Part 2, Division 1 of this code, may by the majority vote of those of its policyholders voting at a meeting duly called for the purpose, elect to transform itself into a general mutual insurer as defined in Chapter 4 (commencing with Section 4010) of Part 1, Division 2 of this code and amend its articles of incorporation and bylaws to conform to, cover, and enjoy any or all of the provisions, powers, rights, and privileges of such a mutual insurer, notwithstanding the restrictions or limitations of any other provision of law, including, but not limited to, Section 3602 of the Corporations Code. No such transformed county mutual fire insurer may engage in the business of life, title, mortgage, or mortgage guarantee insurance.

CHAPTER 149

An act relating to recreation and park districts and to county service areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975. Filed with Secretary of State June 28, 1975.]

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

SECTION 1. Notwithstanding any other provision of law, the detachment of an area from a recreation and park district, the proceedings for which were completed not later than February 15, 1975, shall be effective for assessment and taxation purposes for the fiscal year 1975–76 if the statement and plat required by Government Code Sections 54900 and 54901 were filed with the State Board of Equalization and the county assessor on or before April 1, 1975.

SEC. 2. Notwithstanding any other provision of law, the detachment of an area from a county service area, the proceedings for which were completed not later than February 25, 1975, shall be effective for assessment and taxation purposes for the fiscal year 1975–76 if the statement and plat required by Government Code Sections 54900 and 54901 were filed with the State Board of Equalization and the county assessor on or before April 1, 1975.

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

In order to allow the Valley Wide Recreation and Park District, the

Lake Elsinore Recreation and Park District and County Service Area No. 63—Hillview Road of San Diego County to exclude property detached from the districts from the assessment roll for the 1975–76 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 150

An act to amend Section 1 of Chapter 1245 of the Statutes of 1969, relating to Route 54 and Sweetwater Flood Control Project, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 1 of Chapter 1245 of the Statutes of 1969 is amended to read:

Sec. 1. The Department of Transportation and the County of San Diego are authorized to enter into a joint powers agreement relative to the joint acquisition of rights-of-way for State Highway Route 54 and the Sweetwater Flood Control Project. The agreement may provide, among other things, for the advancements of funds by the department to the county for the county's portion of such rights-of-way, provided that funds for such advancements shall be paid from money in the State Highway Account in the State Transportation Fund derived from the motor vehicle transportation license tax imposed pursuant to Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code. Any such agreement shall provide for the payment of interest on the funds advanced by the department to the county. The interest shall be equal to the rate of return, as determined by the State Treasurer, earned by the Pooled Money Investment Account in the General Fund. Any such advancements shall be deemed accounts receivable and shall be repaid to the department by the county by June 30, 1980.

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

The repayment of funds advanced to the County of San Diego for the construction of State Highway 54 and the Sweetwater Flood Control Project cannot be accomplished by June 30, 1975. In order for the project to continue in an orderly fashion, it is essential that this act delaying the date of repayment to June 30, 1980 take immediate effect.

CHAPTER 151

An act to amend Section 71724 of the Water Code, relating to water.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 71724 of the Water Code is amended to read:

71724. Any such contract with the United States or any department or agency thereof, or with any private corporation organized under the laws of the United States, by which the district or an improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year, shall not be executed without the assent of a majority of the qualified electors of the district or the improvement district voting at an election to be held for that purpose. Such election shall be called and held, so far as practicable, in the same manner as bond elections for the district or an improvement district.

CHAPTER 152

An act to add Section 18500.5 of the Health and Safety Code, relating to mobilehomes.

[Approved by Governor June 28, 1975. Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 18500.5 is added to the Health and Safety Code, to read:

18500.5. Notwithstanding Section 18500, the owner of one mobilehome who is also the owner of the land upon which the mobilehome is located shall be able to rent, lease, sublease, let out, or hire out for occupancy the mobilehome and the land upon which the mobilehome is located without qualifying for or obtaining any permit or license from a state or local governmental agency required or authorized by this part.

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CHAPTER 153

An act to amend Section 22348 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 22348 of the Vehicle Code is amended to read:

22348. (a) Notwithstanding Section 22349, 22356, or any other provision of this chapter to the contrary, no person shall drive a vehicle upon a highway at a speed greater than 55 miles per hour.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in a lane designated pursuant to Section 21655, or if no such lane has been designated, in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code. This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering into or exiting from a highway or to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

(c) This section shall remain in effect only until June 30, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1978, deletes or extends such date.

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

Existing provisions of state law, which make it unlawful for any person to drive a vehicle upon a highway at a speed greater than 55 miles per hour, will remain in effect only until June 30, 1975, and as of that date will be repealed, unless a statute which is chaptered before June 30, 1975, deletes or extends such date.

In order to prevent the repeal of such provisions on June 30, 1975, it is necessary that this act take effect immediately.

CHAPTER 154

An act to amend Section 6103.8 of the Government Code, relating to fees.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 6103.8 of the Government Code is amended to read:

6103.8. (a) Sections 6103 and 27383 do not apply to any fee or charge for recording full releases executed or recorded pursuant to Sections 4608 and 5003.7 of the Public Resources Code, and Sections 2194, 6758, 7873 8997, 10100, 11496, 12494, 16066, 16067, 30323 and 32362 of the Revenue and Taxation Code or required to be recorded pursuant to subdivision (d) of Section 675 of the Code of Civil Procedure, where there is full satisfaction of the amount due under the lien which is released.

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

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

(d) The fee for recording full releases for any document relating to an agreement to reimburse a county for public aid granted by the county shall be six dollars ($6).

(e) The fee for filing any release of judgment which was in favor of a government agency and recorded pursuant to Section 6103 or 27383 shall be six dollars ($6).

CHAPTER 155

An act to amend Section 3374 of the Revenue and Taxation Code, relating to publication.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 3374 of the Revenue and Taxation Code is amended to read:

3374. Immediately after the publication is completed, the tax collector shall file with the county recorder a copy of the publication and an attached affidavit. This affidavit is prima facie evidence of the

facts stated. The affidavit shall show:

(a) That it is affixed to a true copy of the publication.

(b) The manner of publication.

(c) If the publication was in a newspaper, its name and place of publication and the date of each appearance.

(d) If not published in a newspaper, the places of posting.

The county recorder may destroy such publications and affidavits that have been on file in the recorder's office for more than seven years.

CHAPTER 156

An act to add Section 1418.6 to the Penal Code, relating to evidence in criminal cases.

[Approved by Governor June 28, 1975. Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 1418.6 is added to the Penal Code, to read:

1418.6. Notwithstanding Sections 1418 and 1418.5, the court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits delivered to such party at any time prior to the final determination of the action or proceedings, upon stipulation of the parties if the following requirements are met:

(a) No prejudice will be suffered by either party.

(b) A full and complete photographic record is made of the material so released.

This section shall not apply to any material, the release of which is prohibited by Section 1419.

CHAPTER 157

An act to amend Sections 20951 and 21251.13 of the Government Code, relating to retirement.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 20951 of the Government Code is amended to read:

20951. A state or local miscellaneous member shall be retired for service upon his written application to the board if he has attained

age 50 and is credited with five years of state service.

SEC. 2. Section 21251.13 of the Government Code is amended to read:

21251.13. The combined current and prior service pensions for a local miscellaneous member, a school member, and for a state miscellaneous member, is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current and prior service except service in a category of membership other than that of state miscellaneous member or local miscellaneous member or school member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
50	.513	.546
50¼	.521	.554
50½	.529	.562
50¾	.537	.570
51	.546	.578
51¼	.555	.586
51½	.563	.595
51¾	.572	.603
52	.581	.612
52¼	.591	.621
52½	.600	.630
52¾	.610	.639
53	.619	.648
53¼	.630	.658
53½	.640	.668
53¾	.651	.678
54	.661	.688
54¼	.672	.698
54½	.683	.709
54¾	.695	.719
55	.706	.730
55¼	.718	.741
55½	.731	.753
55¾	.743	.764
56	.755	.776
56¼	.768	.788
56½	.782	.800
56¾	.795	.813
57	.808	.825
57¼	.823	.839

57½	.838	.852
57¾	.852	.865
58	.867	.879
58¼	.883	.893
58½	.899	.908
58¾	.915	.923
59	.931	.937
59¼	.948	.953
59½	.966	.969
59¾	.983	.985
60	1.000	1.000
60¼	1.017	1.016
60½	1.034	1.032
60¾	1.050	1.048
61	1.067	1.064
61¼	1.084	1.081
61½	1.101	1.097
61¾	1.119	1.114
62	1.136	1.131
62¼	1.154	1.148
62½	1.173	1.166
62¾	1.191	1.183
63 and over	1.209	1.200

The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation which does not exceed four hundred dollars ($400) per month for all service of a member any of whose service has been included in the federal system or for service after the effective date of his coverage under the federal system in the case of a member who on the day preceding the operative date of amendments to this section at the 1971 Regular Session was subject to the reduction provided in Section 21251.14 with respect only to service from such effective date. This reduction shall not apply to a member who, on the day preceding such operative date, was subject to Section 21251.1 but not Section 21251.14 with respect to service covered under the federal system, or to a member employed by a contracting agency which enters into a contract after such operative date and elects not to be subject to this paragraph or with respect to service rendered after the termination of the federal-state agreement with respect to the coverage group to which he belongs.

This section shall apply only to members whose retirement is effective on or after the operative date of amendments to this section at the 1971 Regular Session and as to such members and as of such date shall supersede Sections 21251.1, 21251.14, and 21252.001, whichever was then applicable to such members.

The improved retirement allowance provided by this section is granted subject to future reduction prior to a member's retirement, by offset of federal system benefits or otherwise, as the Legislature

may from time to time deem appropriate because of changes in such federal system benefits.

CHAPTER 158

An act authorizing the Board of Supervisors of Mariposa County to advance moneys to Mariposa County Service Area #1, relating to sewers and sewage, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Pursuant to the provisions of Section 25210.9c of the Government Code, the Board of Supervisors of Mariposa County may advance moneys to Mariposa County Service Area #1, provided that:

1. Such moneys shall be reimbursed to Mariposa County over such period of time, not to exceed 40 years, as may be determined by the board of supervisors;

2. The interest rate on such moneys shall be determined by the board of supervisors, but shall not exceed 5 percent; and

3. Mariposa County Service Area #1 shall use such moneys solely for expenses incurred in connection with the construction of facilities for collecting, treating, and disposing of sewage from such service area.

SEC. 2. The Legislature finds and declares that the territory within Mariposa County Service Area #1 has severe public health problems because it lacks adequate sewage collection, treatment, and disposal facilities; that such territory has unusually low assessed value and per capita income, thus making impracticable traditional methods of funding such facilities; that the only practicable method for funding such facilities is through a long-term, low-interest loan from Mariposa County to Mariposa County Service Area #1; that the unique combination of circumstances which exists within Mariposa County Service Area #1 makes a general statute inapplicable to this situation; and that therefore this statute is enacted in order to provide Mariposa County Service Area #1 with the ability to fund needed facilities for sewage collection, treatment, and disposal.

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

In order to alleviate existing public health problems and to provide for the construction of needed facilities for sewage collection, treatment, and disposal as soon as possible, it is necessary for the

statute to go into effect immediately.

CHAPTER 159

An act to amend Section 1480.5 of the Streets and Highways Code, relating to highways.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975.]

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

SECTION 1. Section 1480.5 of the Streets and Highways Code is amended to read:

1480.5. The road commissioner may immediately remove, or by notice may require the removal of, any of the following encroachments:

(a) An encroachment which obstructs or prevents the use of a county highway by the public.

(b) An encroachment which consists of refuse.

(c) An encroachment which is a traffic hazard.

(d) An encroachment which is an advertising sign or device of any description, unless excepted by subdivision (c) of Section 1460. The road commissioner may return such sign or device to its owner, or otherwise dispose of it in his discretion, except that if the commissioner determines in good faith that the sign or other device is of more than nominal value he shall not effect such other disposition until he has made a reasonable attempt to identify and notify the owner of the sign or device and provided a reasonable time for the owner to retrieve it under provisions of this section. The return of such sign or device to its owner may be conditioned upon payment of an amount sufficient to reimburse the road commissioner for the expense of removal.

The road commissioner may recover from the person causing any of the above encroachments, in an action brought in the name of the county for that purpose, the court costs of the road commissioner, the expense of such removal, and any other damages caused by the encroachment.

CHAPTER 160

An act to amend Section 554 of the Education Code, relating to educational programs.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

01165 28535 551

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

SECTION 1. Section 554 of the Education Code is amended to read:

554. The Board of Governors of the State Nautical School on behalf of the State Nautical School, the governing board of a school district on behalf of any school or community college maintained by the district, and any county superintendent of schools is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by any act of Congress heretofore or hereafter enacted, and with all necessary power and authority to cooperate with, or enter into agreements with, the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private or public nonprofit organizations for the purpose of receiving the benefits and expending the funds provided by any such acts of Congress, in accordance with such acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with such acts of Congress. Participation may also include the expenditure by the governing board of the State Nautical School, by the governing board of any school district, or the county superintendent of schools of whatever funds may be required by the federal government as a condition to such participation.

Participation in the act of Congress known as the "Emergency Employment Act of 1971" (P.L. 92-54) may be undertaken notwithstanding the provisions of Section 13277 of this code.

CHAPTER 161

An act relating to an apportionment to the Conejo Valley Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975.]

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

SECTION 1. (a) The sum of seven hundred thousand dollars ($700,000), or so much thereof as may be necessary, is hereby transferred from the General Fund to the State School Fund for an apportionment during the 1974–75 fiscal year to the Conejo Valley Unified School District.

(b) The apportionment shall be repaid to the state over a three-year period, one-third the amount transferred pursuant to subdivision (a) becoming due each year, together with interest at a rate equal to the rate established for the most recent sale of state

bonds as of the date of the disbursement of funds to the district.

(c) The Superintendent of Public Instruction shall withhold from the apportionments to be made to the Conejo Valley Unified School District from the State School Fund in each year, commencing with the 1975–76 fiscal year, an amount equal to the amount which becomes due in the year.

(d) No funds shall be disbursed to the Conejo Valley Unified School District pursuant to this act unless the district complies fully with the provisions of Article 1.5 (commencing with Section 17325) of Chapter 2 of Division 14 of the Education Code.

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

In order to permit the apportionment authorized by this act to be made available to the Conejo Valley Unified School District during the remainder of the 1974–75 school year, and so permit such district to complete its 1974–75 educational program, it is necessary that this act go into effect immediately.

CHAPTER 162

An act to amend Section 12804 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to

determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the

other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 2. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, and his understanding of traffic signs and signals, including the bikeway signs, markers, and traffic control devices established by the Department of Transportation. The applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the

operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 244 are both chaptered and amend Section 12804 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 244, that the amendments to Section 12804 proposed by both bills be given effect and incorporated in Section 12804 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 244 are both chaptered, both amend Section 12804, and Senate Bill No. 244 is chaptered before this bill, in which case Section 1 of this act shall not become operative.

CHAPTER 163

An act to amend Section 2611.4 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 2611.4 of the Revenue and Taxation Code is amended to read:

2611.4. In addition to Sections 2611.1, 2611.2 and 2611.3 of this code, any county department, officer or employee may refrain from collecting any tax assessment, penalty or cost, license fees or money owing to the county where the amount to be collected is one dollar ($1) or less. Nothing in this section shall be construed as releasing any person from the payment of any tax assessment, penalty or cost, license fee or any other money which is due and owing to the county.

CHAPTER 164

An act relating to an apportionment to the Escondido Union School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. (a) The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby transferred from the General Fund to the State School Fund for an apportionment during the 1974–75 fiscal year to the Escondido Union School District.

(b) The apportionment shall be repaid to the state by July 1, 1976, together with interest at a rate equal to the rate established for the most recent sale of state bonds as of the date of the disbursement of funds to the district.

(c) The Superintendent of Public Instruction shall withhold from the apportionments to be made to the Escondido Union School District from the State School Fund in the 1975–76 fiscal year the amount which becomes due in the year.

(d) No funds shall be disbursed to the Escondido Union School District pursuant to this act unless the district complies fully with the provisions of Article 1.5 (commencing with Section 17325) of Chapter 2 of Division 14 of the Education Code.

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

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

In order to permit the apportionment authorized by this act to be made available to the Escondido Union School District during the remainder of the 1974–75 fiscal year, and so permit such district to meet its payroll and other expenses of its year-round school program for the remainder of the 1974–75 fiscal year, it is necessary that this act go into effect immediately.

CHAPTER 165

An act to add Chapter 4 (commencing with Section 72140) to Part 9 of Division 20 of the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1975. Filed with Secretary of State June 28, 1975.]

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

SECTION 1. Chapter 4 (commencing with Section 72140) is added to Part 9 of Division 20 of the Water Code, to read:

CHAPTER 4. CHINO BASIN PRODUCTION ASSESSMENTS

Article 1. General Provisions

72140. This chapter shall be known and may be cited as the Chino Basin Production Assessment Law.

72140.1. As used in this chapter:

(a) "Annual" or "year" means a calendar year unless the context indicates a contrary meaning.

(b) "Assessing district" means any Chino Basin district which levies a production assessment under this chapter.

(c) "Board" means the board of directors of the primary district.

(d) "Chino Basin" means the ground water basin situated within the Counties of Los Angeles, Riverside, and San Bernardino and which is described in the complaint for general adjudication of water rights in the matter of Chino Basin Municipal Water District v. City of Chino, et al., San Bernardino Superior Court No. 164327, filed January 2, 1975.

(e) "Chino Basin districts" means the primary district, the Western Municipal Water District of Riverside County, and the Pomona Valley Municipal Water District, the boundaries of each of which incorporate land overlying, in part, the Chino Basin.

(f) "Fiscal year" means the period July 1 through June 30, following.

(g) "Ground water" means water beneath the surface of the ground and within the zone of saturation.

(h) "Minimal pumper" means any person whose total production from the Chino Basin does not exceed 10 acre-feet per year.

(i) "Person" means any public agency or public corporation, or any private corporation, firm, partnership, individual, or group of individuals, excluding the State of California and its agencies.

(j) "Primary district" means the Chino Basin Municipal Water District, which overlies a majority of the Chino Basin.

(k) "Production" or "produce" means the extraction of ground water by pumping or any other method, except for gravity flow tunnels which intercept the subsurface flow of defined streams.

(*l*) "Producer" means any person who produces ground water within the Chino Basin, excluding minimal pumpers.

(m) "Secretary" means the secretary of the primary district.

(n) "Supplemental water" means water from the State Water Resources Development System.

(o) "Water producing facility" means any device or method, mechanical or otherwise, for the production of ground water within the Chino Basin.

(p) "Annual report" means the report required of each producer pursuant to Section 72143.

72140.2. The powers conferred by this chapter are in addition to, and not in place of, any other powers conferred upon the Chino Basin districts. Production assessments levied pursuant to this chapter shall be deemed necessary to further the activities of the Chino Basin districts in the protection of the ground water supplies of the Chino Basin for the public health, safety, and welfare. Production assessments are authorized to be levied upon the production of ground water from the Chino Basin for the benefit of all members of the public who rely directly or indirectly upon such ground water supplies.

Article 2. Assessment

72141. To accomplish the purposes of this chapter, the primary district shall cause a production assessment or assessments to be levied each year at a uniform annual rate of two dollars ($2) per acre-foot of production from the Chino Basin, or in such lesser amount as may be determined pursuant to Section 72142. The authorized purposes for such production assessments are as follows:

(a) To purchase supplemental water to be used in the aid of studies and investigations authorized under subdivision (b), provided that the total expenditures for such purpose from all production assessments levied pursuant to this chapter shall not exceed the sum of four hundred thousand dollars ($400,000).

(b) To pay the costs and expenses incurred during or after the 1974–75 fiscal year for studies and investigations, including systems analysis, to develop a management plan for the water resources of

the Chino Basin, including studies and investigations incident to actions and proceedings authorized under subdivision (c).

(c) To pay costs and expenses incurred during or after the 1974–75 fiscal year for actions and proceedings authorized by the primary district under Sections 71751 and 71757 and related to the development and implementation of such water management plan for the Chino Basin.

(d) To pay costs and expenses incurred during or after the 1974–75 fiscal year for the administration of this chapter, including advisory committee expenses, and to pay or reimburse costs and expenses of the Chino Basin districts incurred for the administration of this chapter.

Article 3. Levy of Assessment

72142. On or before 60 days after the effective date of this chapter, and on or before the third Wednesday in April of each year after 1975, the board shall adopt a budget and by resolution levy such two-dollar ($2)-per-acre-foot assessment, unless the board determines that the purposes of this chapter can be accomplished with a lesser assessment, in which case the board may, by resolution, levy such lesser assessment. Such assessment shall be applicable to all production within the Chino Basin during the fiscal year in which such assessment is levied.

72142.1. Immediately after adopting its resolution levying the assessment, which levy shall thereupon be effective as to all production from the Chino Basin within the primary district, the board shall notify and direct the other Chino Basin districts to levy similar assessments on production from the Chino Basin within each Chino Basin district at an identical rate. The boards of directors of each Chino Basin district other than the primary district shall on or before 30 days after receipt of such notice levy such assessment against all production from the Chino Basin within its boundaries within 30 days after the final date for receipt of annual reports and the payments of assessments, all net assessment proceeds collected by any Chino Basin district, less all costs of administration and collection, shall be delivered to the primary district.

72142.2. After the levy of a production assessment pursuant to this chapter the Chino Basin districts shall give notice thereof to all affected producers within the Chino Basin, within each of their respective boundaries, which notice shall state the rate of each assessment and shall require filing of the annual report of each affected producer, together with payment of the assessment, by the deadline specified in Section 72143. The notice may be sent by postal card or by other first-class mail with postage prepaid by the assessing district.

72142.3. Payment of the assessment shall accompany the filing of the annual report.

72142.4. If any producer after having been given notice as

required by Section 72142.2 fails to pay a production assessment when due, such producer shall become liable to the assessing district for interest at the rate of 1 percent per month on the delinquent amount of the assessment.

Article 4. Reports

72143. On or before 120 days after the effective date of this chapter, and on or before the last day of July of each year after 1975, each producer within the Chino Basin shall furnish the assessing district with an annual report of production for the preceding fiscal year, on a form to be prescribed by the board. On or before 150 days after the effective date of this chapter, and on or before the last day of August of each year after 1975, each Chino Basin district shall deliver a copy of such annual reports to the primary district.

72143.1. If any producer subject to production assessments, after having been given notice as required by Section 72142.2, fails to file an annual report on production, such producer shall, in addition to the liability for interest provided in Section 72142.4, become liable to the assessing district for a penalty of two dollars ($2) per acre-foot produced during the fiscal year subject to such report.

If the board of the assessing district has probable cause to believe that the production by any producer is unreported or, if reported, is substantially in excess of that disclosed by the annual report of such producer, such board shall cause an investigation and report to be made concerning such production. Such board shall determine and fix the correct amount of production for any such producer, not to exceed the maximum production capacity of such producer's water producing facilities; provided, however, where a water measuring device is permanently attached thereto, the record of production as disclosed by such water measuring device shall be presumed to be accurate, and the burden shall be upon such board to establish to the contrary.

After such determination has been made by such board, a written notice thereof shall be mailed to the producer by such assessing district at his address as shown by the primary district's records. Any such determination made by such board shall be conclusive on the producer, and production assessments based thereon, together with interest and penalties, shall be payable immediately, unless such producer shall file with such board within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so determined or the production assessment, interest, and penalties so levied thereon. Upon the filing of such protest, such board shall hold a hearing at which time the total amount of production and the production assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing.

Notice of the determination by such board shall be mailed to each protestant. Such producer shall have 20 days from the date of mailing of such notice to pay the production assessment, interest, and penalties so fixed by such board. Within 30 days after the conclusion of the proceedings under this section, such assessing district shall deliver a copy of the notice of the determination to the primary district.

Article 5. Advisory Committee

72144. The board shall appoint an advisory committee representative of the various categories of water use and institutional concern, including each city which is a producer, each water district whose boundaries include lands within the Chino Basin, and representatives of water companies and industrial and agricultural interests.

72144.1. The advisory committee shall organize, elect officers, and adopt reasonable rules for conduct of its affairs; provided, that all meetings of the committee shall be conducted in compliance with Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code.

72144.2 The advisory committee shall review all proposed studies, programs, and expenditures of proceeds of production assessments under this chapter and shall advise and consult with the board in the administration of this chapter.

Article 6. Remedies

72145. Any assessing district may bring a suit in the court having jurisdiction against any producer for the collection of any delinquent production assessments, interest, or penalties. The court having jurisdiction of the suit may, in addition award interest, costs, and attorney's fees on any judgment.

Article 7. Termination

72146. The assessment authority conferred pursuant to this chapter shall not extend beyond fiscal year 1976–77 production, and the power to collect production assessments shall cease and terminate after exhaustion of all remedies of the assessing districts as to such 1976–77 production. Nothing in this section shall preclude the commitment or expenditure of assessment proceeds remaining after the termination of such assessment authority.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there by any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

Chino Basin is the largest single ground water basin in the South Coastal Basin of Southern California. Its water supply, including water in storage and annual safe yield, constitute a resource of great value to the people of the State of California. The development of a water supply and waste water disposal plan is urgently needed in order to facilitate programs of conjunctive utilization of such resources to accommodate waters available from the State Water Resources Development System. Funds are critically needed to undertake studies and to speed implementation of institutional solutions to such basin management problems. It is urgent that a water production assessment be authorized and made applicable to the production of water from the Chino Basin during the 1974–75 fiscal year. It is necessary, therefore, that the provisions of this act go into immediate effect.

CHAPTER 166

An act to amend Section 34359 of the Health and Safety Code, relating to housing authorities.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 34359 of the Health and Safety Code is amended to read:

34359. An authority may:

(a) Pledge all or any part of its gross or net rents, fees, or revenues to which its right then exists or may thereafter come into existence.

(b) Mortgage all or any part of its real or personal property then owned or thereafter acquired.

(c) Borrow money from private sources, the state, county, or federal government, and issue its notes and encumber its assets as security by means of deeds of trust. The obligation of the authority is limited to the security on the deed of trust.

CHAPTER 167

An act to amend Sections 23394, 23400, and 25171 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 23394 of the Business and Professions Code is amended to read:

23394. An off-sale general license includes the privileges specified in Section 23393 and authorizes the sale, to consumers only and not for resale, except to holders of daily on-sale general licenses issued pursuant to Section 24045.1, of distilled spirits for consumption off the premises where sold. Standards of fill for distilled spirits authorized for sale pursuant to this section shall conform in all respects to the standards established pursuant to regulations issued under the Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto. An off-sale general license shall not authorize the purchase or sale of distilled spirits in packages containing less than six ounces or whiskey, gin, or vodka in packages containing one-tenth gallon.

SEC. 2. Section 23400 of the Business and Professions Code is amended to read:

23400. An on-sale general license authorizes the purchase and possession of distilled spirits in packages which packages shall conform with standards of fill for distilled spirits in all respects to the regulations issued pursuant to Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto. An on-sale general license shall not authorize the purchase of distilled spirits in packages containing less than six ounces or whiskey, gin, or vodka in packages containing one-tenth gallon.

SEC. 3. Section 25171 of the Business and Professions Code is amended to read:

25171. Any rectifier or wholesaler of distilled spirits who delivers to the premises of any on- or off-sale general licensee or any on- or off-sale general licensee who sells or has in his possession at the licensed premises distilled spirits in packages containing standards of fill for distilled spirits which do not conform in all respects to the federal standards established pursuant to the regulations issued under the Federal Alcohol Administration Act (27 U.S.C. Secs. 201 et seq.) and any amendments thereto is guilty of a misdemeanor, except that this section does not apply to packages of distilled spirits in containers less than one-half pint which are sold and delivered to railroad, sleeping car, steamship companies, or common carriers operating vessels, as defined in Section 238 of the Public Utilities Code, under a certificate of public convenience and necessity, or air

common carriers for use and consumption on trains, boats, or airplanes.

Notwithstanding the provisions of this section, a rectifier or wholesaler of distilled spirits may not purchase or sell whiskey, gin or vodka in packages containing one-tenth of a gallon.

CHAPTER 168

An act to amend Section 832.1 of the Penal Code, relating to security officers, and declaring the urgency thereof.

[Approved by Governor June 28, 1975 Filed with Secretary of State June 28, 1975]

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

SECTION 1. Section 832.1 of the Penal Code is amended to read:

832.1. Any airport security officer, airport policeman, or airport special officer, regularly employed and paid by a city, county, city and county, or district who is a peace officer shall have completed a course of training relative to airport security approved by the Commission on Peace Officers Standards and Training. Any such airport officer so employed on the effective date of this section shall have completed the course of instruction required by this section by September 1, 1973. Any airport officer so employed after such effective date shall have completed the course of instruction within 90 days after such employment.

Any officer who has not satisfactorily completed such course within such prescribed time shall not continue to have the powers of a peace officer until they have satisfactorily completed such course.

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

Housing authority patrol officers are faced with either completing unnecessary courses in airport security training or else losing their status as peace officers, thus endangering their ability to protect the public health and safety. In order to remedy this situation as quickly as possible this act must take immediate effect.

CHAPTER 169

An act to repeal, add, and repeal Section 438.6 of, and to repeal Section 438.7 of, the Health and Safety Code, relating to health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1975 Filed with Secretary of State June 29, 1975.]

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

SECTION 1. Section 438.6 of the Health and Safety Code is repealed.

SEC. 2. Section 438.6 is added to the Health and Safety Code, to read:

438.6. The department shall annually contract with agencies approved pursuant to Section 437.7 for the purpose of providing such agencies with funds to assist them to perform the duties required of them by this part. The Advisory Health Council shall review and make recommendations to the department upon all contracts to be entered into under this section. The department shall prepare such contracts upon information submitted by such agencies in such form as required by the department. No agency shall receive an amount pursuant to this section which is larger than the amount of funds it budgets annually for health facility planning, which are derived from local sources, exclusive of all federal or other state funds or funds voluntarily contributed by licensed health facilities.

Contracts entered into pursuant to this section shall be for the purpose of allocating any remaining funds previously collected under Section 438.7, as repealed by the act enacting this section, and shall not obligate the department for payment of any amounts in excess of available revenues so collected.

This section shall remain in effect only until January 1, 1976, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1976, deletes or extends such date.

SEC. 3. Section 438.7 of the Health and Safety Code is repealed.

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

In order that voluntary area health planning agencies may continue to be funded without interruption, it is necessary that this act take effect immediately.

CHAPTER 170

An act to amend Sections 9889.55, 9889.59, and 9889.61 of the Business and Professions Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature June 29, 1975
Filed with Secretary of State June 29, 1975.]

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

SECTION 1. Section 9889.55 of the Business and Professions Code is amended to read:

9889.55. The provisions of this chapter shall take effect in accordance with the following schedule:

(a) The inspection program shall be designed by the department during 1974 and 1975 and adopted no later than September 30, 1975.

(b) The inspection program shall be implemented by the department during 1975 and 1976, and a series of trial inspections of motor vehicles conducted by the department in order to refine inspection standards and procedures adopted under the program shall be completed by no later than July 1, 1976. Such trial inspections shall be limited to the Counties of Orange, Riverside, and San Bernardino, or any portion of one or more of these counties as the department may specify, and to one or more classes of vehicles subject to the provisions of this chapter, for example, vehicles owned by governmental entities. The trial inspection program may include provision for voluntary maintenance or repair and reinspection of vehicles failing to pass initial inspections, undertaken at the owners' expense, and for mandatory maintenance or repair and reinspection of such vehicles, undertaken at the department's expense. Notwithstanding other provisions of this section and of Section 4602.1 of the Vehicle Code, the trial inspections shall not be enforced through renewal of registration of motor vehicles. The department may issue stickers which shall be affixed to vehicles in accordance with regulations of the department or the department may, in conjunction with other affected state agencies, prescribe by regulation other means of enforcement.

(c) Any motor vehicle subject to the provisions of this chapter shall be inspected by the department upon each transfer of registration subsequent to July 1, 1976. During 1976, upon a finding by the department, with the cooperation of the Department of Motor Vehicles, that sufficient inspection stations are in operating condition to commence inspections upon transfer, the department shall establish a 1976 date after which any motor vehicle subject to the provisions of this chapter shall be inspected upon transfer of registration.

(d) Any motor vehicle subject to the provisions of this chapter shall be inspected by the department upon initial registration, and upon each renewal of registration, subsequent to July 1, 1977. During

1977, upon a finding by the department, with the cooperation of the Department of Motor Vehicles, that sufficient inspection stations are in operating condition to commence inspections upon initial and renewed registration, the department shall establish a 1977 date after which any motor vehicle subject to the provisions of this chapter shall be inspected upon initial registration and upon renewal of registration.

(e) Notwithstanding any other provision of this section, whenever transfer of registration, or initial or renewed registration of a motor vehicle subject to the provisions of this chapter occurs within 60 days of an inspection conducted pursuant to subdivision (c) or (d) of this section, the inspection otherwise required upon such transfer or registration need not be conducted.

(f) Any motor vehicles subject to the provisions of this chapter owned by a governmental entity or public utility and not required by law to have its registration renewed, shall be inspected by the department annually in accordance with a schedule established by the department to correspond with the schedule for inspections upon renewal of registration of all other motor vehicles pursuant to this chapter.

(g) The consumer handbook prepared by the department pursuant to Section 9889.53 shall be distributed by the Department of Motor Vehicles to every owner of a motor vehicle subject to the provisions of this chapter at the same time such owner is notified of his first inspection requirement pursuant to subdivision (c) or (d) of this section.

(h) The orientation seminars conducted by the department pursuant to subdivision (b) of Section 9889.52, shall be conducted periodically on an ongoing basis commencing prior to the conducting of the first trial inspections by the department pursuant to subdivision (b) of this section.

SEC. 2. Section 9889.59 of the Business and Professions Code is amended to read:

9889.59. (a) The department shall conduct ongoing cost-benefit analyses and other evaluations of the inspection program, including, but not limited to, observed patterns of malfunctions in inspected motor vehicles' exhaust emissions control and quantifications of reductions in air pollution in the geographical area subject to the provisions of this chapter, and recommendations for legislation to improve the inspection program, and the department shall deliver periodic written reports to the Legislature on such analyses and evaluations at least every 12 months commencing no later than July 1, 1975.

(b) The department shall study and submit recommendations to the Legislature no later than December 31, 1976, on whether the inspection program should be extended, in whole or in part, to other geographical areas within the state, and if so, how, when, and where.

(c) The Legislature shall create a joint committee to receive and evaluate the reports and recommendations submitted by the

department to the Legislature pursuant to this section. On the basis of such evaluation, the committee shall, from time to time, recommend to the Legislature supplementary legislation it deems advisable to facilitate motor vehicle emissions inspections.

SEC. 3. Section 9889.61 of the Business and Professions Code is amended to read:

9889.61. (a) The department shall, by no later than January 1, 1974, apply to the federal government for matching funds to carry out the inspection program established by this chapter.

(b) The department shall charge a fee for the inspection of motor vehicles conducted pursuant to Section 9889.55, except that the department may waive fees for the inspection of motor vehicles conducted pursuant to subdivision (b) of Section 9889.55. The revenues from such fees shall be sufficient to provide the state funds to match any federal grants awarded in response to application under subdivision (a), and to reimburse the Motor Vehicle Account in the Transportation Tax Fund for all appropriations made for the design, adoption, implementation, and operation of the inspection program established by this chapter.

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

The implementation of the mandatory motor vehicle exhaust emission inspection program contemplated by Chapter 20.4 (commencing with Section 9889.50) of Division 3 of the Business and Professions Code, as added by Chapter 1154 of the Statutes of 1973, has taken longer than originally anticipated. In order to establish realistic dates for the completion of the development and implementation of these programs, it is necessary for this act to go into immediate effect.

CHAPTER 171

An act to repeal Sections 12857 and 12858 of the Government Code, and to amend Sections 10553, 10553.1, 10554, 10554.1, 10600, 10602, 10603, 10603.1, 10604, 10604.1, 10605, 10605.1, 10609.1, 10613, 10613.1 and 10950 of, and to add Sections 10602.5, 10603.3, 10609 and 19005.1 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1975 Filed with Secretary of State June 30, 1975]

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

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SECTION 1. Section 12857 of the Government Code is repealed.

SEC. 2. Section 12858 of the Government Code is repealed.

SEC. 3. Section 10553 of the Welfare and Institutions Code is amended to read:

10553. The director shall:

(a) Be responsible for the management of the department.

(b) Administer the laws pertaining to the administration of aid.

(c) Observe and report to the Governor on the conditions of aid throughout the state.

(d) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of aid.

All regulations heretofore adopted shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

(e) Perform such other duties as may be prescribed by law, and such other administrative and executive duties as have by other provisions of law been previously imposed.

SEC. 4. Section 10553.1 of the Welfare and Institutions Code is amended to read:

10553.1. The Director of Health shall:

(a) Administer the laws pertaining to the administration of services.

(b) Observe and report to the secretary and the Governor on the condition of services throughout the state.

(b) Formulate, adopt, amend or repeal, in accordance with the provisions of Section 10554 1, regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the State Department of Health and which are consistent with law and necessary for the administration of services.

All regulations heretofore adopted by the Director of Social Welfare relating to services shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Health.

(d) Perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of law been previously imposed upon the Director of Health.

SEC. 5 Section 10554 of the Welfare and Institutions Code is amended to read:

10554. The director is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that such regulations need not be printed in the California Administrative Code or California

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Administrative Register if they are included in the publications of the department.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering aid or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

SEC. 6. Section 10554.1 of the Welfare and Institutions Code is amended to read:

10554.1. The Director of Health is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the State Department of Health, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that regulations relating to services need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department and are not promulgated pursuant to Section 16003, 16201, or 16309. If such regulations are promulgated pursuant to Section 16003, 16201 or 16309, they shall be printed in the California Administrative Code or California Administrative Register.

In adopting regulations the Director of Health shall strive for clarity of language which may be readily understood by those administering services or subject to such regulations.

The rules of the State Department of Health need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the State Department of Health is required to use, submit or maintain such forms, reports or records.

SEC. 7. Section 10600 of the Welfare and Institutions Code is amended to read:

10600. It is hereby declared that provision for public social services in this code is a matter of statewide concern. The Department of Benefit Payments is hereby designated as the single state agency with full power to supervise every phase of the administration of aid and the State Department of Health is hereby designated as the single or appropriate state agency with full power to supervise every phase of the administration of services for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws.

SEC. 8. Section 10602 of the Welfare and Institutions Code is amended to read.

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10602. The State Department of Health shall investigate, examine and make reports upon:

(a) The charitable institutions of the state and of the counties and cities of the state, other than county hospitals.

(b) The public officers who are in any way responsible for the administration of public funds used for services which are administered by the Department of Health.

SEC. 9. Section 10602.5 is added to the Welfare and Institutions Code, to read:

10602.5. The Employment Development Department shall investigate, examine, and make reports upon the public officers who are in any way responsible for the administration of public funds used for services which are administered by the Employment Development Department.

SEC. 10. Section 10603 of the Welfare and Institutions Code is amended to read:

10603. The Department of Benefit Payments shall advise public officers regarding the administration of aid by public agencies throughout the state, and shall supervise the administration of state aid to all persons receiving or eligible to receive state aid. It shall also supervise the expenditure of any funds for Indian relief which may be granted to the state by the federal government.

SEC. 11. Section 10603.1 of the Welfare and Institutions Code is amended to read:

10603.1. The State Department of Health shall advise public officers regarding the administration of services by public agencies throughout the state, and shall supervise the administration of such services to all persons receiving or eligible to receive such services.

SEC. 12. Section 10603.3 is added to the Welfare and Institutions Code, to read:

10603.3. The department, the Department of Rehabilitation and the State Department of Health shall make an annual report to the Legislature on the action taken by each such department in implementing their respective responsibilities as the single state agency.

SEC. 13. Section 10604 of the Welfare and Institutions Code is amended to read:

10604. In administering any funds appropriated or made available for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish regulations not in conflict with the law fixing statewide standards for the administration of all state or federally assisted aid programs, defining and controlling the conditions under which aid may be granted or refused. All regulations established by the department shall be binding upon the boards of supervisors and the county department.

SEC. 14. Section 10604.1 of the Welfare and Institutions Code is amended to read:

10604.1. In administering any funds appropriated or made available to the State Department of Health for disbursement through the counties for welfare purposes, the Department of Health shall establish regulations, not in conflict with the law fixing statewide standards for the administration of all state or federally assisted service programs. All regulations established by the State Department of Health shall be binding upon the boards of supervisors and the county department.

SEC. 15. Section 10605 of the Welfare and Institutions Code is amended to read:

10605. If the director considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation, pertaining to the administration of aid, the director shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the director shall order the county to appear at a hearing, before the director, with the State Benefits and Services Advisory Board, to show cause why the director should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The director shall consider the case on the record established at the hearing, and the advice of the State Benefits and Services Advisory Board, and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the director, for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the director shall make his final findings and decision.

If the director determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the director that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the director may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the director of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-assisted aid programs in such county until the county shall provide reasonable assurance to the director of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county

programs, the director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued aid required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the secretary pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 16. Section 10605.1 of the Welfare and Institutions Code is amended to read:

10605.1. If the Director of Health considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation pertaining to the administration of services, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the Director of Health shall order the county to appear at a hearing, before him to show cause why he should not take action to secure compliance. The county shall be given at least 30 days notice of such hearing. The Director of Health shall consider the case on the record established at the hearing and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decisions shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the secretary for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the Director of Health shall make his final findings and decision.

If the Director of Health determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the Director of Health that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the Director of Health may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the Director of Health of compliance; or

(b) Assume, temporarily, direct responsibility for the

administration of any or all state-aided service programs in such county until the county shall provide reasonable assurance to the Director of Health of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the Director of Health or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the Director of Health pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 17. Section 10609 is added to the Welfare and Institutions Code, to read:

10609. The department may act as the agent or representative of or cooperate with the federal government in any matters within the scope of the functions of the department, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

Any contract or agreement entered into by the department with the federal government or any agency thereof for the expenditure of any funds in the exercise of any power granted to the department by this section shall be subject to approval by the State Department of Finance.

SEC. 18. Section 10609.1 of the Welfare and Institutions Code is amended to read:

10609.1. The State Department of Health may act as the agent or representative of or cooperate with the federal government in any matters within the scope of the functions of the State Department of Health under this division, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

The State Department of Health may cooperate with the federal government, its agencies or instrumentalities, in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, and may receive and expend all funds made available for such purposes by the federal government to the secretary, the state, a county, a district, a municipal corporation, or a political subdivision.

Any contract or agreement entered into by the State Department of Health with the federal government or any agency thereof for the

expenditure of any funds in the exercise of any power granted to the State Department of Health by this section shall be subject to approval by the State Department of Finance.

SEC. 19. Section 10613 of the Welfare and Institutions Code is amended to read:

10613. The functions of the department may include the administration and the supervision of the administration of aid within this state as an agent of the federal government.

SEC. 20. Section 10613.1 of the Welfare and Institutions Code is amended to read:

10613.1. The functions of the State Department of Health may include the administration and the supervision of the administration of services within this state as an agent of the federal government and acting as a service agency for the federal government in the field of social service and welfare.

SEC. 21. Section 10950 of the Welfare and Institutions Code is amended to read:

10950. If any applicant for or recipient of public social services is dissatisfied with any action of the county department relating to his application for or receipt of aid, or if his application is not acted upon with reasonable promptness, or if any person who desires to apply for such aid is refused the opportunity to submit a signed application therefor, and is dissatisfied with such refusal, he shall, in person or through an authorized representative, without the necessity of filing a claim with the board of supervisors, upon filing a request with the department, be accorded an opportunity for a fair hearing.

For the purposes of administering services, the Director of Health shall have those powers and duties conferred on the Director of Benefit Payments by this chapter to conduct fair hearings in order to secure approval of a state plan under the provisions of applicable federal law.

The Director of Health may contract with the Department of Benefit Payments for the provisions of fair hearings in accordance with this chapter.

As used in this chapter, "recipient" means an applicant for or recipient of aid or services except aid exclusively financed by county funds or aid under Chapter 3 (commencing with Section 12000) of Part 3 of this division.

SEC. 22. Section 19005.1 is added to the Welfare and Institutions Code, to read:

19005.1. The Department of Rehabilitation is hereby designated as the sole state agency with full power to supervise every phase of the administration of the state plan for vocational rehabilitation services. All decisions affecting eligibility for and the nature and scope of vocational rehabilitation services to be provided will be made by the department through its organizational units.

SEC. 23. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any

costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 24. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal law requires that a single or appropriate state agency be designated to administer or supervise the administration of programs which receive federal funding. If such agency or agencies are not so designated, the State of California will lose a significant amount of federal funds which are allocated for such programs.

CHAPTER 172

An act to amend Section 198 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor June 30, 1975 Filed with Secretary of State June 30, 1975]

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

SECTION 1. Section 198 of the Code of Civil Procedure is amended to read:

198. A person is competent to act as juror if he be:

1. A citizen of the United States of the age of 18 years who meets the residency requirements of electors of this state;

2. In possession of his natural faculties and of ordinary intelligence and not decrepit;

3. Possessed of sufficient knowledge of the English language.

CHAPTER 173

An act to amend Section 353.5 of the Code of Civil Procedure, to amend Sections 202, 203, 204, 205, 910, and 1240 of, to add Article 3 (commencing with Section 650) to Chapter 10 of Division 3, Sections 704.2, 704.4, 713.5, and Article 5 (commencing with Section 980) to Chapter 15 of Division 3 of, and to repeal Article 3 (commencing with Section 650) of Chapter 10 of Division 3 of, the Probate Code, relating to probate and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1975 Filed with Secretary of State June 30, 1975]

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

SECTION 1. Section 353.5 of the Code of Civil Procedure, as added by Chapter 752 of the Statutes of 1974, is amended to read:

353.5. If a person against whom an action may be brought dies before the expiration of the statute of limitations for the commencement of the action and the cause of action survives, an action against the surviving spouse of the person which is brought pursuant to Section 205 of the Probate Code may be commenced within four months after the death of the person or before the expiration of the statute of limitations which would have been applicable to the cause of action against the person if the person had not died, whichever occurs later.

SEC. 2. Section 202 of the Probate Code, as amended by Chapter 752 of the Statutes of 1974, is amended to read:

202. (a) Except as provided in Section 204, when a husband or wife dies intestate, or dies testate and by his or her will bequeaths or devises all or a part of his or her interest in the community property to the surviving spouse, it passes to the survivor subject to the provisions of Sections 203 and 205, and no administration thereon shall be necessary.

(b) Notwithstanding subdivision (a), upon the election of the surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse, the interest of the deceased spouse in the community property or both the interest of the deceased spouse and the surviving spouse in the community property may be administered under Division 3 (commencing with Section 300). The election must be made within four months after the issuance of letters testamentary or of administration by a writing filed in the proceedings for the administration of the estate of the deceased spouse and prior to the entry of an order under Section 655.

(c) Notwithstanding subdivision (a) or (b), the surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse may file an election and agreement in the proceedings for the administration of the estate of the deceased spouse to have all or part of the interest of the surviving spouse in the community property transferred by the surviving spouse to the trustee under the will of the deceased spouse or the trustee of an existing trust identified by the will of the deceased spouse, to be administered and distributed by the trustee. The election and agreement must be filed before the entry of the decree of final distribution in the proceedings.

SEC. 3. Section 203 of the Probate Code, as amended by Chapter 752 of the Statutes of 1974, is amended to read:

203. After 40 days from the death of a spouse, the surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse shall have full power to sell, lease, mortgage or otherwise deal with and dispose of the community real property, unless a notice is recorded in the county in which the property is situated to the effect that an interest

in the property is claimed by another under the will of the deceased spouse. The notice must also (1) describe the property in which an interest is claimed, and (2) set forth the name or names of the owner or owners of the record title to the property. There shall be endorsed on the notice instructions that it shall be indexed by the recorder in the name or names of the owner or owners of the record title to the property, as grantor or grantors, and in the name of the person claiming an interest in the property, as grantee. The right, title, and interest of any grantee, purchaser, encumbrancer, or lessee shall be as free of rights of devisees or creditors of the deceased spouse to the same extent as if the property had been owned as the separate property of the surviving spouse.

SEC. 4. Section 204 of the Probate Code, as amended by Chapter 752 of the Statutes of 1974, is amended to read:

204. When a deceased spouse disposes by will of all or part of his or her interest in the community property to someone other than the surviving spouse or when the will of a deceased spouse contains a trust or limits the surviving spouse to a qualified ownership in the property, that part of the interest of the deceased spouse in the community property disposed of to someone other than the surviving spouse, disposed of in trust, or limiting the surviving spouse to a qualified ownership in the property shall be subject to administration under Division 3 (commencing with Section 300).

SEC. 5. Section 205 of the Probate Code, as amended by Chapter 752 of the Statutes of 1974, is amended to read:

205. (a) Except as provided by Section 951.1, upon the death of a married person, the surviving spouse is personally liable for the debts of the deceased spouse chargeable against the community property by the provisions of Title 8 (commencing with Section 5100) of Part 5 of the Civil Code, unless the interests of both spouses in the community property are administered under Division 3 (commencing with Section 300). The personal liability shall not exceed the value at the date of death, less the amount of any liens and encumbrances, of the interest of the surviving spouse in the community property immediately prior to the death which is not exempt from execution plus the interest of the deceased spouse passing to the surviving spouse without administration.

(b) If proceedings are commenced in this state for the administration of the estate of the deceased spouse and notice to creditors has been given by the personal representative, any action upon the liability of the surviving spouse pursuant to subdivision (a) shall be barred to the same extent as provided for claims under Article 1 (commencing with Section 700) of Chapter 12 of Division 3 except as to the following:

(1) Creditors who had commenced judicial proceedings for the enforcement of the debts and had served the surviving spouse with process prior to the date of the last publication of the notice to creditors.

(2) Creditors who secure the acknowledgment in writing of the

liability of the surviving spouse for the debts.

(3) Creditors who file a timely claim in the proceedings.

(c) Except as provided by subdivision (b), any debt described in subdivision (a) may be enforced against the surviving spouse in the same manner as it could have been enforced against the deceased spouse if the deceased spouse had not died. In any action based upon the debt, the surviving spouse may assert any defenses, counterclaims, or setoffs which would have been available to the deceased spouse if the deceased spouse had not died.

SEC. 6. Article 3 (commencing with Section 650) of Chapter 10 of Division 3 of the Probate Code, as added by Chapter 752 of the Statutes of 1974, is repealed.

SEC. 7. Article 3 (commencing with Section 650) is added to Chapter 10 of Division 3 of the Probate Code, to read:

Article 3. Determination or Confirmation of Community Property

650. A surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse may file a petition in the superior court in the county in which the estate of the deceased spouse may be administered alleging that administration of all or a part of the estate is not necessary for the reason that all or a part of the estate is community property passing or belonging to the surviving spouse. The petition shall be verified and shall set forth the following information:

(1) The facts necessary to determine the county in which the estate of the deceased spouse may be administered if proceedings for the administration of the estate are not pending.

(2) The names, ages, and addresses of the heirs, devisees, and legatees of the deceased spouse, the names and addresses of all persons named as executors of the will of the deceased spouse, and the names and addresses of all persons appointed as executors of the will or administrators of the estate of the deceased spouse, which are known to the petitioner.

(3) A description of the property of the deceased spouse which the petitioner alleges is community property passing to the surviving spouse, including the trade or business name of any community property business which the deceased spouse was operating or managing at the time of death.

(4) The facts upon which the petitioner bases the allegation that all or a part of the estate of the deceased spouse is community property passing to the surviving spouse.

(5) A description of any interest in the community property which the petitioner requests the court to confirm to the surviving spouse as belonging to the surviving spouse pursuant to Section 201.

If the petitioner bases the allegation that all or part of the estate of the deceased spouse is community property passing to the surviving spouse upon the will of the deceased spouse, a copy of the

will shall be attached to the petition.

To the extent of the election, this section shall not apply if the petitioner has elected to have the interest of the deceased spouse in the community property or both the interest of the deceased spouse and the surviving spouse in the community property administered under this division pursuant to subdivision (b) of Section 202.

651. If proceedings for the administration of the estate of a deceased spouse are pending, a petition described in Section 650 shall be filed in the proceedings without the payment of an additional fee. If the proceedings are not pending, the petition may be joined with a verified petition for probate of the will or administration of the estate.

652. The filing of a petition under Section 650 shall not preclude the court from admitting the will of the deceased spouse to probate or issuing letters testamentary or of administration upon the petition of any person legally entitled, including any petition for probate of the will or administration of the estate which is joined with a petition filed under Section 650.

653. If proceedings for the administration of the estate of a deceased spouse are pending at the time a petition described in Section 650 is filed or, if the proceedings are not pending and if the petition is not joined with a petition for probate of the will or administration of the estate of the deceased spouse, the clerk shall set the petition for hearing and post notice of the hearing for the period and in the manner prescribed by Section 1200. At least 20 days prior to the date of the hearing on the petition, a notice of the hearing and a copy of the petition shall be personally served upon the following persons by the petitioner or mailed, postage prepaid, by the petitioner to the following persons, addressed to the addresses given in their request for special notice or notice of appearance, the addresses of their offices or places of residence, or, if neither of these addresses are known to the petitioner, the county seat of the county in which the proceedings are pending:

(1) Any personal representative who is not the petitioner.

(2) All legatees, devisees, and known heirs of the deceased spouse.

(3) All persons or their attorneys who have requested special notice pursuant to Section 1202.

(4) All persons or their attorneys who have given notice of appearance.

(5) The Attorney General, addressed to the office of the Attorney General at Sacramento, California, if the petitioner bases the allegation that all or part of the estate of the deceased spouse is community property passing to the surviving spouse upon the will of the deceased spouse and the will involves or may involve (i) a testamentary trust of property for charitable purposes other than a charitable trust with a designated trustee, resident in this state, or (ii) a bequest or devise for a charitable purpose without an identified legatee, devisee, or beneficiary.

(6) All other persons who are named in the will of the deceased

spouse, if the petitioner bases the allegation that all or part of the estate of the deceased spouse is community property passing to the surviving spouse upon the will.

654. If a petition described in Section 650 is joined with a petition for probate of the will, notice of the hearing on the petition shall be given in the manner prescribed by Sections 327 and 328 and shall be included in the notice required by the sections. If the petition is joined with a petition for administration of the estate, notice of the hearing on the petition shall be given in the manner prescribed by Section 441 and shall be included in the notice required by the section. Notice of the hearing on the petition for probate of the will or administration of the estate shall be given at least 20 days prior to the date of the hearing on the petition. A copy of the petition described in Section 650 shall be personally served upon, or mailed, postage prepaid, to, all persons entitled to notice of the hearing under Section 328 or 441.

655. (a) If the court finds that all of the property is community property passing to the surviving spouse, it shall issue an order describing the property, determining that the property is community property passing to the surviving spouse, and determining that no administration is necessary. If the petition filed under Section 650 includes a description of the interest of the surviving spouse in the community property which belongs to the surviving spouse pursuant to Section 201 and the court finds that the interest belongs to the surviving spouse, it shall issue an order describing the property and confirming the ownership of the surviving spouse.

(b) If the court finds that all or a part of the property is not community property passing to the surviving spouse, it shall do all of the following:

(1) Issue an order describing any property which is community property passing to the surviving spouse, determining that the property passes to the surviving spouse, and determining that no administration of the property is necessary; and issue any further orders which may be necessary to cause delivery of the property or its proceeds to the surviving spouse.

(2) If the petition filed under Section 650 includes a description of the interest of the surviving spouse in the community property which belongs to the surviving spouse pursuant to Section 201 and the court finds that the interest belongs to the surviving spouse, issue an order describing the property and confirming the ownership of the surviving spouse and any further orders which may be necessary to cause ownership of the property to be confirmed in the surviving spouse.

(3) Issue an order that the property which is not community property passing to the surviving spouse is subject to administration under this division.

(c) Upon becoming final, an order (1) determining that property is community property passing to the surviving spouse or (2)

confirming the ownership of the surviving spouse of property belonging to the surviving spouse under Section 201 shall be conclusive on all persons, whether or not they are in being.

656. In any case in which the court finds that all or a part of the community property passing to the surviving spouse consists of a business or an interest in a business which the deceased spouse was operating or managing at the time of death, it shall require the surviving spouse to file a list of all of the known creditors of the business and the amount owing to each of them. The court may issue any order necessary to protect the interests of the creditors of the business, including the filing of an undertaking.

657. (a) Upon the filing of a petition pursuant to Section 650, the court shall immediately appoint one inheritance tax referee who shall appraise the property described in the petition in the same manner provided in Section 605 and file an inheritance tax report or certification that no tax is due with the clerk of the court. Upon the filing of the inheritance tax report, the court shall enter an order fixing the inheritance tax in the same manner and subject to all other provisions of law relating to the administration of the estate of a decedent which is not subject to the provisions of this article. The filing of an inheritance tax report and the entry of an order fixing the inheritance tax under this article shall not limit the filing of additional reports and the entry of additional orders fixing the inheritance tax as to any other property of the deceased spouse giving rise to additional inheritance tax liability.

(b) No order shall be issued pursuant to this article until (1) all inheritance taxes due by reason of the transfer of property described in a petition filed pursuant to Section 650 have been paid, (2) the referee has filed a certification that no tax is due, or (3) the State Controller has, in writing, consented to the granting of the order without the prior fixing or payment of any tax.

(c) The petitioner shall furnish the referee with a copy of the petition and all other necessary information and documentation as may be required by law for the referee to prepare the inheritance tax report or issue the certification that no tax is due with reference to the property described in the petition. Within 60 days after the receipt of the petition and information and documentation by the referee, as may be evidenced by an affidavit which is filed in the proceedings by the petitioner and served by mail on the referee, the referee shall make the appraisal and file the inheritance tax report or the certification that no tax is due with the clerk of the court. If the referee does not comply with the provisions of this subdivision, the court may issue any orders which may be necessary to effect compliance.

SEC. 8. Section 704.2 is added to the Probate Code, to read:

704.2. A claim may be filed by the surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse for the payment of the debts of the deceased spouse described in Section 205. The claim must be filed

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prior to the filing of a petition for final distribution. It shall set forth the reason why the debts are not barred by subdivision (b) of Section 205 and a statement whether the debts remain unpaid or have been paid by the surviving spouse. If the surviving spouse is personally liable for the debts, the claim shall also include an inventory of the separate property of the surviving spouse and any community property not administered in the estate and a statement of the value of the property less the amount of the liens and encumbrances upon the property as of the date of death of the deceased spouse. The statement may identify any property which is exempt from execution.

SEC. 9. Section 704.4 is added to the Probate Code, to read:

704.4. If any community property is administered in the estate, the surviving spouse or the personal representative, guardian of the estate, or conservator of the property of the surviving spouse may file a claim against the estate for the payment of the debts of the surviving spouse for which the community property is liable. The claim must be filed prior to the filing of a petition for final distribution. It shall include a statement whether the debts remain unpaid or have been paid by the surviving spouse. It shall also include an inventory of the separate property of the surviving spouse and any community property not administered in the estate and a statement of the value of the property less the amount of the liens and encumbrances upon the property as of the date of death of the deceased spouse. The statement may identify any property which is exempt from execution.

SEC. 10. Section 713.5 is added to the Probate Code, to read:

713.5. A claim of the surviving spouse filed pursuant to Section 704.2 or 704.4 shall be allowed in that proportion allocated to the estate pursuant to Section 980 and may be discharged by (1) payment to the surviving spouse, (2) payment to the creditors of the surviving spouse or deceased spouse as identified in the claim, or (3) a credit allowed the spouse in the order allocating debts issued pursuant to Section 980.

SEC. 11. Section 910 of the Probate Code is amended to read:

910. (a) Attorneys for executors and administrators shall be allowed out of the estate, as fees for conducting the ordinary probate proceedings, the same amounts as are allowed by the previous article as commissions to executors and administrators; and such further amount as the court may deem just and reasonable for extraordinary services.

(b) Attorneys may charge a reasonable fee in representing the person filing a petition under Section 650, subject to approval by the court.

SEC. 12. Article 5 (commencing with Section 980) is added to Chapter 15 of Division 3 of the Probate Code, to read:

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Article 5. Apportionment of Debts

980. (a) Whenever it appears that debts payable by the estate are also payable, in whole or in part, by the surviving spouse, the personal representative or any person interested in the estate may file a petition for an order to allocate the responsibility for the debts at any time prior to the filing of a petition for final distribution. If any interest in the community property is administered in the estate of a deceased spouse which, under the laws of this state, was liable for a debt of the surviving spouse which was not also the debt of the deceased spouse, the owner of the debt shall be deemed to be a person interested in the estate.

(b) The petition shall (1) identify all of the debts known to the petitioner that are asserted to be subject to allocation, (2) state the reason why the debts should be allocated, and (3) set forth the allocation and the basis for allocation asserted by the petitioner.

(c) If it appears from the petition that (1) allocation would be affected by the value of the separate property of the surviving spouse and any community property not administered in the estate and (2) an inventory of the property and the value of the property has not been furnished by the surviving spouse, the court shall issue an order to show cause why the information should not be furnished.

(d) Notice of the hearing of the petition and the order to show cause shall be given for the period and in the manner prescribed by Section 1200 and a copy of the petition and the order shall be served not less than 10 days prior to the time set for the hearing upon the surviving spouse and, if the petitioner is not the personal representative of the estate, the personal representative.

(e) The personal representative of the estate and the surviving spouse may provide for allocation by agreement, and, upon a determination by the court that the agreement substantially protects the rights of persons interested in the estate, the allocation provided for in the agreement shall be ordered by the court. In the absence of an agreement, each debt shall be apportioned to all of the property of the spouses liable for the debt, as determined by the laws of this state, in the proportion determined by the value of the property less any liens and encumbrances at the date of death, and the responsibility to pay the debt shall be allocated accordingly.

(f) Upon making a determination as provided in this section, the court shall make an order (1) directing the personal representative to charge the amounts allocated to the surviving spouse against any property or interests of the surviving spouse which are in the possession of the representative, (2) summarily directing the surviving spouse to make payment of the allocation to the personal representative to the extent that property or interests of the surviving spouse which are in the possession of the personal representative are insufficient to satisfy the allocation, and (3) directing the personal representative to make payment of the amounts allocated to the estate.

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SEC. 13. Section 1240 of the Probate Code, as amended by Chapter 752 of the Statutes of 1974, is amended to read:

1240. An appeal may be taken from an order granting or revoking letters testamentary or of administration; removing or refusing to remove a trustee of a testamentary trust; admitting a will to probate or revoking the probate thereof; setting aside an estate claimed not to exceed ten thousand dollars ($10,000) in value; setting apart property as a homestead or claimed to be exempt from execution; confirming a report of an appraiser or appraisers in setting apart a homestead; granting or modifying a family allowance; directing or authorizing the sale or conveyance or confirming the sale of property; adjudicating the merits of any claim under Sections 851.5, 852 or 853; allocating debts of under Section 980; settling an account of an executor or administrator or trustee, or instructing or appointing a trustee; instructing or directing an executor or administrator; directing or allowing the payment of a debt, claim, legacy or attorney's fee; fixing, directing or allowing payment of a trustee's compensation; determining heirship or the persons to whom distribution should be made or trust property should pass; distributing property; determining that property is community property passing or belonging to the surviving spouse pursuant to Section 655; refusing to make any order heretofore mentioned in this section; fixing an inheritance tax or determining that none is due; or authorizing a personal representative to invest or reinvest any surplus moneys pursuant to Section 584.5.

SEC. 14. This act shall apply to the estates of persons dying on or after July 1, 1975.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapters 11 and 752 of the Statutes of 1974 will take effect on July 1, 1975. In order to remedy problems which would arise in the application of these chapters on that date, it is necessary that this act go into immediate effect.

CHAPTER 174

An act to add and repeal Section 4514.3 to the Public Resources Code, relating to forest practices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1975 Filed with Secretary of State June 30, 1975]

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

SECTION 1. Section 4514.3 is added to the Public Resources Code, to read:

4514.3. (a) All actions taken pursuant to this chapter are exempt from the provisions of Division 13 (commencing with Section 21000) until January 1, 1976.

(b) This section shall remain in effect until June 1, 1976, and as of such date is repealed.

(c) Timber operations conducted pursuant to a timber harvesting plan or amended plan which becomes effective during the effective period of this section shall be completed prior to June 1, 1976, except that measures to complete stocking pursuant to Section 4561 need not be completed until five years after completion of timber operations. Timber harvesting plans which became effective between January 1, 1975, and the effective date of this section are hereby confirmed, validated, and declared legally effective.

(d) The provisions of Division 13 (commencing with Section 21000) do not apply to the preparation, review, or approval of timber harvesting plans and amended plans until January 1, 1976. Nothing in this section shall modify, amend, or change the effect of any ruling which has been made in the Humboldt County Superior Court Case No. 54212; nor shall this section disturb the court's ruling set forth in the first, second and third paragraphs of the second page of the summary judgment made in said case on February 19, 1975, except as amended, changed, or reversed on appeal.

(e) This section shall not be construed by implication as either authorizing or requiring the preparation of an environmental impact report after January 1, 1976, with respect to a timber harvesting plan.

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

In order to avert serious uncertainty with resultant delay and detrimental effects to industry and to the economy of the state, and to better protect resources important to the public welfare, it is necessary for this act to take effect immediately.

CHAPTER 175

An act to amend Sections 18025, 20603, 20603.02, 20604, 20605, 20606, and 22825.1 of, to add Sections 18025.1, 20022.1, 20750.23, 20750.34, 20750.89, 21222.7, 21263.5, and 21382.2 to, the Government Code, relating to the Public Employees' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1975 Filed with Secretary of State June 30, 1975.]

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

SECTION 1. Section 18025 of the Government Code is amended to read:

18025. All employees shall be entitled to the following holidays: the first day of January, the 12th day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the second Monday in October, the 11th day of November, the 25th day of December, and every day appointed by the Governor of this state for a public fast, thanksgiving, or holiday.

When a day herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. If November 11th falls upon a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. Any employee who may be required to work on any of the holidays herein mentioned, and who does work on any of said holidays, shall be entitled to be paid compensation or given compensating time off for such work within the meaning of this article. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, or compensating time off, shall be considered as time worked by the employee.

SEC. 2. Section 18025.1 is added to the Government Code, to read:

18025.1. Every employee shall be entitled to one personal holiday per calendar year. The employer may require the employee to provide five working days' notice in advance of the personal holiday. The State Personnel Board may provide by rule for the granting of such holiday for employees.

SEC. 3. Section 20022.1 is added to the Government Code, to read:

20022.1. Notwithstanding any other provision of this part, "compensation" shall not include the bonus sum provided for low-paid state employees in the Budget Act of 1975.

SEC. 4. Section 20603 of the Government Code is amended to read:

20603. (a) The normal rate of contribution for a state miscellaneous member whose service is not included in the federal system shall be 6 percent of the compensation in excess of one hundred fifty dollars ($150) per month paid such member for service rendered on and after July 1, 1975. The normal rate of contribution for a school member, or a local miscellaneous member shall be 7 percent of the compensation paid such member for service rendered on and after the operative date of the amendments to this section at the 1971 Regular Session.

The normal rate of contribution as established under this subdivision for a member whose service is included in the federal system, and whose service retirement allowance is reduced under

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Section 21251.13 because of such inclusion, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars ($400) per month for service after the date of execution of the modification of the federal-state agreement including such service in the federal system and prior to termination of such agreement with respect to the coverage group to which he belongs.

(b) The normal rate of contribution for a state miscellaneous member whose service has been included in the federal system shall be 5 percent of compensation in excess of three hundred thirteen dollars ($313) per month paid such member for service rendered on and after July 1, 1975.

SEC. 5. Section 20603.02 of the Government Code is amended to read:

20603.02. Notwithstanding Section 20603.01, the normal rate of contribution for patrol members for service rendered on and after July 1, 1975, shall be 8 percent of the compensation in excess of one hundred thirteen dollars ($113) per month paid such members. The Legislature reserves the right to increase the rate of contribution of patrol members as it may find appropriate from time to time.

SEC. 6. Section 20604 of the Government Code is amended to read:

20604. The normal rate of contribution of a state safety member who is not subject to Section 21252.6 is the rate of contribution under this part as it read and applied to him as a forestry, warden, or law enforcement member on the day preceding the operative date of this section. The normal rate shall be reduced by 1 percent of compensation for service rendered on and after July 1, 1974, and shall be made only on the compensation in excess of one hundred fifty dollars ($150) per month for time on or after July 1, 1975.

SEC. 7. Section 20605 of the Government Code is amended to read:

20605. For each state member subject to Section 21252.6 of this code, effective on the operative date of this section, or the later date of entrance into this system as such a member, the normal rate of contribution shall be 6 percent of compensation paid on and after such operative date.

Such contribution on and after July 1, 1975, shall be made only on the compensation in excess of one hundred fifty dollars ($150) per month paid to such member whose service is not included in the federal system or in excess of three hundred thirteen dollars ($313) for one whose service is included in the federal system.

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

The normal rate of contribution as established under this section for a local member whose service is included in the federal system and whose retirement allowance is reduced because of such inclusion shall be reduced by one-third as applied to compensation not

exceeding four hundred dollars ($400) per month for service rendered after the date of execution of the modification of the federal-state agreement including such services in the federal system and prior to termination of his coverage under the federal system.

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

SEC. 8. Section 20606 of the Government Code is amended to read:

20606. For each state safety member defined in subdivision (b) of Section 20017.75 and whose current and prior service pensions will be computed pursuant to Section 21252.9, effective on July 1, 1975, the normal rate of contribution shall be 8 percent and shall be made only on the compensation in excess of one hundred thirteen dollars ($113) per month. The Legislature reserves the right to increase the rate of contribution as it may find appropriate from time to time. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

SEC. 9. Section 20750.23 is added to the Government Code, to read:

20750.23. The state's contribution to the retirement fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to 1.10 percent of the compensation paid such member by such employer.

SEC. 10. Section 20750.34 is added to the Government Code, to read:

20750.34. The state's contribution to the retirement fund in respect to state safety members provided by any and all other provisions of this chapter is increased by a sum equal to 0.66 percent of the compensation paid such member by such employer.

SEC. 11. Section 20750.89 is added to the Government Code, to read:

20750.89. The state shall make contributions in addition to contributions otherwise specified in this chapter in a sum equal to 1.52 percent of the compensation paid state miscellaneous and industrial members.

SEC. 12. Section 21222.7 is added to the Government Code, to read:

21222.7. In addition to the increase in allowance authorized by and granted pursuant to the provisions of Section 21222, and notwithstanding the limitation on such increases imposed by this article, the monthly allowance paid with respect to a state member, other than a school member, who retired or died prior to January 1, 1974, shall be increased by the percentage set forth opposite the period in the following table during which retirement became effective or death occurred:

Period during which retirement or death occurred.	Percentage
On or before December 31, 1965	15%
12 months ending December 31, 1966	14%
12 months ending December 31, 1967	13%
12 months ending December 31, 1968	12%
12 months ending December 31, 1969	9%
12 months ending December 31, 1970	6%
12 months ending December 31, 1971	5%
12 months ending December 31, 1972	4%
12 months ending December 31, 1973	3%

The percentage shall be applied to the allowance payable on July 1, 1975 and the allowance as so increased shall be paid for time on and after that date and until the first day of April 1976. The base allowance shall be the allowance as so increased and the base year shall be the calendar year 1974 for annual adjustments of allowances increased under this section effective for time commencing on April 1, 1976.

SEC. 13. Section 21263.5 is added to the Government Code, to read:

21263.5. Upon death after the effective date of retirement of a state miscellaneous member some of whose service rendered in state employment has been included in the federal system and whose retirement is effective on or after July 1, 1975, a monthly allowance, derived from employer contributions, equal to a percentage of the amount of his retirement allowance as it was at his death based on service credited to him as a member subject to this section but excluding any portion of the retirement allowance derived from additional contributions shall be paid to the surviving spouse throughout life or until remarriage. Such percentage shall be 25 percent for an allowance based on service for which the allowance is reduced because the service was also covered under the federal system and 50 percent for an allowance based on any other service. If there be no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to the retired person's child or children under such age, collectively, until every such child dies or attains such age; provided that no child shall receive any allowance after marrying or attaining such age. If at the time of the retired person's death there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If at the effective date of retirement there is a person who will be eligible if such person survives, the member's election of an optional settlement, other than optional settlement one, shall apply only to a portion of the allowance as provided in Section 21330 with respect to allowances under Section 21263. If at the effective date of his retirement the member has no surviving spouse, eligible children or

dependent parents and elected an optional settlement, no allowance under this section shall be paid.

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

Notwithstanding Section 20019.1 this section shall not apply to school members.

SEC. 14. Section 21382.2 is added to the Government Code, to read:

21382.2. If the death benefit provided by Section 21361 is payable on account of a state member's death which occurs under circumstances other than those described in subdivision (a) (5) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow or a widower who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid four hundred fifty dollars ($450) if there is one such child, or five hundred thirty-eight dollars ($538) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of two hundred twenty-five dollars ($225) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid two

hundred twenty-five dollars ($225) per month;

(b) If there are two such children, such children shall be paid four hundred fifty dollars ($450) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid five hundred thirty-eight dollars ($538) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid two hundred twenty-five dollars ($225) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2) (c) of this section. The allowance paid under this subdivision shall be eighty-eight dollars ($88) per month while an allowance is being paid under subdivision (2) (b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid two hundred twenty-five dollars ($225) per month.

"Stepchildren", for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of his death.

This section shall apply to beneficiaries receiving allowances on July 1, 1975, as well as to beneficiaries with respect to the death of a state member occurring on or after July 1, 1975.

Notwithstanding Section 20019.1, this section shall not apply to school members.

SEC. 15. Section 22825.1 of the Government Code is amended to read:

22825.1. Notwithstanding any other provision of this article, the employer's contribution, with respect to each state officer and employee or an annuitant who was in such employment or office including an academic position with a California state university or college or is a survivor of such person, shall be the amount necessary to pay the cost of his enrollment, including the enrollment of his family members, in a health benefits plan or plans or, if less, twenty-two dollars ($22) for basic and related major medical plans with respect to employees or annuitants enrolled for self alone or for an employee or annuitant so enrolled for self and one family member, thirty-seven dollars ($37) or, for an employee or annuitant so enrolled for self and two or more family members, forty-seven

dollars ($47). The annual total compensation report by the State Personnel Board shall recommend adjustments of the dollar amounts herein based on the principle that the employer's contribution for each employee or annuitant shall be an amount equal to 85 percent of the weighted average of the premium charges required for basic and related major medical plans with respect to employees or annuitants enrolled for self alone plus 60 percent of the weighted average of the additional premium charges required for enrollment of family members in basic and major medical plans as applicable for the level of benefits offered by (1) the statewide service plan contracted by the state; (2) the statewide indemnity plan contracted by the state; (3) the two prepaid comprehensive medical-hospital plans with the largest number of enrollments contracted by the state, as determined by the board, whichever is less. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The employer's contribution under this section for each employee shall commence on the effective date of his enrollment.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan or plans less the portion thereof to be contributed by the employer.

SEC. 16. This act shall become operative on July 1, 1975.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the benefits of this act may be available to state employees at the commencement of the 1975–76 fiscal year, this act must take effect immediately.

CHAPTER 176

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1975. Filed with Secretary of State July 1, 1975.]

June 30, 1975

To the Members of the Legislature of California

I wish to commend you for the care you have taken in reviewing this budget. As signed, it sets forth the priorities for the coming year. Together, we have tried to serve human needs within the resources made available by the people.

Government, no less than the individual, must respect realistic limits. What is needed now is not simply more money but a new spirit. Our primary task is to redirect effort without escalating cost.

I object to the following appropriations in Senate Bill No 199

Item 34—For support of the Department of Justice. I reduce this item from $42,210,520 to $41,022,191 by reducing paragraph (a) Personal Services from $47,471,157 to $46,522,200 and paragraph (b) Operating Expenses and Equipment from $16,593,891 to $16,254,519 and paragraph (f) amount payable from Item 35 from −$265,737 to −$165,737

I am reducing the legislative augmentation by $1,188,329 but retaining $100,000 to support the Attorney General's anti-trust program so that litigation against major oil companies can proceed without delay

Item 35—For enforcement of the Knox-Mills Health Plan Act (Department of Justice) I reduce this item from $265,737 to $165,737

I am reducing this item in view of pending legislation to shift enforcement responsibilities elsewhere

Item 39—For support of the Commission on Peace Officer Standards and Training payable from the Peace Officers' Training Fund. I reduce this item from $1,925,134 to $1,835,387 by reducing paragraph (a) Personal Services from $1,549,262 to $1,487,590 and paragraph (b) Operating Expenses and Equipment from $632,855 to $604,780

I am reducing this item No need has been shown for additional staff

Item 41—For support of the Office of Criminal Justice Planning I reduce this item from $328,114 to $125,578 by reducing paragraph (a) Personal Services from $3,283,765 to $688,927 and paragraph (b) Operating Expenses and Equipment from $5,602,662 to $566,853, paragraph (c) Reimbursements from −$5,605,288 to $0 and paragraph (d) Federal funds from −$2,953,025 to −$1,130,202

I am reducing this item to the minimum level of funding needed to effectively operate the Office of Criminal Justice Planning

Item 42—For cash match for grants to state agencies I reduce this item from $4,881,393 to $1,874,000

I am reducing this item to the amount of state funding required to obtain the anticipated federal funds

Item 43—For cash match for grants to local agencies I reduce this item from $3,969,033 to $3,048,461

I am reducing this item to the amount of state funding required to obtain the anticipated federal funding

Item 45—For Assistance to Counties for Public Defenders. I reduce this item from $3,250,000 to $775,000

I am reducing this item to the amount set forth in the budget as proposed

Item 48—For Indemnification of Private Citizens I reduce this item from $7,220,204 to $6,720,204 by reducing paragraph (a) Claims from $6,513,210 to $6,013,210

I am reducing this amount by $500,000

Item 54—For support of State Board of Equalization I reduce this item from $37,681,478 to $37,487,340 by reducing paragraph (a) Personal Services from $38,523,781 to $38,347,292 and paragraph (b) Operating Expenses and Equipment from $9,828,493 to $9,810,844

I am reducing this item to the amount set forth in the budget as proposed.

Item 57—For support of Secretary of State I reduce this item from $3,391,481 to $3,361,857 by reducing paragraph (a) Personal Services from $2,268,525 to $2,244,690 and paragraph (b) Operating Expenses and Equipment from $874,897 to $869,108

I am eliminating the funds for two additional electronic data processing positions because the existing EDP staff can handle the work

Additionally, since the Division of Archives can perform functions of the Heritage Preservation Commission, I am eliminating the funds for the Commission

Item 65—For support of Commission for Economic Development

I have approved an augmentation of $90,000 for the Commission on Economic Development With the leadership of Lt Governor Dymally and the assistance of the able people whom I intend to appoint to the Commission, it will have an opportunity to show whether it can contribute to sound growth of our economy

Item 69—For support of Public Utilities Commission I reduce this item from

$10,239,750 to $10,131,273 by reducing paragraph (a) Personal Services from $14,911,016 to $14,807,239 and paragraph (b) Operating Expenses and Equipment from $3,471,739 to $3,467,039

I am reducing funds for four financial examiners, one associate utilities engineer and one transportation analyst III. The existing staff, together with the funds added to this item for consultative services, are sufficient to absorb estimated workload increase.

Item 86—For Salary Increase Fund, Civil Service and Related. I reduce this item from $69,765,000 to $59,056,000 by eliminating the proposed salary increases for state officers whose salaries are specified by statute I am further reducing this item in order to preclude expenditure of money appropriated by this item to increase the salary of any state officer or employee in excess of 10 percent, which I consider to be adequate; except that this reduction shall have no effect on the one-time bonus provided for by this item

I am reducing this item by the amount necessary to meet the cost of the retired employees in the Total Equivalent Compensation package In addition, I am reducing the overall salary increase by one percent

Item 87—For Salary Increase Fund, Civil Service and Related. I reduce this item from $43,249,000 to $28,662,000 by eliminating the proposed salary increases for state officers whose salaries are specified by statute I am further reducing this item in order to preclude expenditure of money appropriated by this item to increase the salary of any state officer or employee in excess of 10 percent, which I consider to be adequate; except that this reduction shall have no effect on the one-time bonus provided for by this item In addition, I am reducing this item by the amount necessary to meet the cost of the retired employees in the Total Equivalent Compensation package In addition, I am reducing the overall salary increase by one percent.

Item 88—For Salary Increase Fund, Civil Service and Related. I reduce this item from $40,279,000 to $33,997,000 by eliminating the proposed salary increases for state officers whose salaries are specified by statute I am further reducing this item in order to preclude expenditure of money appropriated by this item to increase the salary of any state officer or employee in excess of 10 percent, which I consider to be adequate; except that this reduction shall have no effect on the one-time bonus provided for by this item.

I am reducing this item by the amount necessary to meet the cost of the retired employees in the Total Equivalent Compensation package. In addition, I am reducing the overall salary increase by one percent

Item 110—For support of Museum of Science and Industry. I reduce this item from $1,731,059 to $1,683,630 by reducing paragraph (a) Personal Services from $1,611,709 to $1,593,280 and paragraph (b) Operating Expenses and Equipment from $320,466 to $317,966 And paragraph (c) minor capital outlay from $136,884 to $110,384

I am reducing this item with one exception to the amount set forth in the budget as proposed I am retaining an augmentation in the amount of $9,000 for utilities to meet increased costs.

Item 151 1—For support of Department of Consumer Affairs, Division of Consumer Services I eliminate this item

I am eliminating this General Fund support item because adequate funds will be made available from special funds under the control of the department.

Item 164—For support of Department of Industrial Relations

It is the policy of this administration to protect to the fullest the civil and economic rights guaranteed by our laws.

This budget incorporates the legislative augmentation for the Fair Employment Practices Commission

Item 169—For support of Board of Administration of the Public Employees' Retirement System I reduce this item from $581,350 to $320,178

I am reducing the legislative augmentation for partial funding of the Social Security Division The cost of these services should be borne by the agencies receiving the service as currently provided through the Board's authority to fund the Division through the collection of fees

Item 178—For support of Department of Alcoholic Beverage Control I reduce this

item from $8,663,849 to $8,413,849 by reducing paragraph (a) Personal Services from $7,223,317 to $7,023,317 and paragraph (b) Operating Expenses and Equipment from $1,571,714 to $1,521,714

A reassessment of departmental needs has shown statutory requirements can be met adequately by the expenditure level permitted by this reduction

Item 191—For support of State Transportation Board I reduce this item from $345,787 to $251,794 by reducing paragraph (a) Personal Services from $239,846 to $156,764 and paragraph (b) Operating Expenses and Equipment from $105,941 to $95,030.

I am reducing this item to the amount set forth in the budget as proposed

Item 194—For support of Department of Transportation I reduce paragraph (a) Transportation Planning from $16,966,740 to $15,966,740, and paragraph (h) Amount payable from the Transportation Planning and Research Account, State Transportation Fund from $15,504,668 to $14,504,668

Item 195—For transfer by the State Controller from the State Highway Account, State Transportation Fund, to the Transportation Planning and Research Account, State Transportation Fund I reduce this item from $(11,617,012) to $(10,617,012) by reducing paragraph (a) State funds from $8,617,012 to $7,617,012

Item 196—For support of Department of Transportation. I reduce this item from $8,604,104 to $8,104,104

Item 197—For local assistance, Department of Transportation I reduce this item from $6,900,564 to $6,400,564 by reducing paragraph (a) Transportation planning and research from $6,570,000 to $6,070,000

I am reducing Transportation planning by $1 million

This is reflected by a series of adjustments to Items 194, 195, 196, and 197

In view of reduced funding in the State's highway program and the uncertain benefits derived from the ongoing transportation planning effort, I think it appropriate to reduce funding for transportation planning by $1 million This reduction is made in transfers from the State Highway Account I also note that there are 1974–75 funds that were recently allocated by the State Transportation Board that will be available to supplement the 1975–76 local planning effort

Item 201—For allocation and expenditure by the Public Utilities Commission I eliminate this item

I am eliminating this item because sufficient resources are available in the 1974–75 appropriation to fund this program

Item 205—For support of Department of Motor Vehicles I reduce this item from $97,187,804 to $94,880,180 by reducing paragraph (a) Personal Services from $87,150,401 to $85,310,777 and paragraph (b) Operating Expenses and Equipment from $32,114,932 to $31,646,932

I am eliminating $2,215,000 in funds added by the Legislature to provide for an experimental brake and tire inspection program

I am also reducing $92,624 added by the Legislature to increase the department's program planning capability Sufficient funds were included in the budget, as proposed, to perform this function

Item 229—For support of Department of Conservation I reduce this item from $65,562,202 to $65,312,202 by changing paragraph (i) Reimbursements from $−19,541,572 to $−19,791,572

I am reducing this item by $250,000 in funding for the Forest Practice Act I believe this is a reasonable amount to expect to recover in timber operator fees during the last half of the 1975–76 fiscal year

Item 229 2—For support of Department of Conservation I eliminate this item

I am eliminating this item because there has been no demonstrated need to add staff or increase expenditures for the State Resource Conservation Commission

Item 242 5—For transfer to the Fish and Game Preservation Fund from the Department of Agriculture Fund I eliminate this item

I am eliminating this item which is for laboratory services performed by the Department of Fish and Game in connection with the investigation of cases involving

suspected criminal slaughter of livestock The Department can be reimbursed for these services through fees or by an interagency agreement.

Item 265.1—For support of Department of Water Resources. I eliminate this item.

I am eliminating this item pending the development of a financing program, including cost sharing with local and Federal participation, which meets the total needs of the Delta

Item 270 1—I am approving this $300,000 augmentation because of the legislative control language which makes the funds available only when a local agency is unable to provide the funds necessary to establish eligibility for federal funds and then only on a first priority basis.

Item 271—I am permitting a $350,000 augmentation for screening for Tay-Sachs disease to remain in the budget in its entirety despite later information which indicates $200,000 would be sufficient I will be requesting legislative authority to direct the expenditure of the remaining $150,000 to the ongoing program of treatment and prevention of sickle cell anemia.

Item 274—For assistance to local agencies in the establishment and operation of mental health services. I reduce this item from $272,498,976 to $264,899,852 by reducing paragraph (a) Local mental health services from $192,938,252 to $185,339,128

The remaining amount provides for a $17,500,000 increase for local mental health services over authorized expenditures for 1974–75 Although I am not permitting the full augmentation included by the Legislature to remain, I am authorizing an increase of $5,000,000 over that proposed in the May revision of expenditures, a level incidentally, determined to be appropriate at that time by the Office of the Legislative Analyst

While accepting this augmented level I am also urging that certain additional steps be taken by administrators of the local mental health programs First, in the area of local revenue collections, recent audits, including one conducted under the auspices of the Legislature, amply demonstrate that there is room for much improvement in local revenue collection efforts As an incentive to local agencies to increase their efforts in this area I am prepared during the coming year to authorize the allocation of such increased revenues to justifiable program expansions.

Secondly, I am asking the Conference of Local Mental Health Directors, working with the State Departments of Health and Finance and other interested organizations, to develop a mechanism whereby the effectiveness of local programs can be assessed. We simply must begin to provide an information base upon which priority choices can be made

Item 282 1—For support of Employment Development Department. I eliminate this item

Existing manpower programs are available through which priority services can be accorded veterans for job placement and training

Item 287 1—For support of Department of Benefit Payments. I reduce this item from $800,000 to $492,000

I am eliminating $308,000 which was added for the purposes of funding Health Care Audit functions in the department There remains sufficient funds in the department's total support budget to carry out these functions

Item 306—For support of The Early Childhood Education Program I reduce this item for $77,950,000 to $63,200,000

Although the first year's evaluation of the ECE program is not conclusive, I have decided to support a $20 million augmentation of this program because it focuses decision-making at the school site, by allowing parents, teachers and local administrators a joint role in the planning and operation of educational programs.

My augmentation of this program by $20 million will allow the program to increase services to approximately 32% of the K–3 population instead of the current 22% level I will continue to review this program in the coming year to determine future funding levels

Item 309—For support of Department of Education—Compensatory Education I reduce this item from $3,695,000 to $2,650,000 by reducing paragraph (a)

Demonstration programs in Reading and Mathematics from $3,045,000 to $2,000,000

I am reducing this item for the following reason

The augmented funding level of $3,045,000 for Demonstration Programs in Reading and Mathematics is based on a continuation of the 1974–75 program level under the requirements of expiring legislation.

Because of the more cost-effective features of proposed enabling legislation which I am supporting, an adequate number of pilot projects can operate at the budgeted level of $2,000,000 in 1975–76 to provide useful findings in order to disseminate information on successful projects for replication throughout the state.

Item 310—For support of Miller-Unruh Reading Program I reduce this item from $15,955,597 to $14,455,597

Because I have provided for expansion of the Early Childhood Education Program by $20 million in Item 306, I am reducing this item to encourage the consolidation of these two programs Although both of these programs provide reading services to K–3 pupils, the Early Childhood Education program is a more comprehensive and flexible program which should continue and enhance the beneficial aspects of the Miller-Unruh program. I am therefore reducing this item by $1,500,000

Item 314—I am approving the augmentation of $3,761,115 because this child care program is directed primarily for low-income families. I am concerned, however, that this type of child care is so elaborate and expensive that it cannot be made available to all those who truly need it

Item 316.1—For support of the Bilingual Teacher Corps Program. I eliminate this item

Reason—Since I have fully supported the legislative augmentation for bilingual education in Item 316, I am opposing the doubling of funds for the Bilingual Teacher Corps Program I do not believe the program as presently defined will significantly increase the number of bilingual teachers This program has no financial need requirements and will provide grants to many students who already have bilingual ability and are pursuing a course of study leading to a credential

I have included $700,000 in the Budget pursuant to Chapter 1496/74 for 1975–76, this program's first year of operation I believe the guidelines should be reworked in 1975–76 to ensure that the $4 million available for this program from 1976–77 through 1978–79 will be used in a manner which will substantially increase the number of bilingual teachers over the number that would be available if this program did not exist. Further, my administration will work closely with the Regents of the University of California and the Trustees of the State University and Colleges to ensure that this important State need is addressed in the most effective manner

Item 322—For support of Department of Education. I reduce this item from $10,711,685 to $10,468,797 by reducing paragraph (a) Personal Services from $26,571,797 to $26,466,919 and paragraph (b) Operating Expenses and Equipment from $19,989,560 to $19,755,664 and paragraph (1) amounts payable from other support appropriations from −$9,319,968 to −$9,224,082

I am reducing this item for the following reasons·

Health Education Consultant . . . . . −$51,786

This is a desirable but not mandatory priority which the Department of Education can meet through internal staffing adjustments

Textbook Selection Process . . . . . −$57,102

Expanded involvement in the adoption process beyond that now undertaken by the State Board of Education, the Curriculum Development and Supplemental Materials Commission and the State Department of Education does not appear appropriate Such action could further extend the time from publication of instructional materials to availability in the classroom.

Mentally Gifted Minors Consultant . . . . . −$41,000

Current staffing for the Mentally Gifted Minors program is adequate The program is not budgeted for expansion in 1975–76, existing staff is comparable to that for other programs of equal size and complexity

Early Childhood Education Administration . . . . . −$93,000

Consistent with my action on Item 306 for this program, I am reducing administrative support to 1% of Local Assistance expenditures; the traditional level for ECE's program management.

Item 327—For support of Division of Libraries, Department of Education and Board of Library Examiners. I reduce this item from $3,140,038 to $3,044,153

I am eliminating the federal fund replacement provisions from this library materials acquisitions augmentation because federal funds will continue to be available to supplement General Fund library materials acquisitions I have retained the $117,302 augmentation which permits the State Library to increase materials acquisitions by 27% and provides additional staff to process the acquisitions

Item 332—For support of University of California I reduce this item from $536,708,522 to $536,458,522.

The budget as submitted contains $250,000 for affirmative action. I believe that this amount is sufficient if those in charge have the desire and commitment to carry out the policy of this state with respect to equal opportunity.

Item 332 5—For support of University of California (Extended University Pilot Program). I eliminate this item

The University has had three years to develop a program for serving part-time students that would be coordinated with similar programs being conducted by the California State University and Colleges and by the private colleges. Sufficient time has elapsed to permit program adjustments to be made to serve these students. I believe that continued separate state funding is no longer warranted and that the University can operate these programs within existing resources

Item 335 1—For support of a University of California Biomedical Education Program at its U.C. Riverside Campus I eliminate this item

I am eliminating this item because, as far as I can determine, the objectives of this program can be accomplished through existing schools and procedures in the U.C system.

Item 338—For support of University of California (Research and development of aquaculture) I reduce this item from $409,000 to $334,000.

I am reducing this item to the level proposed in the 1975–76 Budget The University can perform their mission of organized research within the current level of state support

Item 341—For Salary Increase, University of California. I reduce this item from $41,371,000 to $35,079,000 by reducing paragraph (a) faculty and faculty related from $21,944,000 to $18,597,000 and paragraph (b) nonfaculty from $19,427,000 to $16,482,000

I am reducing this item in order to preclude expenditure of money appropriated by this item to increase the salary of any state officer or employee in excess of 10 percent, which I consider to be adequate; except that this reduction shall have no effect on the one-time bonus provided for by this item

I am reducing this item by the amount necessary to meet the cost of the retired employees in the Total Equivalent Compensation package. In addition, I am reducing the overall salary increase by 1 percent.

Item 345—For support of Trustees of the California State University and Colleges and the California State University and Colleges I reduce this item from $497,977,304 to $496,312,717 by reducing paragraph (a) Personal Services from $487,170,355 to $485,565,767 and paragraph (b) Operating Expenses and Equipment from $105,143,294 to $105,083,295

I am reducing this item for the following reasons

1 Computing Support . . . . . —$99,162

The budget, as submitted, included $13,515,900 to carry out the EDP activities of the CSUC system However, in recognition of the fact that the Central Timesharing System to be moved from California State University, Northridge, to the Chancellor's Office requires an additional 5 positions for proper operation, I have reduced the legislative augmentation of $163,679 by $99,162 thus leaving $64,517 in the budget for the Central Timesharing System

2. External Degree Program ..... —$185,860
This program was initiated as a self-support program and state funds were provided to cope with the start-up problems and curriculum development Since this program is now in its third year of operation, the state support is no longer required and I am not approving that portion of the augmentation. The legislative augmentation also included funds for fee waivers. Since Student Aid funds are not available for this activity and since I wish to encourage that the program be available to any qualified student, I have allowed $120,000 of the legislative augmentation for this purpose.

3 OASDI. ..... —$1,129,565
To increase the budget for California State University and Colleges for this purpose would be inequitable since no other budget was granted similar augmentation The California State University and Colleges has sufficient funds to cover this expenditure within its existing budget.

4 Affirmative Action ..... —$250,000
The budget I presented to the Legislature continued the 1974–75 level of funding which provides an affirmative action program on every campus I feel that affirmative action should be a basic part of all activities carried out on a campus and is fundamentally a matter of will and not dollars

Item 347—For Salary Increase, California State University and Colleges I reduce this item from $38,930,000 to $32,925,000 by reducing paragraph (a) Instructional and Instructional-related from $25,938,000 to $21,936,000 and paragraph (b) Noninstructional from $12,992,000 to $10,989,000

I am reducing this item in order to preclude expenditure of money appropriated by this item to increase the salary of any state officer or employee in excess of 10 percent, which I consider to be adequate, except that this reduction shall have no effect on the one-time bonus provided for by this item.

I am reducing this item by the amount necessary to meet the cost of the retired employees in the Total Equivalent Compensation package In addition, I am reducing the overall salary increase by 1 percent

Item 348—For support of California Maritime Academy I reduce this item from $1,672,217 to $1,663,169 by reducing paragraph (a) Personal Services from $1,557,004 to $1,547,956

I am eliminating the augmentation for 1.1 temporary help positions which was to provide for additional food service personnel during the sea-training trimester. My budget provided for two new temporary help positions which will provide an adequate level of food service

Item 358—For capital outlay, Department of General Services I reduce this item from $886,500 to $532,500 by eliminating paragraph (d) Basic architectural and engineering services, new state office building, Long Beach, $354,000

This appropriation is premature. Basic programming defining building function and occupancy should be accomplished prior to the appropriation of funds for architectural and engineering services

Item 376 2—For capital outlay, University of California I reduce this item from $3,320,000 to $2,224,000 by eliminating paragraph (3) Working drawings, construct and equip Langley Porter Neuropsychiatric Institute alterations, Step 2, $760,000, and by reducing paragraph (1) Working drawings Powell Library Life Safety and Rehabilitation from $384,000 to $48,000

(3) San Francisco Campus, working drawings, construct and equip Langley Porter Neuropsychiatric Institute alterations, Step 2 $760,000

I am eliminating this subitem because sufficient funds have already been appropriated in prior years to rehabilitate the space needed to carry out the programs of the Institute

(1) Los Angeles Campus, working drawings Powell Library life safety and rehabilitation $336,000

I am reducing this subitem to provide funding for only known life safety code

violation requirements.

Item 378 1—For capital outlay, Trustees of the California State University and Colleges I eliminate this item

(a) State University, Chico—land acquisition, 1975. .... $1,200,000
(b) State University, San Diego—land acquisition 1975 500,000
(c) State College, Dominguez Hills—construct physical education facilities $3,894,000

I am eliminating this item because it is for relatively low priority projects as established by the Trustees. Furthermore, undertaking of the projects is contingent upon the sale of unused campus sites and earmarking of such funds for specific projects at this time is premature

Item 378.2—For capital outlay, Trustees of the California State University and Colleges. I reduce this item from $19,124,000 to $18,949,000 by eliminating paragraph (26) Polytechnic State University, San Luis Obispo. Working drawings for faculty office building ($75,000), and by reducing paragraph (3) Preliminary planning—1976-77 projects from $200,000 to $100,000

(26) Polytechnic State University, San Luis Obispo, working drawings for faculty office building ... $75,000

I am eliminating this subitem because it is not considered to be of high priority in view of the greater systemwide need for general classroom and laboratory space.

(3) Preliminary planning—1976-77 projects . $100,000

I am reducing this subitem because sufficient funds already are provided in the budget to accomplish the necessary projects

Item 378.3—For capital outlay. Board of Governors, California Community Colleges I reduce this item from $26,279,400 to $20,407,400 by eliminating paragraphs

(55) Working drawings, construct, equip, and remodel library and science buildings ($183,400)
(56) Working drawings, construct and equip conversion of business to science ($80,500)
(57) Working drawings, construct and equip auto shop and technical laboratory building ($745,800)
(58) Working drawings for classroom building. ($51,300)
(59) Working drawings and construct industrial technology building. (817,000)
(60) Working drawings for educational units No 1 . (71,200)
(61) Working drawings and construct vocational education building ... (632,400)
(62) Working drawings for environmental science building . (73,000)
(63) Working drawings and construct horticulture building ... (606,200)
(64) Working drawings for health science addition No. 1 . (27,100)
(65) Working drawings, construct and equip marine technology building (364,200)
(66) Working drawings, construct and equip welding and metal technology building . (359,700)
(67) Working drawings and construct business education addition (342,300)
(68) Working drawings, construct and equip cosmetology addition.. (156,000)
(69) Working drawings for health occupation, communication, and resource facility ... (85,700)
(70) Working drawings, construct and equip horticulture building ... (164,100)
(71) Construct auto technology laboratory addition. (18,800)
(72) Working drawings for chemistry building . (87,700)
(73) Working drawings for auto technology center . (51,000)
(74) Working drawings for art addition, phase I. (39,200)
(75) Working drawings for music and drama addition, phase I . (51,200)
(76) Working drawings for home economics addition, phase I. (19,200)
(77) Working drawings, construct and equip vocational educational building . (145,800)
(78) Working drawings for library addition . (7,000)

(79) Working drawings for library and instructional materials center (115,500)
(80) Working drawings for library building . . . . . (61,200)
(81) Working drawings for learning resource center ..... (62,900)
(82) Construct library building . . . . . (347,400)
(83) Working drawings, construct and equip classroom remodeling .... (105,200)

The bond fund that traditionally has provided financing for Community College construction is exhausted and until additional financing is authorized by the people the appropriation of state funds can be only the minimum essential to maintenance of the capital program The projects I have eliminated are not of sufficiently high priority in the building program as specified by the Board of Governors of the California Community Colleges

In my budget message I stated that funding was being proposed only for the completion of projects already started or projects necessary to make other facilities operable These reductions reflect my continued adherence to this policy

Item 396 2—For capital outlay, University of California—Health Sciences Program. I reduce this item from $31,797,000 to $31,040,000 by eliminating paragraphs (2.4) Irvine Health Sciences: Planning for on-campus teaching hospital ($200,000), and by reducing paragraph (7) San Francisco Health Sciences. Working drawings and construct clinics and medical sciences building alterations, Step I from $1,957,000 to $1,400,000

Irvine Health Sciences·

(2 4) Planning for on-campus teaching hospital. $200,000

I am eliminating this subitem Planning for the on-campus hospital at Irvine has already been funded and completed Further funds are unnecessary, particularly in light of the reversion of construction funds for this project in Section 11 of this Act

(7) San Francisco Health Sciences· Working drawings and construct clinics and medical services building alterations, Step I. $1,957,000

I am reducing this subitem by $557,000 to provide funds for alterations related to the Dentistry Program at San Francisco but not those alterations related to Medicine or Pharmacy for which adequate programmatic information is not available to justify the appropriation.

With respect to the medical program at San Francisco, the budget I am approving contains funds for replacement facilities for hospital in-patient care areas, and none of these funds will be released by the Public Works Board until the matter of surplus beds and the possible use of affiliation agreements with other hospitals has been thoroughly explored. Further, prior to the release of any of the approved funds for construction at San Francisco, I will expect the University to have a sound long-time development plan for this campus which adequately evaluates the impact of the facilities on the immediate neighborhood.

Section 10 4—For augmentation to Item 277 of this act I eliminate this section

I am approving the $2,000,000 added by the Legislature to Item 277 (c) for operation of Regional Centers for the developmentally disabled However, I am deleting Section 10 4 which would reappropriate $3,000,000 in unexpended funds from the 1974–75 fiscal year budget Adequate funds are contained in Item 277 (c) to provide for necessary rate increases and caseload growth

Section 28 9—For expression of intent that no qualified student shall be denied admission to the California State University and Colleges or to the University of California and for the reappropriation of $1,000,000 of the unexpended funds appropriated in Item 359, Budget Act of 1974, to preclude the reduction of more than two percent of any faculty positions at any campus of the California State University and Colleges in 1975–76 from the level which existed during the 1974–75 fiscal year

I eliminate from this section the reappropriation segment and delete the following language pertaining thereto·

"In the further event that any campus of the California State University and Colleges is projected to have a reduction of instructional faculty positions in the 1975–76 fiscal year of more than two percent of the positions that existed during the 1974–75 fiscal year, a sum not to exceed $1,000,000 shall be reappropriated from the unexpended balance of the appropriation made in Item 359, Budget Act of 1974, in

order to limit the reduction of instructional faculty positions to a maximum of two percent The Director of Finance, or his authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee and the Chairman of the Committee of each house which considers appropriations of any action taken pursuant to this section within 30 days of such action."

I have eliminated this reappropriation based upon the fact that sufficient options are available to minimize the possibility of layoffs within the California State University and Colleges system In this period of fiscal restraint, it would be unwise to dedicate $1 million from the limited surplus of the State to guarantee employment for one year to instructional faculty on campuses where enrollments do not support this level of faculty.

With the above deletions and reductions, I hereby approve Senate Bill No. 199.

EDMUND G. BROWN JR , Governor

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1975."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1975–76 fiscal year beginning July 1, 1975, and ending June 30, 1976. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes, to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

GENERAL GOVERNMENT

LEGISLATIVE

Item	Amount
1—For salaries of Senators	$875,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	1,800
3—For expenses of Members of the Senate	296,400
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund	12,248,184
5—For salaries of Assemblymen	1,775,000

Item	Amount
6—For mileage of Assemblymen and statutory officers of the Assembly	3,600
7—For expenses of Members of the Assembly	592,800
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund	18,544,635
9—For expenses of Joint Legislative Committee for the Revision of the Penal Code	163,229
10—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications notwithstanding any other provision of Section 2 of this act, this appropriation shall be available without regard to fiscal years; provided further, that funds appropriated by this item shall not be expended for the purpose of providing the compilation of any California code or portion thereof in computer usable form, except as expressly authorized in writing by the Joint Rules Committee.	4,800,000
11—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairmen of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee	3,500,000
12—For support of Legislative Counsel Bureau	3,381,931
13—For support of California Law Revision Commission	227,484
14—For support of California Commission on Uniform State Laws	34,700
15—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code	1,291,788
JUDICIAL	
16—For support of Supreme Court of California, Courts of Appeal, Judicial Council of California and Commission on Judicial Qualifications	15,982,270

Item	Amount
provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance.	
Provided further, that $277,056 of this item shall be used for the purpose of paying salaries of judicial secretaries III, if judicial secretaries II are reclassified, upon the approval of the Chief Justice, to judicial secretaries III during the 1974–75 fiscal year. If such reclassifications were not approved by June 30, 1975, the $277,056 shall immediately revert to the General Fund.	
16.1—For state's share of cost for membership in National Center for State Courts, Judicial Council of California	14,000
17—For support of Judicial Council, for implementing uniformity and consistency of procedure in traffic courts, payable from the Motor Vehicle Account, State Transportation Fund	28,425
18—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	15,905,550
provided, that any funds which are unexpended due to vacancies in judgeships may be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.	
19—For payment to counties for the annual cost of superior court judgeships created subsequent to January 1, 1973, for disbursement as a block grant by the State Controller	960,000
20—For transfer by the State Controller to the Judges' Retirement Fund for Supreme and appellate court judges	105,072
21—For transfer by the State Controller to the Judges' Retirement Fund for superior and municipal court judges	1,644,928
EXECUTIVE	
22—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	2,707,604
23—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
24—For rental of Governor's residence	15,000

Item		Amount
25—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)		15,000
26—For support of the Governor's office; for printing of the Governor's Budget, and, in addition thereto, any amounts received from the sale of publications		350,000
27.1—For support of Secretary of Agriculture and Services		447,672
Schedule:		
(a) Support	499,000	
(b) Reimbursement	-51,328	
27.2—For support of Secretary of Health and Welfare		533,896
27.4—For support of Secretary of Resources		435,046
28—For support of Business and Transportation Agency, payable from the Motor Vehicle Account, State Transportation Fund		326,707
Schedule:		
(a) Support	537,302	
(b) Reimbursements	-194,155	
(c) Amount payable from the General Fund	-16,440	
28.1—For support of Business and Transportation Agency to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 28.		16,440
29—For support of Office of Information Services in the Governor's office		266,169
30—For support of Office of Planning and Research		592,423
Schedule:		
(a) Personal services	1,135,988	
(b) Operating expenses and equipment	539,082	
(c) Reimbursements	-13,000	
(d) Federal funds	-1,069,647	
and in addition thereto, any amounts received from federal grants or other sources. Provided, that the state clearinghouse shall forward copies of all state agencies' comments on proposed federal regulations to the Chairman of the Joint Legislative Budget Committee or his designee, and the chairman of the committee in each house which considers appropriations.		
31—For support of Office of Emergency Services, California Emergency Council and Advisory Committees		1,859,371
Schedule:		

Item		Amount
	(a) Personal services	1,718,680
	(b) Operating expenses and equipment	1,548,069
	(c) Reimbursements	-210,274
	(d) Federal funds	-1,197,104
	and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
32—For support of Lieutenant Governor		509,632
	Schedule:	
	(a) Personal services	381,097
	(b) Operating expenses and equipment	128,535
33—For support of Commission of the Californias		61,542

GENERAL ADMINISTRATION

34—For support of Department of Justice		42,210,520
	Schedule:	
	(a) Personal services	47,471,157
	(b) Operating expenses and equipment	16,593,891
	(c) Consolidated data center	7,979,889
	(d) Reimbursements	-24,878,975
	(e) Federal funds	-30,655
	(f) Amount payable from the Health Care Services Plan Account, General Fund (Item 35)	-265,737
	(g) Amount payable from Fingerprint Fees in the General Fund (Item 36)	-132,357
	(h) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 37)	-4,526,693
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of Justice to subitems (a) and (b) above with the approval of the Director of Finance; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Law Enforcement Consolidated Data Center, Item 38, Budget Act of 1975; provided further, that as of July 1, 1975, the unencumbered balance of any funds in the Attorney General antitrust account within the General Fund shall be paid into the General Fund.	
35—For enforcement of the Knox-Mills Health Plan		

Item		Amount
Act (Art. 2.5 (commencing with Sec. 12530), Ch. 6, Pt. 2, Div. 3, Title 2, Gov. C.), Department of Justice, to be transferred to, and in augmentation of, Item 34, Budget Act of 1975, payable from the Health Care Services Plan Account, General Fund provided, that this appropriation for the 1975–76 fiscal year shall be in lieu of the continuous appropriation made by subdivision (b) of Section 12538.4 of the Government Code.		265,737
36—For security forces at the 33rd and "C" Street facility, Sacramento, California, Department of Justice, to be transferred to, and in augmentation of, Item 34, Budget Act of 1975, payable from Fingerprint Fees in the General Fund provided, that this appropriation for the 1975–76 fiscal year shall be in lieu of the appropriation made without regard to fiscal years by subdivision (e) of Section 11105 of the Penal Code.		132,357
37—For support of Department of Justice, to be transferred to and in augmentation of Item 34, Budget Act of 1975, payable from the Motor Vehicle Account, State Transportation Fund		4,526,693
Schedule:		
(a) Law Enforcement Consolidated Data Center	3,826,885	
(b) Uniform Blood Alcohol Program	699,808	
38—For support of the Law Enforcement Consolidated Data Center, Department of Justice		-0-
Schedule:		
(a) Support	7,979,889	
(b) Transfers from other items	-7,979,889	
39—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund		1,925,134
Schedule:		
(a) Personal services	1,549,262	
(b) Operating expenses and equipment	632,855	
(c) Reimbursements	-256,983	
40—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officer Standards and Training, payable from the Peace Officers' Training Fund		9,152,392
41—For support of the Office of Criminal Justice Planning		328,114
Schedule:		

Item		Amount
	(a) Personal services	3,283,765
	(b) Operating expenses and equipment	5,602,662
	(c) Reimbursements	-5,605,288
	(d) Federal funds	-2,953,025

provided, that funds appropriated from the General Fund shall not be expended in excess of the minimum amount required to match federal grant expenditures for support of the Office of Criminal Justice Planning; provided further, that notwithstanding any other provision of this act, the funds appropriated in this item shall not be transferred to any other department or agency of state or local government.

42—For expenditure by the Office of Criminal Justice Planning for the state's matching fund contribution for federal grants made by the Law Enforcement Assistance Administration 4,881,393

provided, that the funds appropriated in this item may be expended by the Office of Criminal Justice Planning only after program proposals in excess of $50,000 have been submitted to the Director of Finance and the Director of Finance has given his written comments and recommendations to the Office of Criminal Justice Planning and, provided further, that the Director of Finance shall submit a copy of his comments and recommendations to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations; provided further, that the funds appropriated by this item may be expended only in a manner that conforms with Title 6 (commencing with Section 13800) of Part 4 of the Penal Code, including, but not limited to, Chapter 3 (commencing with Section 13820) of Title 6, providing for the development of a comprehensive statewide plan for the improvement of criminal justice and for the planning, review, and approval of all projects receiving funds pursuant to federal acts as defined in Title 6.

43—For the Office of Criminal Justice Planning for the state's matching fund contribution to secure federal grants for redistribution to local agencies for criminal justice programs 3,969,033

provided, that the funds appropriated in this item may be expended by the Office of Criminal Justice Planning only after program proposals in ex-

Item		Amount
	cess of $50,000 have been submitted to the Director of Finance and the Director of Finance has given his written comments and recommendations to the Office of Criminal Justice Planning and, provided further, that the Director of Finance shall submit a copy of his comments and recommendations to the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations; provided further, that the funds appropriated by this item may be expended only in a manner that conforms with Title 6 (commencing with Section 13800) of Part 4 of the Penal Code, including, but not limited to, Chapter 3 (commencing with Section 13820) of Title 6, providing for the development of a comprehensive statewide plan for the improvement of criminal justice and for the planning, review, and approval of all projects receiving funds pursuant to federal acts as defined in Title 6.	
44	—For support of the California Crime Technological Research Foundation	128,278
	Schedule:	
	(a) Personal services 671,521	
	(b) Operating expenses and equipment 1,513,752	
	(c) Reimbursements ..... -906,995	
	(d) Federal funds ..... -1,150,000	
45	—For contribution to counties for providing legal assistance to indigents in accordance with Section 987.6 of the Penal Code	3,250,000
46	—For payment to counties for cost of homicide trials pursuant to Sections 15201 to 15203, inclusive, of the Government Code, Department of Finance	150,000
47	—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance	1,496,580

Item		Amount
Schedule:		
(a) Attorney General services	900,665	
(b) Claim payments	405,533	
(c) Insurance premium	212,632	
(d) Reimbursements	-22,250	
and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Finance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.		
48—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control ..		7,220,204
Schedule:		
(a) Claims	6,513,210	
(b) Attorney General services	713,994	
(c) Transfer from Item 49	-7,000	
49—For transfer to and in augmentation of Item 48 from the Indemnity Fund, pursuant to Section 13964 of the Government Code, State Board of Control		7,000
50—For support of State Controller		13,545,305
Schedule:		
(a) Personal services	11,105,699	
(b) Operating expenses and equipment	3,981,660	
(c) Consolidated data center	1,455,180	
(d) Reimbursements	-1,572,520	
(e) Amount payable from the Aeronautics Account, State Transportation Fund (Item 51)	-73,916	

Item		Amount
(f) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 52)	-1,127,030	
(g) Amount payable from the State School Building Aid Fund (Item 53)	-223,768	

The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (b) of Section 30462 of the Revenue and Taxation Code during the 1975–76 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1975–76 fiscal year.

Provided, that the funds appropriated in subitem (c) may be allocated by the State Controller to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.

51—For support of State Controller, payable from the Aeronautics Account, State Transportation Fund	73,916
52—For support of State Controller, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund	1,127,030
53—For support of State Controller, the sum of $223,768 is appropriated from the State School Building Aid Fund	(223,768)
54—For support of State Board of Equalization	37,681,478

Schedule:

(a) Personal services	38,523,781	
(b) Operating expenses and equipment	9,828,493	
(c) Reimbursements	-8,691,186	
(d) Amount payable from the State Energy Resources Conservation and Development Special Account, General Fund (Item 55)	-28,465	
(e) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 56)	-1,951,145	
55—For support of State Board of Equalization, payable from the State Energy Resources Conservation and Development Special Account, General Fund		28,465

Item		Amount
56—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund		1,951,145
57—For support of Secretary of State		3,391,481
Schedule:		
(a) Personal services	2,268,525	
(b) Operating expenses and equipment	874,897	
(c) Consolidated data center	277,059	
(d) Reimbursements	-29,000	
provided, that the funds appropriated in subitem (c) may be allocated by the Secretary of State to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
58—For printing constitutional amendments and other ballot measures, Secretary of State		1,000,000
59—To the State Controller to provide reimbursement, pursuant to Section 16100.6 of the Government Code, to local governments for the actual increased cost to such local governments caused by the provisions of Section 6555 of the Elections Code		29,000
provided, that the appropriation made by this item is in augmentation of, and in addition to, the funds continuously appropriated to the State Controller by Section 16100 of the Government Code.		
60—For support of State Treasurer		1,457,884
Schedule:		
(a) Personal services	1,217,684	
(b) Operating expenses and equipment	389,900	
(c) Consolidated data center	112,000	
(d) Reimbursements	-261,700	
provided, that the funds appropriated in subitem (c) may be allocated by the State Treasurer to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
61—For support of Department of Finance		6,544,354
Schedule:		
(a) Personal services	5,360,917	

Item		Amount
(b) Operating expenses and equipment	1,250,118	
(c) Consolidated data center	40,000	
(d) Reimbursements	-106,681	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Finance to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
62—For support of Commission on California State Government Organization and Economy		123,023
provided, that no funds appropriated in this item shall be expended for contracting with private persons or groups for professional and technical services where such services are available through contract with state agencies.		
64.1—For support of California Arts Commission		175,000
Schedule:		
(a) Personal services	145,274	
(b) Operating expenses and equipment	29,726	
provided, that in the event of the establishment by the Legislature of another agency designated to assume the functions of the California Arts Commission, the unencumbered balance of the funds appropriated by this item shall be transferred to the new agency.		
65—For support of Commission for Economic Development		152,331
Schedule:		
(a) Personal services	75,100	
(b) Operating expenses and equipment	77,231	
provided, that the unencumbered balance of the funds appropriated by this item shall revert to the General Fund on January 1, 1976, unless legislation extending the existence of the commission is enacted into law on or before such date.		
66—For support of Military Department		5,734,696
Schedule:		
(a) Personal services	6,668,526	
(b) Operating expenses and equipment	2,542,022	
(c) Minor capital outlay	50,000	
(d) Reimbursements	-54,198	

Item		Amount
(e) Federal funds	-3,471,654	

provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.

67—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department 778,709

68—For support of California Cadet Corps 132,531

Schedule:

(a) Personal services	71,658	
(b) Operating expenses and equipment	60,873	

69—For support of Public Utilities Commission 10,239,750

Schedule:

(a) Personal services	14,911,016	
(b) Operating expenses and equipment	3,471,739	
(c) Consolidated data center	150,000	
(d) Reimbursements	-450,523	
(e) Federal funds	-20,000	
(f) Amount payable from the Transportation Rate Fund (Item 70)	-7,822,482	

provided, that the funds appropriated in subitem (c) may be allocated by the Public Utilities Commission to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975; provided further, that the Senate Public Utilities, Transit, and Energy Committee shall concur in the use of consultant and professional service funds expended by the Public Utilities Commission for Bay Area Rapid Transit District (BART) safety; provided further, that any special studies conducted by the Public Utilities Commission related to energy demands, supply or conservation be reviewed for comments and suggestions by the Energy Resources Conservation and Development Commission prior to their undertak-

Item		Amount
ing.		
70—For support of Public Utilities Commission, payable from the Transportation Rate Fund		7,822,482
MISCELLANEOUS		
71—For support of Commission on the Status of Women		150,135
Schedule:		
(a) Personal services	103,412	
(b) Operating expenses and equipment	182,286	
(c) Amount payable from the Special Deposit Fund	-135,563	
71.1—Pursuant to the provisions of the Political Reform Act of 1974 (Proposition 9), there is provided elsewhere by the initiative or by other items within this Budget Act for the administration, investigation, and regulation of political campaigns, officials, and lobbyists to the following several departments, agencies, boards, or commissions:		
(a) Legislative Counsel	(25,000)	
(b) Secretary of State	(326,920)	
(c) Franchise Tax Board	(1,750,000)	
(d) Attorney General	(43,000)	
(e) Department of General Services	(216,000)	
(f) Fair Political Practices Commission	(1,102,000)	
Proposition 9 total	(3,462,920)	
provided, that the above listed agencies shall report their expenditures of any funds specified in the above amounts to the Joint Legislative Budget Committee by December 15, 1975, and by May 15, 1976; provided further, that the Department of Finance shall review quarterly all programmed expenditures by the agencies listed in (a) through (e) relating to this item, and shall, pursuant to its authority under Section 13322 of the Government Code, withhold any amount specified in (a) through (e) to prevent any duplication of activities.		
72—For support of Intergovernmental Board on Electronic Data Processing		61,590
provided, that in addition to the basic responsibilities assigned the board by law, the funds available to the board shall be used to the fullest extent		

Item		Amount
possible to develop the best possible communications between state and local governmental units in the development and implementation of coordinated data-processing systems to achieve the maximum amount of interchangeability between the various levels of government.		
73—For support of California Horse Racing Board, payable from the Fair and Exposition Fund ..... Schedule:		591,902
(a) Personal services	426,902	
(b) Operating expenses and equipment	165,000	
74—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund		44,106
75—For the state's contribution for the cost of a health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation.....		6,086,100
76—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law, for refunding of amounts withheld and deposited in a fund in the State Treasury to any person who is determined to be liable to a taxpayer by reason of withholding and transmitting payments of taxes, interest, and penalties for the refund of which no other provision is made by law, and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code ..... provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.		30,000
77—For support of the California Information Systems Implementation Committee		32,031
PROPERTY TAX RELIEF		
79—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board.....		54,700,000

Item	Amount
80—For reimbursement to local taxing authorities for revenue lost by reason of the repeal or reduction of the property tax on the following classes of property affected by the following provisions of the Revenue and Taxation Code: (1) business inventories under Section 219; (2) motion pictures under Section 988; (3) livestock under Section 5523; and (4) wine and brandy under Section 992; State Controller ..... The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 of the Government Code.	334,500,000
81—For providing reimbursement to local taxing authorities for revenue lost by reason of the assessment of open-space lands under Sections 423 and 423.5 of the Revenue and Taxation Code, and in accordance with the provisions of Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code, State Controller ..... The appropriation made by this item shall be in lieu of the appropriation for the same purpose contained in Section 16100 or 16140 of the Government Code, and may not be augmented.	16,000,000
82—For reimbursement to local taxing authorities for revenue lost by reason of the homeowners property tax exemption granted pursuant to Section 3k of Article XIII of the Constitution, State Controller ..... The appropriation made by this item shall be in lieu of the appropriation for the same purposes contained in Section 16100 of the Government Code.	716,000,000
83—For transfer, as needed, to the Personal Income Tax Fund by the State Controller for the purpose of providing credits and refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code, as added by Section 25 of Chapter 1406, Statutes of 1972, Franchise Tax Board..... provided, that the appropriation from the General Fund made by this item shall be in lieu of any appropriation for refunds to qualified renters from the Personal Income Tax Fund pursuant to Section 32 of Chapter 1406, Statutes of 1972.	120,000,000

Item	Amount
84—For reimbursement to local taxing authorities for revenue lost in accordance with the provisions of Sections 2230 and 2231 of the Revenue and Taxation Code, State Controller	4,825,000
85—For transfer by the State Controller, the sum of $215,000,000 is hereby appropriated from the Federal Revenue Sharing Fund to the General Fund and from the General Fund to Sections A and B of the State School Fund. Such transfers shall be made by the State Controller during the months of July and August, 1975	(215,000,000)

86—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts:

(a) As will make sufficient money available to be paid each state officer or employee in the state service exclusive of personnel in the University of California and in the California State University and Colleges, whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1975 by the State Personnel Board, the Department of Finance, the Judicial Council of California, or the Directors of Hastings College of Law, as the case may be. In addition to any percentage salary increases adopted by the salary fixing authorities prescribed above, it is the intent of the Legislature that there shall also be provided a one-time bonus sum of $400 to specified low-paid employees. This sum shall be distributed in two equal payments as follows:

(1) The first payment shall be made as of December 15, 1975, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

(2) The second payment shall be made as of June 15, 1976, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

Payment to other than full-time employees and to full-time employees who began service after July 1, 1975, shall be determined by the State Personnel Board, the Department of Finance, the Judi-

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cial Council, or the directors of the college, as the case may be, on a pro rata basis. These payments shall not be subject to retirement system deductions.

(b) With respect to state officers whose salaries are specified by statute, as will make sufficient money available to augment by 8 percent the amount of salaries authorized by the 1974 Budget Act for such officers, during the 1975–76 fiscal year, pursuant to Section 11569 of the Government Code 69,765,000

provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1975–76 fiscal year shall not result in total annual salary increases, of more than $69,765,000. Before any increased salary range or rate established for any position for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

Notwithstanding any other provision of this item, any increases in compensation for officers and employees of the California Coastal Zone Conservation Commission or regional coastal zone commissions during the 1975–76 fiscal year shall be made entirely from the amounts appropriated by this item.

87—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid:

(a) An amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1975, by the State Personnel Board, the Department of Finance, or the Judicial Council of California, as the case may be. In addition to any percentage salary increases adopted by the salary-fixing authorities prescribed above, it is the intent of the Legislature that there shall also be provided a one-time bonus sum of $400 to specified low-paid employees. This sum shall be distributed in two equal

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payments as follows:

(1) The first payment shall be made as of December 15, 1975, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

(2) The second payment shall be made as of June 15, 1976, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

Payment to other than full-time employees and to full-time employees who began service after July 1, 1975, shall be determined by the State Personnel Board, the Department of Finance, or the Judicial Council, as the case may be, on a pro rata basis. These payments shall not be subject to retirement system deductions.

(b) With respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 8 percent the amount of salaries authorized by the 1974 Budget Act for such officers, during the 1975–76 fiscal year, pursuant to Section 11569 of the Government Code..... 43,249,000

which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1975–76 fiscal year shall not result in total annual salary increases of more than $43,249,000.

Before any increased salary range or rate established for any position for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.

88—For Salary Increase Fund, for state officers and employees whose compensation including staff benefits, or portion thereof, is payable from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such officers and employees are paid:

(a) An amount sufficient to provide the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1975, by the State Personnel Board or the Department of Fi-

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nance, as the case may be. In addition to any percentage salary increases adopted by the salary-fixing authorities prescribed above, it is the intent of the Legislature that there also shall be provided a one-time bonus sum of $400 to specified low-paid employees. This sum shall be distributed in two equal payments as follows:

(1) The first payment shall be made as of December 15, 1975, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

(2) The second payment shall be made as of June 15, 1976, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

Payment to other than full-time employees and to full-time employees who began service after July 1, 1975, shall be determined by the State Personnel Board or the Department of Finance, as the case may be, on a pro rata basis. These payments shall not be subject to retirement system deductions.

(b) With respect to state officers whose salaries are specified by statute, an amount sufficient to augment by 8 percent the amount of salaries authorized by the 1974 Budget Act for such officers, during the 1975–76 fiscal year, pursuant to Section 11569 of the Government Code..... (40,279,000)

which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1975–76 fiscal year shall not result in total annual salary increases of more than $40,279,000.

Before any increased salary range or rate established for any position for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.

89—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's

Item		Amount
	share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code.....	2,473,000
90	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund, during the 1975–76 fiscal year, those increases in employee benefits initiated in fiscal year 1974–75 ..... provided, that allocations shall be made only in accordance with the provisions of Chapter 374, Statutes of 1974.	26,600,000
91	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, whose employees are paid, in whole or in part, from special funds, there is hereby appropriated from each special fund from which such employees are paid an amount sufficient to fund, during the 1975–76 fiscal year, those increases in employee benefits initiated in fiscal year 1974–75 .... provided, that allocations shall be made only in accordance with the provisions of Chapter 374, Statutes of 1974.	14,800,000
92	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, whose employees are paid, in whole or in part, from nongovernmental cost funds, there is hereby appropriated from each nongovernmental cost fund from which such employees are paid an amount sufficient to fund, during the 1975–76 fiscal year, those increases in employee benefits initiated in fiscal year 1974–75 provided, that allocations shall be made only in accordance with the provisions of Chapter 374, Statutes of 1974.	(5,400,000)
93	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such	

Item		Amount
	amounts as will make sufficient money available to fund, during the 1975–76 fiscal year, increased costs due to the division of the pooled assets and liabilities of the miscellaneous members of the Public Employees' Retirement System	6,000,000
94	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions and other state agencies, whose employees are paid in whole or in part from special funds, there is hereby appropriated from each special fund from which employees are paid an amount sufficient to fund, during the 1975–76 fiscal year, increased costs due to the division of the pooled assets and liabilities of the miscellaneous members of the Public Employees' Retirement System	4,000,000
96	—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies.....	1,500,000
		(1,500,000)

and in addition, $1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than $200,000 of this item may be expended for emergencies for which no such prior authorization exists.

Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.

Item		Amount
	Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1975–76 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.	
97—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, Regents of the University of California, Trustees of the California State University and Colleges, and other state agencies, in augmentation of their respective appropriations for support or for other purposes chargeable to the General Fund, in such amounts as will make sufficient money available to fund, during the 1975–76 fiscal year, (a) price increases of state operating and equipment costs, and (b) any increases in the Total Equivalent Compensation Benefit Program		33,800,000
	provided, that money appropriated for price increases shall not be used to upgrade a program now in existence, or to start any program not now provided for in this budget.	
	Provided further, that the Department of Finance shall make no allocation pursuant to this item for price increases in excess of amounts in agency budgets sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.	
	Provided further, that allocations for increases in the Total Equivalent Compensation Benefit Program shall be made only in accordance with legislation that increases employee benefits.	
	Provided further, that before any increase in	

Item		Amount
	employee benefits for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
98	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, whose employees or operating and equipment costs, or both, are paid, in whole or in part, from special funds, there is hereby appropriated from each such special fund an amount sufficient to fund, during the 1975–76 fiscal year, price increases in excess of budgeted projections, and any increases in the Total Equivalent Compensation Benefit Program ..... provided, that money appropriated for price increases shall be used for operating expenses and equipment, and no part shall be used for increases in personal services or personal service contracts, to upgrade a program now in existence, or to start any program not now provided for in this budget.	9,300,000
	Provided further, that the Department of Finance shall make no allocation pursuant to this item for price increases in excess of budgeted projections sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.	
	Provided further, that allocations for increases in the Total Equivalent Compensation Benefit Program shall be made only in accordance with legislation that increases employee benefits.	
	Provided further, that before any increase in employee benefits for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.	
99	—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies whose employees or operating and equipment costs, or both, are paid, in	

Item		Amount
whole or in part, from nongovernmental cost funds, there is hereby appropriated from each such nongovernmental cost fund an amount sufficient to fund, during the 1975–76 fiscal year, price increases in excess of budgeted projections, and any increases in the Total Equivalent Compensation Benefit Program		(3,400,000)
provided, that money appropriated for price increases shall be used for operating expenses and equipment, and no part shall be used for increases in personal services or personal service contracts, to upgrade a program now in existence, or to start any program not now provided for in this budget.		
Provided further, that the Department of Finance shall make no allocation pursuant to this item for price increases in excess of budgeted projections sooner than 30 days after notification in writing of the necessity therefor has been given to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or sooner than such lesser time as the Chairman of the Joint Legislative Budget Committee, or his designee, may in each instance determine.		
Provided further, that allocations for increases in the Total Equivalent Compensation Benefit Program shall be made only in accordance with legislation that increases employee benefits.		
Provided further, that before any increase in employee benefits for the 1975–76 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money is available in funds authorized for the agencies to meet the cost of such increases.		
99.1—For agricultural labor relations activities, for allocation by executive order of the Department of Finance		1,300,000
AGRICULTURE AND SERVICES		
102—For support of Department of Food and Agriculture		18,305,619
Schedule:		
(a) Personal services	27,576,997	
(b) Operating expenses and equipment	10,052,753	
(c) Reimbursements	-1,749,333	
(d) Federal funds	-4,051,442	

Item		Amount
	(e) Amount payable from the Department of Agriculture Fund (Item 103)	-12,875,143
	(f) Amount payable from the Fair and Exposition Fund (Item 104)	-387,568
	(g) Amount payable from Section 224(1) of the Food and Agricultural Code	-260,645
	provided, that the Woolly Whitefly Program shall receive no state support after June 30, 1976.	
103—For support of Department of Food and Agriculture, payable from the Department of Agriculture Fund		12,875,143
104—For support of Department of Food and Agriculture, payable from the Fair and Exposition Fund		387,568
105—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code		174,900
106—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1975-76 fiscal year, Department of Food and Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code		446
107—For loan to the 1A District Agricultural Association pursuant to, and in accordance with, the conditions set forth in Sections 6 and 7 of Chapter 276, Statutes of 1973, Department of Finance		218,000
	provided, that repayment of this loan shall commence not later than one year after the final payment of the current loan.	
108—The sum of $144,672 of the money appropriated by Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1975-76 fiscal year for engineering services, Department of Food and Agriculture		144,672
109—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, Office of Emergency Services.		

Item		Amount
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires		175,000
110—For support of Museum of Science and Industry Schedule:		1,731,059
(a) Personal services	1,611,709	
(b) Operating expenses and equipment	320,466	
(c) Minor capital outlay	136,884	
(d) Reimbursements	-338,000	
111—For support of Board of Behavioral Science Examiners of the State of California, payable from the Behavioral Science Examiners Fund		197,721
112—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund		171,146
113—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund		1,117,915
114—For support of State Board of Guide Dogs for the Blind		12,120
115—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners		3,071,743
116—For support of Board of Medical Examiners of the State of California, payable from the Hearing Aid Dispensers Fund		99,937
117—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund		116,561
118—For support of Board of Medical Examiners of the State of California, payable from the Speech Pathology and Audiology Examining Committee Fund		114,998

Item	Amount
119—For support of State Board of Examiners of Nursing Home Administrators, payable from the Nursing Home Administrator's State License Examining Board Fund	155,474
120—For support of State Board of Optometry, payable from the State Optometry Fund	204,486
121—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners	95,106
122—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund	792,909
123—For support of Board of Registered Nursing, payable from the Board of Registered Nursing Fund	1,490,100
124—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund	183,858
125—For support of Board of Examiners in Veterinary Medicine, payable from the Animal Health Technician Examining Committee Fund	33,242
126—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund	879,048
127—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code.	166,827
128—For support of State Board of Accountancy, payable from the Accountancy Fund	774,259
129—For support of Cemetery Board, payable from the Cemetery Fund	107,245
130—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Collection Agency Fund	296,565
131—For support of Bureau of Collection and Investigative Services, Department of Consumer Affairs, payable from the Private Investigator and Adjuster Fund	412,990
132—For support of Tax Preparers Program, Department of Consumer Affairs, payable from the Tax Preparers Fund	229,789
133—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund	305,343

Item		Amount
134—For support of State Board of Registered Construction Inspectors, payable from the Construction Inspectors Registration Board Fund		255,457
135—For support of Contractors' State License Board, payable from the Contractors' License Fund		5,382,271
Schedule:		
(a) Personal services	3,347,443	
(b) Operating expenses and equipment	2,034,828	
136—For support of State Board of Registration for Geologists and Geophysicists, payable from the Geology and Geophysics Fund		94,756
137—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects Fund		58,885
138—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund		1,090,430
Schedule:		
(a) Personal services	612,017	
(b) Operating expenses and equipment	478,413	
139—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund		1,019,865
Schedule:		
(a) Personal services	262,667	
(b) Operating expenses and equipment	757,198	
140—For support of State Athletic Commission		324,602
141—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Automotive Repair Fund		1,932,308
Schedule:		
(a) Personal services	1,951,234	
(b) Operating expenses and equipment	12,176,490	
(c) Reimbursements	-12,195,416	
142—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund		514,708
143—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund		1,329,943
Schedule:		
(a) Personal services	346,739	
(b) Operating expenses and equipment	983,204	

Item		Amount
144—For support of Bureau of Employment Agencies, Department of Consumer Affairs, payable from the Bureau of Employment Agencies Fund		426,906
145—For support of State Board of Fabric Care, payable from the Fabric Care Fund		534,212
146—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers Fund		194,161
147—For support of Bureau of Home Furnishings, Department of Consumer Affairs, payable from the Bureau of Home Furnishings Fund		663,513
148—For support of Nurses' Registry, payable from the Nurses' Registry Fund		19,822
149—For support of Bureau of Repair Services, Department of Consumer Affairs, payable from the Repair Services Fund		576,002
150—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund		72,255
151—For support of the Department of Consumer Affairs, the sum of $7,020,614 is appropriated, payable from the Consumer Affairs Fund		(7,020,614)
Schedule:		
(a) Division of Administration	1,720,066	
(b) Division of Investigation	3,857,264	
(c) Division of Consumer Services	483,481	
(d) Building maintenance and operation	959,803	
151.1—For support of Division of Consumer Services, Department of Consumer Affairs		475,000
Schedule:		
(a) Personal services	335,238	
(b) Operating expenses and equipment	139,762	
152—For support of State Fire Marshal		2,145,006
Schedule:		
(a) Personal services	2,494,976	
(b) Operating expenses and equipment	731,129	
(c) Reimbursements	-1,081,099	
153—For support of Franchise Tax Board		46,149,405
Schedule:		
(a) Personal services	29,689,013	
(b) Operating expenses and equipment	16,988,392	
(c) Reimbursements	-528,000	
154—For reimbursement of mandates related to Franchise Tax Board programs in accordance with Sec-		

Item		Amount
	tion 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller ..... provided that, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.	124,000
155—	For support of Department of General Services for transfer to the Service Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize; provided, that the money so transferred shall not be available for expenditure after June 30, 1976, and any unencumbered balances shall be returned to the General Fund as of June 30, 1976	4,379,667
156—	For support of State Board of Control	468,835
157—	For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund	2,016,841
158—	For expenditure by Office of Architecture and Construction, Department of General Services, for the purposes specified in Section 14957 of the Government Code, the sum of $7,988,121 is appropriated from the Architecture Revolving Fund .. provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation; provided further, that during fiscal year 1975–76 the Office of Architecture and Construction, Department of General Services, shall maintain expenditures for staff to a level commensurate with the funds necessary to maintain a staff sufficient to perform a basic architectural and engineering services workload volume of $33,068,000 as projected to June 30, 1976.	(7,988,121)
159—	For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund, or any special fund, by the provisions of this act that part of such appropriation which is intended to be used and is available, for the pur-	

Item		Amount
	chase or replacement of automobiles and reproduction equipment; and provided, any funds in the Service Revolving Fund may be used to purchase equipment from the General Fund or special funds of the state at the depreciated value at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.	
160	—For support of Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, the sum of $109,598,658 is appropriated from the Service Revolving Fund	(109,598,658)
	Schedule:	
	(a) Personal services	49,310,847
	(b) Operating expenses and equipment	76,096,893
	(c) Minor capital outlay	249,145
	(d) Reimbursements	–141,953
	(e) Amount payable from the General Fund (Item 155)	–4,379,667
	(f) Amount payable from the General Fund (State Board of Control) (Item 156)	–468,835
	(g) Amount payable from the Architecture Public Building Fund (Item 157)	–2,016,841
	(h) Amount payable from the Architecture Revolving Fund (Item 158)	–7,988,121
	(i) Amount payable from the State School Building Aid Fund (Item 162)	–1,017,889
	(j) Amount payable from the Deferred Compensation Plan Fund (Item 163)	–44,921
161	—For expenditure by Office of State Printing, Department of General Services, the sum of $25,083,085 is appropriated from the Service Revolving Fund	(25,083,085)
	Schedule:	
	(a) Personal services	10,535,876
	(b) Operating expenses and equipment	14,547,209
162	—For support of Department of General Services, the sum of $1,017,889 is appropriated from the State School Building Aid Fund	(1,017,889)
163	—For support of Department of General Services	

Item		Amount
	the sum of $44,921 is appropriated from the Deferred Compensation Plan Fund portfolio earnings or account for administrative service fees....	(44,921)
164—For support of Department of Industrial Relations Schedule:		35,474,654
	(a) Personal services 32,942,431	
	(b) Operating expenses and equipment 10,771,845	
	(c) Reimbursements ..... -400,818	
	(d) Federal funds ..... -7,838,804	
165—For reimbursement of mandates related to Department of Industrial Relations programs in accordance with Section 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller ..... provided that, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.		11,282,062
166—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations ..... provided, that this item shall not be construed as a limitation on expenditures provided by Section 4706.5 of the Labor Code. Provided further that the amount available from this item shall not be available for expenditure at any time that funds appropriated by Section 4706.5 of the Labor Code are available for expenditure. Provided further, that at the end of fiscal year 1975–76, any expenditures made from the General Fund against this appropriation item shall be reduced by any amounts remaining available from the funds appropriated by Section 4706.5 of the Labor Code. Provided further that notwithstanding any other provisions of law the funds made available by Section 4706.5 of the Labor Code will be available without regard to fiscal year.		1,262,000
167—For support of State Personnel Board ..... Schedule:		15,150,180
	(a) Personal services 7,994,648	
	(b) Operating expenses and equipment 9,667,950	
	(c) Consolidated data center..... 130,000	
	(d) Reimbursements ... . -1,527,883	

Item		Amount
	(e) Amount payable from the Cooperative Personnel Services Revolving Fund (Item 168)	-1,114,535
	provided, that the funds appropriated in subitem (c) may be allocated by the State Personnel Board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.	
168	—For support of State Personnel Board, the sum of $1,114,535 is appropriated from the State Personnel Board Cooperative Personnel Services Revolving Fund	(1,114,535)
169	—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 170, Budget Act of 1975	581,350
170	—For support of Board of Administration of the Public Employees' Retirement System, the sum of $8,043,647 is appropriated from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code	(8,043,647)
	Schedule:	
	(a) Personal services	6,155,993
	(b) Operating expenses and equipment	2,956,765
	(c) Consolidated data center.....	637,963
	(d) Reimbursements	-265,000
	(e) Amount payable from the General Fund (Item 169)	-581,350
	(f) Amount payable from the State Employees' Contingency Reserve Fund (Item 171)	-860,724
	provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.	

Item			Amount
171—For support of Board of Administration of the Public Employees' Retirement System, the sum of $860,724 is appropriated from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code			(860,724)
172—For support of State Teachers' Retirement System, the sum of $5,829,017 is appropriated from the State Teachers' Retirement Fund			(5,829,017)
Schedule:			
(a) Personal services		3,859,118	
(b) Operating expenses and equipment		1,826,336	
(c) Consolidated data center		373,563	
(d) Reimbursements		-230,000	
provided, that the funds appropriated in subitem (c) may be allocated by the system to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975; provided further, that the funds appropriated in this item for microfilm equipment may be expended only if the State Teachers' Retirement System is able to staff the project at no cost to the state.			
173—For support of Department of Veterans Affairs			1,093,635
Schedule:			
(a) Personal services		1,163,653	
(b) Operating expenses and equipment		225,137	
(c) Reimbursements		-200	
(d) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 174)		-294,955	
174—For support of Department of Veterans Affairs, the sum of $294,955 is appropriated from the Veterans' Farm and Home Building Fund of 1943			(294,955)
175—For educational assistance to veterans and veterans' dependents. Department of Veterans Affairs, to be expended under the provisions of Sections 981 through 981.7 and Sections 890 through 899 of the Military and Veterans Code			4,585,100
Schedule:			
(a) Veterans		2,500,000	
(b) Veterans' dependents		2,085,100	
176—For support of Veterans' Home of California			6,213,355

Item		Amount
Schedule:		
(a) Personal services	9,307,297	
(b) Operating expenses and equipment	2,446,985	
(c) Minor capital outlay	91,620	
(d) Reimbursements	-2,164,002	
(e) Federal funds	-3,468,545	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		
The Veterans' Home of California shall collect from home members, after due consideration of income and family status, fees and charges for domiciliary, nursing home, and hospital care.		
177—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code		1,000,000

BUSINESS AND TRANSPORTATION

BUSINESS

178—For support of Department of Alcoholic Beverage Control		8,663,849
Schedule:		
(a) Personal services	7,223,317	
(b) Operating expenses and equipment	1,571,714	
(c) Reimbursements	-131,182	
179—For support of Alcoholic Beverage Control Appeals Board		173,447
Schedule:		
(a) Personal services	143,904	
(b) Operating expenses and equipment	29,543	
180—For support of State Banking Department		-0-
Schedule:		
(a) Personal services	12,500	
(b) Operating expenses and equipment	15,000	
(c) Reimbursements	-27,500	
181—For support of State Banking Department, payable from the State Banking Fund		2,629,250
Schedule:		
(a) Personal services	2,199,156	

Item		Amount
	(b) Operating expenses and equipment 430,094	
182—For support of State Banking Department, to be transferred to and in augmentation of Item 180, Budget Act of 1975, upon order of the Department of Finance, the sum of $27,500 is appropriated from the State Banking Fund ..... provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance.		(27,500)
183—For support, California Job Creation Program Board, including transfer to the State Job Development Loan Guarantee Fund, in accordance with Section 14023 of the Corporations Code		2,892,065
184—For support of Department of Corporations ..... Schedule:		4,584,929
	(a) Personal services 4,979,709	
	(b) Operating expenses and equipment 936,678	
	(c) Consolidated data center..... 30,000	
	(d) Reimbursements ..... -1,361,458	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Corporations to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
185—For support of Department of Housing and Community Development ..... Schedule:		2,839,003
	(a) Personal services 3,106,241	
	(b) Operating expenses and equipment 1,105,694	
	(c) Consolidated data center..... 8,305	
	(d) Reimbursements ..... -95,000	
	(e) Amount payable from the Mobilehome Revolving Fund ..... -1,286,237	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Housing and Community Development to subitems (a) and (b) above and expended therefrom for electronic data processing.		
186—For support of Department of Insurance ..... Schedule:		5,445,938
	(a) Personal services 5,936,915	

Item		Amount
(b) Operating expenses and equipment	2,029,161	
(c) Reimbursements	-2,520,138	
187—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code		200,000
188—For support of Department of Real Estate, payable from the Real Estate Fund		5,396,763
Schedule:		
(a) Personal services	3,824,703	
(b) Operating expenses and equipment	1,692,168	
(c) Consolidated data center	74,892	
(d) Reimbursements	-195,000	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Real Estate to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
189—For educational, research and recovery needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund		536,000
Schedule:		
(a) Education research	320,000	
(b) Recovery Act	216,000	
to be allocated by the Department of Finance in amounts as it finds necessary to the Department of Real Estate to carry out the provisions of Section 10451.5 of the Business and Professions Code.		
190—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund		3,824,277
Schedule:		
(a) Personal services	3,079,976	
(b) Operating expenses and equipment	749,301	
(c) Consolidated data center	20,000	
(d) Reimbursements	-25,000	
provided, that the funds appropriated in subitem (c) may be allocated by the Department of Savings and Loan to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of		

Item			Amount
	subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
	TRANSPORTATION		
191—For support of State Transportation Board and State Transportation Board office, payable from the Transportation Planning and Research Account, State Transportation Fund			345,787
	Schedule:		
	(a) Personal services	239,846	
	(b) Operating expenses and equipment	105,941	
192—For support of Department of Transportation, payable from the Aeronautics Account, State Transportation Fund			388,353
193—For transfer by the State Controller from the Aeronautics Account, State Transportation Fund, to the Transportation Planning and Research Account, State Transportation Fund, for appropriation as specified in this act for expenditures by the Department of Transportation for transportation planning and research as authorized by Section 13996 of the Government Code			(95,424)
194—For support of Department of Transportation payable from the State Highway Account, State Transportation Fund			-0-
	Schedule:		
	(a) Transportation planning	16,966,740	
	(b) Aeronautics	3,522,189	
	(c) Mass transportation	1,372,453	
	(d) Highway transportation	120,000,000	
	(e) General support	460,128	
	(f) Reimbursements, as authorized by Section 7204.4 of the Revenue and Taxation Code	-129,900	
	(g) Federal funds	-146,664	
	(h) Amount payable from the Transportation Planning and Research Account, State Transportation Fund (Item 196, $8,604,104; Item 197, $6,900,564)	-15,504,668	
	(i) Amount payable from the Aeronautics Account, State Transportation Fund (Item 192, $388,353; Item 199, $551,925)	-940,278	
	(j) Amount payable from the Aeronautics Account, State Trans-		

Item		Amount
	portation Fund (continuing appropriation per Section 21680 of the P.U.C. Code) ..... –2,600,000	
	(k) Amount payable from federal funds deposited in the State Highway Account, State Transportation Fund (Item 200, $107,392,432; Item 360, $12,607,568) ..... –120,000,000	
	(*l*) Amount payable from federal funds deposited in the Transportation Planning and Research Account, State Transportation Fund (Item 198, $3,000,000) ..... –3,000,000	
195—For transfer by the State Controller from the State Highway Account, State Transportation Fund, to the Transportation Planning and Research Account, State Transportation Fund, for appropriation as specified in this act for expenditures by the Department of Transportation for transportation planning and research as authorized by Section 13996 of the Government Code		(11,617,012)
Schedule:		
	(a) State funds 8,617,012	
	(b) Federal funds 3,000,000	
196—For support of Department of Transportation, payable from the Transportation Planning and Research Account, State Transportation Fund		8,604,104
and in addition, any amounts received from federal grants or local reimbursements shall be available for expenditure in accordance with the provisions of this item subject to the provisions of Section 28 of this act.		
197—For local assistance, Department of Transportation, payable from the Transportation Planning and Research Account, State Transportation Fund		6,900,564
Schedule:		
	(a) Transportation planning and research 6,570,000	
	(b) Mass transportation 330,564	
and in addition, any amounts received from federal grants or local reimbursements shall be available for expenditure in accordance with the provisions of this item subject to the provisions of Section 28 of this act.		

Item		Amount
198—For local assistance, Department of Transportation, payable from federal funds deposited in the Transportation Planning and Research Account, State Transportation Fund, for transportation planning and research purposes specified in the provisions of Chapter 1470, Statutes of 1974		(3,000,000)
199—For local assistance, Department of Transportation, payable from the Aeronautics Account, State Transportation Fund		551,925
200—For local assistance, Department of Transportation, payable from federal funds deposited in the State Highway Account in the State Transportation Fund, for the purposes specified in the provisions of Chapter 1470, Statutes of 1974		(107,392,432)
Schedule:		
Highway Safety Improvements:		
(a) Local roads and highways	16,170,131	
(b) Grade crossing protection works	1,222,301	
Federal Urban System:		
(c) Local roads and highways	90,000,000	
provided, that the funds appropriated in this schedule may be transferred upon order of the Department of Finance to Item 360, Budget Act of 1975 for capital outlay, Department of Transportation.		
201—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Account, State Transportation Fund		500,000
the appropriation made by this item shall be available without regard to fiscal years.		
202—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund		169,554,956
Schedule:		
(a) Personal services	134,229,884	
(b) Operating expenses and equipment	39,519,269	
(c) Consolidated data center.....	427,000	
(d) Minor capital outlay	312,500	
(e) Reimbursements	-1,781,352	
(f) Federal funds	-667,165	
(g) Amount payable from Abandoned Vehicle Trust Fund.....	-2,485,180	

Item		Amount
	provided, that the funds appropriated in subitem (c) may be allocated by the Department of the California Highway Patrol to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.	
203	For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund	(1,000,000)
204	To the Department of the California Highway Patrol, for advance authority for the department to incur automotive equipment purchase obligations in an amount not to exceed $2,500,000 during the 1975–76 fiscal year, for delivery beginning in the 1976–77 fiscal year, the sum of $2,500,000 is hereby appropriated from the Motor Vehicle Account, State Transportation Fund	(2,500,000)
205	For support of Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund	97,187,804
	Schedule:	
	(a) Personal services	87,150,401
	(b) Operating expenses and equipment	32,114,932
	(c) Minor capital outlay	112,900
	(d) Reimbursements	-7,003,136
	(e) Amount payable from the Motor Vehicle License Fee Account, Transportation Tax Fund (Item 207)	-13,488,569
	(f) Amount payable from the California Environmental Protection Program Fund (Item 208)	-725,152
	(g) Amount payable from the State Bicycle License Fund (Item 209)	-50,000
	(h) Amount payable from the Harbors and Watercraft Revolving Fund (Item 210)	-923,572
	provided, that any surplus accumulated from the service and transfer fee portion of the program	

Item		Amount
	established pursuant to Chapter 1816 of the Statutes of 1971 shall be continuously appropriated to the Off-Highway Vehicle Fund.	
206	—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $500,000, or so much thereof as may be necessary, is appropriated from the Motor Vehicle Account, State Transportation Fund	(500,000)
207	—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 205 of this act, as provided by Section 11003 of the Revenue and Taxation Code.	13,488,569
208	—For support of Department of Motor Vehicles, payable from the California Environmental Protection Program Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 205 of this act, as provided by Section 39071 of the Health and Safety Code.	725,152
209	—For support of Department of Motor Vehicles, payable from the State Bicycle License Fund..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 205 of this act, as provided by Section 39001 of the Vehicle Code.	50,000
210	—For support of Department of Motor Vehicles, the sum of $923,572 is appropriated from the Harbors and Watercraft Revolving Fund ..... to be transferred to the Motor Vehicle Account, State Transportation Fund, in augmentation of Item 205 of this act, for undocumented vessel registration and fee collection.	(923,572)
211	—For support of the Stephen P. Teale Consolidated Data Center, Business and Transportation Agency Schedule: (a) Support..... 10,262,646 (b) Reimbursements and transfers from other items .....-10,262,646	-0-

Item	Amount
RESOURCES	
212—To Resources Agency for support of Tahoe Regional Planning Agency ..... The 1975 Budget Act shifts certain funding to the California Tahoe Regional Planning Agency which previously had been made available to the Tahoe Regional Planning Agency. In making this shift it is not the intent of the California State Legislature to displace the Tahoe Regional Planning Agency with the California Tahoe Regional Planning Agency but rather to support the most effective agency under current circumstances. The Legislature will support the Tahoe Regional Planning Agency when it becomes an effective bistate agency.	30,000
213—For subvention to California Tahoe Regional Planning Agency	75,000
213.5—For subvention to California Tahoe Regional Planning Agency for contract services with Attorney General	75,000
214—To Resources Agency for support of Waterways Management Planning Program pursuant to Chapter 761, Statutes of 1971, and Chapter 1259, Statutes of 1972	282,026
215—To Resources Agency for grants to public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 as provided in subdivision (d) of Section 6217 of the Public Resources Code	500,000
216—To Resources Agency for support of Maintenance Dredging Coordination Program pursuant to Chapter 1274, Statutes of 1974	54,000
217—For support of State Energy Resources Conservation and Development Commission, payable from the State Energy Resources Conservation and Development Special Account, General Fund ..... provided, that because of the importance of the commission's work and the lack of precedents, the commission shall submit a progress report to the Legislature every two months starting July 1, 1975, in which it lists the contracts awarded in the preceding two months and the contracts proposed to be awarded in the following two months; provided further, that upon the request of any policy or fiscal committee of the Legislature having jurisdiction over the subject of the contract, the con-	10,108,863

Item		Amount
	tract shall not be awarded until 30 days after the first request received by the commission for a contract delay; provided further, that $80,000 for services of the Office of Administrative Procedure shall be used only for hearings on matters and materials indirectly related to the responsibilities and duties of the commissioners and not for hearings related to their primary statutory purposes.	
217.1	—The sum of $5,000,000 is appropriated for transfer by the State Controller as of June 30, 1976, from the State Energy Resources Conservation and Development Special Account in the General Fund established by Public Resources Code Section 25801 to a Reserve Account in the General Fund. Any money in the Reserve Account shall be available for expenditure only as subsequently further appropriated by the Legislature or as allocated by the Director of Finance to meet cashflow needs for support appropriations made from the above Special Account. The Board of Equalization shall not classify any money in the Reserve Account as an unappropriated balance in the Special Account for purposes of establishing the surcharge rate as provided in Section 40031 of the Revenue and Taxation Code.	
218	—For support of Solid Waste Management Board.. Schedule:	771,132
	(a) Personal services 517,338	
	(b) Operating expenses and equipment 295,118	
	(c) Amounts payable under the provisions of Chapter 342, Statutes of 1972 ..... –41,324	
219	—For support of State Air Resources Board ..... Schedule:	1,572,456
	(a) Personal services 6,742,193	
	(b) Operating expenses and equipment 19,779,248	
	(c) Consolidated data center..... 33,500	
	(d) Reimbursements ..... –700,000	
	(e) Federal funds ..... –1,003,084	
	(f) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 220) ..... –7,769,235	
	(g) Amount payable from the Automotive Repair Fund (Item 221) –1,522,327	

Item		Amount
	(h) Amount payable from the California Environmental Protection Program Fund (Item 222)	-3,200,000
	(i) Amount payable from the Motor Vehicle Account, State Transportation Fund Loan (Item 223).....	-10,787,839
	provided further, that the funds appropriated in subitem (c) may be allocated by the State Air Resources Board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.	
220	—For support of vehicular program, State Air Resources Board, payable from the Motor Vehicle Account, State Transportation Fund	7,769,235
221	—For support of State Air Resources Board, payable from the Automotive Repair Fund.....	1,522,327
222	—For support of State Air Resources Board, payable from the Environmental Protection Program Fund	3,200,000
	provided, that of this amount, $400,000 shall be committed to the research and development of a low-polluting, energy efficient alternative to the internal combustion engine. The development of such alternative shall be conducted in cooperation with the California Department of Transportation.	
223	—For the purposes of Chapter 1154, Statutes of 1973, to be allocated by the Department of Finance as loans to the State Air Resources Board from the Motor Vehicle Account in the State Transportation Fund, in amounts of which the total shall not exceed $10,787,839.....	(10,787,839)
	provided that, this authorization shall be reduced by the amount of any federal funds received by the State Air Resources Board or the Bureau of Automotive Repair, Department of Consumer Affairs, or by both such board and bureau, for the purposes of Chapter 1154, Statutes of 1973. Any loan made pursuant to this authorization shall be repaid upon such terms and conditions as may be prescribed by the Department of Finance, including interest at the rate earned by the Pooled Money Investment Fund, on or before December 31, 1979, from any revenues from inspection fees collected for repayment purposes pursuant to	

Item		Amount
Chapter 1154, Statutes of 1973.		
Provided further, that inspection fees collected pursuant to Section 9889.61 of the Business and Professions Code shall be deposited in the Automotive Repair Fund and are appropriated to the Air Resources Board for the purposes of Chapter 1154, Statutes of 1973.		
Provided further, that every attempt shall be made to utilize Department of Motor Vehicles field office facilities for inspection purposes.		
224—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 1016, Statutes of 1972		2,300,000
225—For assistance to counties in the operation of local air pollution control districts, State Air Resources Board, in accordance with Chapter 1016, Statutes of 1972, payable from the Motor Vehicle Account, State Transportation Fund		2,300,000
226—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee		4,000
227—For support of California-Nevada Interstate Compact Commission		27,500
228—For support of Colorado River Board of California		118,320
Schedule:		
(a) Personal services	284,231	
(b) Operating expenses and equipment	70,729	
(c) Reimbursements	-236,640	
229—For support of Department of Conservation		65,562,202
Schedule:		
(a) Personal services	61,766,254	
(b) Operating expenses and equipment	20,904,566	
(c) Consolidated data center	255,734	
(d) Minor capital outlay	400,000	
(e) Fire protection contract—counties	4,113,684	
(f) Fire protection contract—United States Forest Service	1,810,925	
(g) Emergency fire suppression and detection	200,000	
(h) California Institute of Technology seismograph network	57,000	
(i) Reimbursements	-19,541,572	

Item		Amount
(j) Federal funds	-1,497,528	
(k) Amount payable from State Highway Account, State Transportation Fund (Item 230)	-11,400	
(*l*) Amount payable from California Water Fund (Item 231)	-11,400	
(m) Amount payable from Petroleum and Gas Fund (Item 232)	-2,124,797	
(n) Amount payable from Geothermal Resources Account, Petroleum and Gas Fund (Item 233)	-19,542	
(o) Amount payable from Professional Forester Registration Fund (Item 234)	-59,698	
(p) Amount payable from Strong-Motion Instrumentation Program Fund (Item 235)	-514,902	
(q) Amount payable from Subsidence Abatement Fund (Item 236)	-165,122	

provided, that an amount not more than $1,000,000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (g) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.

Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Conservation to subitems (a) and (b) above and expended therefrom for electronic data processing; provided, further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.

229.2—For support of Department of Conservation		228,501
Schedule:		
(a) Personal services	188,501	
(b) Operating expenses and equipment	40,000	
230—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the State Highway Account, State Transportation Fund		11,400

Item			Amount
231—For support of Department of Conservation to fund the state share of the California Institute of Technology seismograph network, payable from the California Water Fund			11,400
232—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund			2,124,797
233—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Geothermal Resources Account, Petroleum and Gas Fund			19,542
234—For support of Department of Conservation, in carrying out the functions of the Division of Forestry, payable from the Professional Forester Registration Fund			59,698
235—For support of Department of Conservation, in carrying out the functions of the Division of Mines and Geology, payable from the Strong-Motion Instrumentation Program Fund			514,902
236—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund			165,122
237—For support of State Lands Division, State Lands Commission, Department of Conservation			3,120,974
Schedule:			
(a) Personal services		3,639,075	
(b) Operating expenses and equipment		844,081	
(c) Consolidated data center		44,000	
(d) Reimbursements		-25,500	
(e) Amounts payable under the provisions of Chapter 138, Statutes of 1964		-1,380,682	
provided, that the funds appropriated in subitem (c) may be allocated by State Lands Division to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.			
238—For support of Seismic Safety Commission			85,000
239—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, and for the purchase of land for game production, im-			

Item		Amount
provement of waterfowl areas and research in game management under provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), and for the state's share of expenses of the Pacific Marine Fisheries Commission, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		26,772,423
Schedule:		
(a) Personal services	18,262,250	
(b) Operating expenses and equipment	9,919,665	
(c) Consolidated data center—state operations	40,000	
(d) Minor capital outlay	37,000	
(e) Pittman-Robertson program	3,421,712	
(f) Dingell-Johnson program	1,095,244	
(g) Commercial fish research and development	304,450	
(h) Anadromous Fish Act	996,827	
(i) Consolidated data center—federal programs	18,000	
(j) Pacific Marine Fisheries Commission	21,600	
(k) Reimbursements	-2,096,294	
(*l*) Federal funds	-5,218,031	
(m) Amount payable under the provisions of Chapter 416, Statutes of 1974	-30,000	
provided, that any moneys received in reimbursement of expenditures from subitems (e), (f), (g), and (h) shall be credited to this appropriation.		
Provided further, that the funds appropriated in subitem (c) may be allocated by the Department of Fish and Game to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the funds appropriated in subitem (i) may be allocated by the Department of Fish and Game to subitems (f), (g), and (h) above and expended therefrom		

Item		Amount
for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitems (c) and (i) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.		
239.5—For transfer to the Fish and Game Preservation Fund, solely for the support of existing programs devoted to nongame species management and protection		1,000,000
240—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code		175,500
241—For projects for the purpose of protecting and propagating migratory waterfowl and for the preservation of wetlands, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 3700 of the Fish and Game Code		274,500
242—For the education or training of department employees, Department of Fish and Game, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 12018 of the Fish and Game Code		199,800
242.5—For transfer to the Fish and Game Preservation Fund, from the Department of Agriculture Fund from fees collected pursuant to Chapter 6 (commencing with Section 21051), Division 10, Food and Agricultural Code, in augmentation of Item 239, for providing laboratory services in connection with the investigation of cases involving suspected criminal slaughtering of livestock, Department of Fish and Game		32,042
Schedule:		
(a) Personal services	22,806	
(b) Operating expenses and equipment	9,236	
provided, that funds appropriated in subitem (a) shall be used to fund one additional biologist position and a one-half laboratory aide position for the Enforcement Services Section of the Wildlife Laboratory.		
243—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund		193,787
Schedule:		
(a) Personal services	141,287	

Item		Amount
(b) Operating expenses and equipment	52,500	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
244—For support of Department of Navigation and Ocean Development to be transferred to and in augmentation of Item 245 of this act		185,333
245—For support of Department of Navigation and Ocean Development, the sum of $1,707,267 is appropriated from the Harbors and Watercraft Revolving Fund		(1,707,267)
and in addition thereto, any amounts received from federal grants or other sources.		
Schedule:		
(a) Personal services	965,839	
(b) Operating expenses and equipment	612,561	
(c) Minor capital outlay	490,300	
(d) Feasibility determinations	20,000	
(e) Amount payable from General Fund (Item 244)	-185,333	
(f) Amount payable from Recreation and Fish and Wildlife Enhancement Fund (Item 384)	-196,100	
246—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $7,936,000 is appropriated from the Harbors and Watercraft Revolving Fund		(7,936,000)
Schedule:		
(a) Coyote Point Marina—San Mateo County	650,000	
(b) Foster City Marina—San Mateo County	1,500,000	
(c) Monterey Mooring Facility—Monterey County	260,000	
(d) Oakland Embarcadero Marina—Alameda County	1,000,000	
(e) Oyster Point Marina expansion—San Mateo County	1,200,000	
(f) Pittsburg Marina—Contra Costa County	1,700,000	
(g) San Francisco Marina—City and County of San Francisco	140,000	

Item		Amount
(h) Vallejo Municipal Marina—Solano County	936,000	
(i) Planning loans—statewide	100,000	
(j) City of Avalon harbor development—Los Angeles County	450,000	
246.4—For a loan to the Port San Luis Harbor District, for the acquisition of 20 acres of land adjacent to property of the district, to be repaid with interest according to terms established by the Director of Navigation and Ocean Development, the sum of $500,000 is appropriated from the Harbors and Watercraft Revolving Fund		(500,000)
247—For grants for construction and development of small craft launching facilities to cities, counties, districts, or other public agencies pursuant to Section 72.5 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, the sum of $1,757,000 is appropriated from the Harbors and Watercraft Revolving Fund		(1,757,000)
Schedule:		
(a) Bailey Cove (Shasta Lake)—Shasta County	297,000	
(b) Berenda Reservoir—Madera County	145,000	
(c) Clear Lake (Lakeport)—Lake County	178,000	
(d) Monterey—Monterey County	185,000	
(e) Ruth Lake—Humboldt County	300,000	
(f) Shelter Island—San Diego County	208,000	
(g) Stockton (deepwater channel)—San Joaquin County	320,000	
(h) Trinity Center—Trinity County	24,000	
(i) Ramp repairs and extension—statewide	100,000	
248—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, the sum of $800,000 is appropriated from the Harbors and Watercraft Revolving Fund		(800,000)
249—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 72.5 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, which may be authorized by the Director of Finance, with the consent of the Governor pursuant to Section 11006 of the Government Code; and for pay-		

Item		Amount
	ment of deficiencies in appropriations for the Department of Navigation and Ocean Development which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code; the sum of $100,000 or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund	(100,000)
250—For support of California Coastal Zone Conservation Commission for legal services provided by the Attorney General		441,000
251—For support of Department of Parks and Recreation		33,622,872
	Schedule:	
	(a) Personal services 27,966,513	
	(b) Operating expenses and equipment 12,972,799	
	(c) Minor capital outlay 1,272,488	
	(d) Reimbursements ..... -2,394,983	
	(e) Federal funds ..... -421,350	
	(f) Amount payable from General Fund (Item 252) ..... -2,077,397	
	(g) Amount payable from San Francisco Maritime State Historic Park Account, General Fund ..... -178,725	
	(h) Amount payable from State Park Highway Account, Bagley Conservation Fund ..... -918,271	
	(i) Amount payable from Collier Park Preservation Fund (Item 253) ..... -2,193,018	
	(j) Amount payable from Off-Highway Vehicle Fund (Item 254) ..... -167,513	
	(k) Amount payable from Harbors and Watercraft Revolving Fund (Item 255) ..... -201,128	
	(*l*) Amount payable from the Hostel Facilities and Recreation Trails Account, General Fund (Item 255.1) ..... -36,543	
252—For support of the Department of Parks and Recreation, to be transferred to and in augmentation of Item 251 of this act by the State Controller .... provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further provided, that any revenue in excess of these expenditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the De-		2,077,397

Item		Amount
partment of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legislature for maintenance and capital outlay at Hearst San Simeon State Historical Monument.		
253—For support of the Department of Parks and Recreation, payable from the Collier Park Preservation Fund, to be transferred to and in augmentation of Item 251 of this act by the State Controller		2,193,018
254—For support of the Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund, to be transferred to and in augmentation of Item 251 of this act by the State Controller		167,513
255—For support of Department of Parks and Recreation, the sum of $201,128 is appropriated from Section 663.7 (d) of the Harbors and Navigation Code, Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 251 of this act by the State Controller		(201,128)
255.1—For support of Department of Parks and Recreation, payable from funds appropriated by subdivision (a) of Section 2 of Chapter 265, Statutes of 1974, and made available by Section 19.3, Budget Act of 1974		36,543
256—For contract with any local school district, county superintendent of schools, or governmental agency for purposes of California Youth Conservation Corps program as outlined in Division 12 (commencing with Section 14000) of the Public Resources Code, Department of Parks and Recreation		150,000
257—For grants to counties, cities, or cities and counties pursuant to Section 38300 (a) of the Vehicle Code, Department of Parks and Recreation, payable from the Off-Highway Vehicle Fund		768,500
Schedule:		
(a) La Grange Off-Highway Vehicle Park, County of Stanislaus, for acquisition and development.	75,000	
(b) Old Trails Motorcycle Park, Victorville Recreation and Park District, for acquisition and development	84,022	
(c) Tulare City Off-Highway Vehicle Recreation Area, City of Tulare, for acquisition and development..	88,500	

Item		Amount
(d) Cerritos Motorcycle Park, City of Cerritos, for acquisition and development	97,228	
(e) McGill Off-Highway Vehicle Park, County of Sacramento, for acquisition and development	292,500	
(f) Delta Motocross Park, Walnut Creek Recreation Area, City of Baldwin Park, for acquisition and development	131,250	
258—For support of Department of Parks and Recreation, Division of Exposition and State Fair, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849		2,263,481
Schedule:		
(a) Support	3,977,961	
(b) Payment of interest and principal on revenue bonds	1,130,000	
(c) Operating revenues payable from Item 259	–2,502,930	
(d) Amount payable from the Fair and Exposition Fund	–265,000	
(e) Reimbursements	–76,550	
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditures from subitem (b) of this item; provided further that the amount appropriated by subdivision (a) of Section 19622 of the Business and Professions Code shall be transferred by the State Controller to this item.		
259—For support of the Department of Parks and Recreation, Division of Exposition and State Fair, to be transferred to and in augmentation of Item 258 of this act by the State Controller		2,502,930
provided, that the expenditures from the appropriation made by this item shall not exceed those operating revenues deposited in the General Fund by the Division of Exposition and State Fair.		
261—For support of Reclamation Board		302,762
Schedule:		
(a) Personal services	165,262	
(b) Operating expenses and equipment	137,500	
262—For support of San Francisco Bay Conservation and Development Commission		504,892
Schedule:		

Item		Amount
	(a) Personal services	421,227
	(b) Operating expenses and equipment	216,129
	(c) Reimbursements	-79,000
	(d) Federal funds	-18,864
	(e) Amount payable from the California Environmental Protection Program Fund under the provisions of Chapter 1486, Statutes of 1974	-34,600
263—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies		16,604,858
Schedule:		
	(a) Continuing formulation of the California Water Plan	7,545,134
	(b) Implementation of the State Water Resources Development System	1,848,347
	(c) Public safety and prevention of damage	6,757,155
	(d) Services	454,222
	(e) General management	4,792,937
	(f) Technical services	6,356,802
	(g) Less charges to general funded programs	-1,124,511
	(h) Less charges to other funded programs	-3,668,426
	(i) Less charges to programs	-6,356,802

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1976, and any unencumbered balances shall be returned to the General Fund as of June 30, 1976; provided further, that upon consolidation of the Department of Water Resources electronic data-processing operation in the Stephen P. Teale Consolidated Data Center, funds appropriated in subitem (f) for electronic data-processing operations cannot be expended for purposes other than contracting for such services with the Stephen P. Teale Consolidated Data Center without the approval of the Director of Finance; provided further, that the Secretary of the Resources Agency shall review the jurisdictional overlap between

Item		Amount
	the Department of Water Resources Control Board in water quality planning, and shall coordinate their work to eliminate any duplication of voids in their activities.	
264	For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section 12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources..... provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	6,000,000
265	For expenditure by the Department of Water Resources, in accordance with the provisions of Chapter 995, Statutes of 1973, for reimbursement of eligible local agencies for a portion of the annual maintenance or improvement costs incurred on project facilities under the State Water Resources Law of 1945..... provided, that the funds appropriated by this item shall be in lieu of the amount appropriated for project levees for the 1975–76 fiscal year by Chapter 995, Statutes of 1973; provided further, that no funds appropriated by this item shall be expended for the purposes of Chapter 995, Statutes of 1973, unless a nonstate entity provides hold-harmless assurances to the State of California for the work which would be done with such funds.	200,000

Item			Amount
265.1—For expenditure by the Department of Water Resources, in accordance with the provisions of Chapter 717, Statutes of 1973, for reimbursement of eligible local agencies for a portion of the annual maintenance or improvement costs incurred on nonproject levees			200,000
provided, that no funds appropriated by this item shall be expended for the purpose of Chapter 717, Statutes of 1973, unless a nonstate entity provides hold-harmless assurances to the State of California for the work which would be done with such funds.			
266—For support of State Water Resources Control Board			6,924,991
Schedule:			
(a) Personal services		10,410,701	
(b) Operating expenses and equipment		5,646,290	
(c) Consolidated data center.....		60,000	
(d) Reimbursements		–305,000	
(e) Federal funds		–3,235,000	
(f) Amount payable from the State Clean Water Grant Administration Revolving Fund (Item 267)..		–3,624,000	
(g) Amount payable from State Clean Water Fund.....		–2,028,000	
provided, that the funds appropriated in subitem (c) may be allocated by the board to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance may transfer the unencumbered balance of subitem (c) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975.			
267—For support of the facility development assistance program, State Water Resources Control Board, the sum of $3,624,000 is hereby appropriated from the State Clean Water Grants Administration Revolving Fund			(3,624,000)

HEALTH AND WELFARE

268—For support of the Office of Educational Liaison, Health and Welfare Agency	206,396

Item		Amount
269—For allocation by Office of Educational Liaison for child development programs pursuant to Chapter 5 (commencing with Section 16780) of Division 12.5 of Part 3 of the Education Code, Health and Welfare Agency		3,672,000
provided, that the Office of Educational Liaison shall allocate these funds to the Department of Education for the purpose of maintaining and improving child care and child development services; provided further, that the powers and duties and the unencumbered balance of the appropriation provided for in Chapter 1176, Statutes of 1973, shall be transferred to the State Department of Health, under the same terms and conditions as specified in Chapter 1176.		
270—For support of Office on Aging and Commission on Aging		1,227,754
Schedule:		
(a) Support, Office on Aging	21,176,291	
(b) Support, Commission on Aging....	214,384	
(c) Federal grants	-20,162,921	
and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
270.1—For support of nutrition programs for the elderly, Office on Aging and Commission on Aging, in augmentation of Item 270		300,000
provided, that local agencies which are unable to provide their shares of funds to establish their eligibility for matching federal funds for such programs shall be allocated funds appropriated by this item on a first priority basis, in order to establish such eligibility.		
271—For support of Department of Health		38,541,867
Schedule:		
(a) Personal services	98,445,942	
(b) Operating expenses and equipment	60,963,759	
(c) For transfer to the Health Care Deposit Fund	11,264,993	
(d) Reimbursements	-51,189,931	
(e) Federal funds	-49,835,691	
(f) Amount payable from other appropriations	-417,842	
(g) Amount payable from Hazardous Waste Control Account, General Fund	-222,860	

Item		Amount
	(h) Amount payable from Motor Vehicle Account, State Transportation Fund (Item 272)	-238,490
	(i) Amount payable from Hospital Building Account, Architecture Public Building Fund	-3,142,000
	(j) Amount payable from Health Facility Construction Loan Insurance Fund	-162,680
	(k) Amount payable from Health Care Deposit Fund	-26,923,333

provided, that the funds appropriated in subitem (c) shall be transferred by the Controller to the Health Care Deposit Fund to match federal funds for support of the Department of Health; provided further, that the Director of Health may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to any program administered by the Department of Health only after approval by the Department of Finance as to the availability of funds; provided further, that any rule or regulation adopted by the Director of the Department of Health during the 1975–76 fiscal year which adds to the cost of any program administered by the Department of Health shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that notwithstanding any other provisions of law, the state may offset the amount due any county for advances under the Short-Doyle Act against the amount that county owes the state for the county's share of Medi-Cal program costs, only at the option of the county involved.

272	For support of Department of Health, Health Protection System, payable from the Motor Vehicle Account, State Transportation Fund	238,490
273	For support of the hospitals for the mentally ill for judicially committed patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System	23,158,868

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provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 274, 275, and 277.

274—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code, Department of Health, Health Treatment System 272,498,976
Schedule:
(a) Local mental health services 192,938,252
(b) State-operated services 79,560,724
and in addition, any amounts transferred from the Health Care Deposit Fund shall augment and be available for expenditure in accordance with the provisions of subitem (a).

Provided, that the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of expenditures for mental health services provided to patients eligible under the California Medical Assistance Program.

Provided further, that of the amount of funds appropriated pursuant to subitem (a), at least $5,600,000 shall be used solely for residential treatment programs, halfway houses, group care homes, and continuing care programs consistent with Section 5661.5 of the Welfare and Institutions Code; provided further, that such funds shall be allocated on the basis of county plans, specifying in detail, the proposed program uses of funds appropriated by this item.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 273, 275, 276, and 277.

Provided further, that upon order of the Department of Finance, funds may be transferred to Item 279 to match federal funds in order to provide services to former, potential, and current recipients of public assistance receiving mental health services under the provisions of Division 5 of the Welfare and Institutions Code.

275—For local assistance for alcoholism program, Department of Health, Health Treatment System .. 20,993,405
Schedule:
(a) State hospitals..... 1,872,795
(b) Local assistance, direct 21,419,962

Item		Amount
	(c) Office of Alcohol Program Management	1,185,996
	(d) Special alcoholism projects	3,174,789
	(e) Federal funds	-6,660,137

provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 271, 273, 274, and 277.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.

Provided further, that all expenditures under this item shall be subject to review and approval by the State Office of Alcohol Program Management.

276—For local assistance for narcotics and drug abuse program, Department of Health, Health Treatment System		11,658,777
Schedule:		
(a) Local assistance	22,070,198	
(b) Health administration	2,133,077	
(c) Office of Narcotics and Drug Abuse	432,891	
(d) Federal funds	-12,852,317	
(e) Amount payable from Chapter 1255, Statutes of 1972	-125,072	

provided, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 274 for purposes of paying the cost of local assistance, narcotics and drug abuse programs.

277—For local assistance for the developmental disabilities program, Department of Health, Health Treatment System		195,648,721
Schedule:		
(a) State hospital services, Department of Health	144,992,080	
(b) Support, Department of Health	111,655	
(c) Regional center operations, Department of Health	50,929,809	
(d) Community program development and special projects	1,546,792	

Item		Amount
	(e) Program evaluation 112,200	
	(f) Protective living services 12,260,542	
	(g) Federal funds .....–12,404,357	
	(h) Family repayments ..... –1,900,000	

provided, that the Department of Finance may authorize the transfer of funds from this item to Item 279 to match federal funds to provide protective living services to the mentally retarded.

Provided further, that upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Items 273, 274, and 275.

Provided further, that the Department of Health, on July 1, 1975, shall grant an increase in rates paid to community care facilities that is 10 percent higher than rates paid as of May 1, 1975, from funds made available by this item, and shall further conduct a review of such rates in conjunction with the implementation of Chapter 1203, Statutes of 1973.

278—For transfer to the Health Care Deposit Fund to provide for the state's share of Medical Assistance Program expenditures for medical care and services and state administration not to exceed $1,000,000 767,553,211

provided, except as otherwise provided in this item, that the amount authorized to be expended by this item shall fully cover the state's share of payments for medical care and services as defined in the Welfare and Institutions Code, for the 1975–76 fiscal year; provided further, that notwithstanding any other provision of law, funds transferred from this item to the Health Care Deposit Fund by the State Controller shall not exceed the state's share, determined pursuant to a plan approved by the Director of Finance, of bills for services and administration approved for payment as certified by the Director of Health.

Provided further, that after June 30, 1976, a transfer to the Health Care Deposit Fund from this item shall be permitted to meet the total General Fund obligation.

Provided further, that upon the request of the Director of Health and the approval of the Director of Finance, funds may be advanced to the Health Care Deposit Fund only pursuant to the provisions of Section 16351 of the Government Code

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Provided, notwithstanding any other provision of law, that the Department of Health may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to the Medical Assistance Program only after approval by the Department of Finance as to the availability of funds; provided further, that any rule or regulation adopted by the Director of the Department of Health during the 1975–76 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

Provided, that notwithstanding any other provision of law, any federal and county funds received under the provisions of Section 14157 of the Welfare and Institutions Code during the 1975–76 fiscal year, for expenditures for health care services pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, made from funds transferred to the Health Care Deposit Fund from the General Fund in prior years, shall be transferred from the Health Care Deposit Fund to the General Fund.

Provided, that notwithstanding any other provision of law, the disposition of any money recovered for previously paid Health Care Services provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code shall be as follows:

(1) If recovered from a third party who is civilly liable or under a contractual obligation, the nonfederal share shall, after being deposited in the Health Care Deposit Fund, be transferred to the General Fund.

(2) If recovered by the fiscal intermediary, both federal and nonfederal shares, except as provided in paragraph (1) of this proviso, are hereby appropriated and shall be expended as soon as practicable for medical care and services as defined in the Welfare and Institutions Code.

(3) If recovered by the state for settlement of county hospital cost report audits, both federal and nonfederal shares are hereby appropriated and shall be expended as soon as practicable for medical care and services as defined in the Welfare and Institutions Code.

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(4) If not otherwise provided for in this proviso, the nonfederal share shall, after being deposited in the Health Care Deposit Fund, be transferred to the General Fund.

Provided, that notwithstanding any other provision of law, accounts receivable for recoveries as described in this item shall have no effect upon the surplus of the General Fund or the Health Care Deposit Fund.

Provided, that notwithstanding any other provision of law, money recovered as described in this item required to be transferred from the Health Care Deposit Fund to the General Fund shall be credited by the State Controller to the General Fund without regard to the appropriation from which it was drawn.

Provided further, that funds appropriated by this item for the Mediscreen Program shall be allocated and administered in conjunction with funds appropriated in Item 280(d) for the Child Health Disability Prevention Program.

278.1—For transfer to Item 278, upon order of the Department of Finance for the state's share of rate and fee increase for providers of health care services under the Medical Assistance Program..... 57,043,500

278.2—For transfer to the Health Care Deposit Fund to provide for the state's share of Medical Assistance Program expenditures for fiscal intermediary services..... 17,588,689

provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for fiscal intermediary services for the 1975–76 fiscal year; provided further, that notwithstanding any other provision of law, funds transferred from this item to the Health Care Deposit Fund by the State Controller shall not exceed the state's share, determined pursuant to a plan approved by the Director of Finance, of bills for services and administration approved for payment as certified by the Director of Health.

Provided further, that after June 30, 1976, a transfer to the Health Care Deposit Fund from this item shall be permitted to meet the total General Fund obligation. Provided further, that upon the request of the Director of Health, and the approval of the Director of Finance, funds may be advanced to the Health Care Deposit Fund only pursuant to the provisions of Section 16351 of the

Item		Amount
	Government Code.	
	Provided further, that notwithstanding any other provision of law, the Department of Health may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to the Medical Assistance Program only after approval by the Department of Finance as to the availability of funds; provided further, that any rule or regulation adopted by the Director of the Department of Health during the 1975–76 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.	
278.3	—For transfer to the Health Care Deposit Fund to provide for the state's share of Medical Assistance Program expenditures for county administration provided, that the amount authorized to be expended by this item shall fully cover the state's share of payments for county administration for the 1975–76 fiscal year; provided further, that notwithstanding any other provision of law, funds transferred from this item to the Health Care Deposit Fund by the State Controller shall not exceed the state's share, determined pursuant to a plan approved by the Director of Finance, of bills for services and administration approved for payment as certified by the Director of Health.	66,390,918
	Provided further, that after June 30, 1976, a transfer to the Health Care Deposit Fund from this item shall be permitted to meet the total General Fund obligation.	
	Provided further, that upon the request of the Director of Health, and the approval of the Director of Finance, funds may be advanced to the Health Care Deposit Fund only pursuant to the provisions of Section 16351 of the Government Code.	
	Provided further, that notwithstanding any other provision of law, that the Department of Health may give public notice relative to proposing or amending any rule or regulation which could result in increased cost to the Medical Assistance Program only after approval by the Department of Finance as to the availability of funds; provided further, that any rule or regulation adopted by the Director of Health during the	

Item		Amount
	1975–76 fiscal year which adds to the cost of the Medical Assistance Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.	
	Provided further, that during the 1975–76 fiscal year, the Department of Health shall develop and implement a plan whereby costs for county administration will be effectively controlled within the amount appropriated by this item; provided further, that the department shall seek the advice and assistance of the counties in the development of the cost control method; provided further, that implementation of the method shall be effective not sooner than 30 days after submission of the plan to the Chairman of the Joint Legislative Budget Committee unless specifically rejected by that committee.	
279—For the cost of special social service programs for which federal grants-in-aid are made to the state; for rehabilitative and employment services; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoptions programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for the costs incurred by counties including the required matching funds, for in-home supportive services as provided by Section 12300 et seq. of the Welfare and Institutions Code; for the cost of local agency special training and statewide demonstration programs; for the cost of providing child development services pursuant to Division 12.5 (commencing with Section 16700) of the Education Code and Section 10813 of the Welfare and Institutions Code; and for the costs of community rehabilitation of mentally handicapped, Department of Health, Health Protection System		44,656,750
	Schedule:	
	(a) Child development services	62,935,256
	(b) Child protection	3,473,864
	(c) Regional centers	7,013,300
	(d) Community rehabilitation	17,333,300
	(e) Blind counselors	140,000
	(f) CWEP evaluation and service centers	502,674
	(g) Homemaker chore service	80,448,000

Item		Amount
	(h) Adoptions	12,758,750
	(i) Demonstration programs	200,000
	(j) Reimbursements and transfers	-22,168,583
	(k) Federal funds	-117,979,811

provided that, upon order of the Department of Finance, funds may be transferred to the Department of Benefit Payments to match federal funds.

Provided further, that the Department of Health, in allocating funds to counties for homemaker chore service pursuant to subitem (g), shall utilize funds available through the Medi-Cal Program to the extent that such utilization will result in a net reduction of General Fund expenditures for homemaker chore services.

Provided further, that unused state share federal funds shall be used to replace General Fund money in programs where the state's match is in excess of the amount required.

280—For assistance to cities, counties and local public and private nonprofit agencies for health services, Department of Health		26,351,648
Schedule:		
(a) For maintenance of tuberculosis sanatoria in accordance with Section 3300 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code, Health Protection System	312,153	
(b) Local health services in accordance with Section 1157 of the Health and Safety Code, Health Protection System	1,263,292	
(c) Local health agencies, districts and private nonprofit agencies in accordance with the provisions of Chapter 8, Part 2, Division 1 and Article 3, Chapter 2, Part 1, Division 1, and Chapters 7, 8, 10, Division 4 of the Health and Safety Code, Health Protection System	17,559,763	

Item		Amount
(d) Child health disability prevention in accordance with Article 3.1, Chapter 2, Part 1, Division 1 of the Health and Safety Code, Health Protection System	6,924,379	
(e) For family planning services in accordance with Sections 10053.2 and 10053.3 of the Welfare and Institutions Code, Health Protection System	15,254,493	
(f) Assistance to local agencies for hospital construction	2,929,669	
(g) Medical care of persons with hemophilia in accordance with Article 3.6, Chapter 2, Division 1 of the Health and Safety Code, Health Protection System	2,134,000	
(gg) Family physician training, in accordance with Chapter 1176, Statutes of 1973	1,000,000	
(h) Reimbursements	-4,000,000	
(i) Federal funds	-14,962,101	
(j) Amount payable from other appropriations	-2,064,000	
280.1—For assistance to cities, counties, and local public and private nonprofit agencies for crippled children's services, Department of Health		22,813,730
Schedule:		
(a) Services to physically handicapped children in accordance with provisions of Sections 249 through 273 of the Health and Safety Code	27,461,156	
(b) Other reimbursements	-471,570	
(c) Federal funds	-2,410,856	
(d) Family repayments	-1,765,000	
281—For reimbursement of mandates related to Department of Health programs in accordance with Section 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller		278,496
provided, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.		

Item			Amount
282—For support of Employment Development Department			10,284,979
Schedule:			
(a) Work Incentive Program as specified in the Unemployment Insurance Code beginning with Section 5000, for transfer by the State Controller to the Special Deposit Fund provided, that the State Controller shall transfer these funds only at such time as federal funds are deposited in the Special Deposit Fund and no transfer so made shall exceed 12.5 percent of the amount of federal funds so deposited.		4,634,067	
(b) Service Center Program as specified in the Unemployment Insurance Code beginning with Section 9000 provided, that positions funded out of Item 282(b) shall be based at service centers rather than at other employment offices operated by the department.		3,823,527	
(c) Office of Economic Opportunity and, in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item		219,806	
Subschedule:			
(1) Support	1,377,385		
(2) Federal funds	-1,157,579		
provided that no funds may be expended for Item 282(c) unless and until federal matching funds are available for the purpose of funding this office.			
(d) For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan, in accordance with the federal government programs resulting from the Economic Opportunity Act		563,973	
Subschedule:			
(1) Support	1,459,887		
(2) Federal funds	-895,914		

Item		Amount
(e) Job agents outside the Service Center Program	1,043,606	
282.1—For administration of the provisions of the Burton-Stull Vietnam Veterans Employment Act, Employment Development Department		750,000
provided, that the department shall report to the Legislature by March 1, 1976, on the effectiveness of the program conducted pursuant to the provisions of the Burton-Stull Vietnam Veterans Employment Act.		
283—For support of Employment Development Department, payable from the Department of Employment Development Contingent Fund		2,771,115
and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.		
284—For administration of unemployment compensation disability benefits, Employment Development Department, the sum of $21,138,512 is appropriated from the Unemployment Compensation Disability Fund		(21,138,512)
285—For reimbursement of mandates related to human resources development programs in accordance with Section 2231(a), Revenue and Taxation Code of any new program or increased level of service of an existing program mandated by legislative action, State Controller		156,000
provided, allocations to the appropriate local jurisdictions shall be made by the Controller in accordance with the provisions of each bill which mandates additional cost and Section 2231(c), Revenue and Taxation Code.		
286—For support of Department of Rehabilitation		8,929,054
Schedule:		
(a) I. Vocational rehabilitation of the disabled	8,681,366	
(1) Total program	78,185,154	
(2) Reimbursements	–4,369,597	
(3) Federal funds	–65,134,191	
(b) II. Nonrehabilitative services	140,051	
(1) Total program	700,259	
(2) Federal funds	–560,208	
(c) III. Development of private sector rehabilitation resources	107,637	
(1) Total program	2,538,189	

Item		Amount
	(2) Federal funds	–2,430,552
	(d) IV. (1) Departmental administration.....	5,991,063
	(2) Amount chargeable to programs I through III	–5,991,063

provided, that after September 1, 1975, no state funds shall be expended for any reimbursement of providers of any medical services unless the schedule of maximum allowances for provider reimbursement fees is at parity with those fees paid for comparable services provided through the California Medical Assistance Program. Provided further, that upon approval of the Director of Finance, the above programs may be augmented from other budget items in this act where funds have been budgeted for transfer to the Department of Rehabilitation for the programs contained in this budget item. Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.

287—For support of Department of Benefit Payments, together with any grants made available by the federal government for support of the Department of Benefit Payments during the 1975–76 fiscal year 13,189,198

Schedule:

(a)	Personal services	34,114,393
(b)	Operating expenses and equipment	13,277,969
(c)	Reimbursements	–25,955,534
(d)	Federal funds	–6,371,117
(e)	For transfer to the Health Care Deposit Fund, to be matched by federal funds for administrative services rendered under the Medi-Cal Program, (2,197,399)	
(f)	Reimbursements, Health Care Deposit Fund	–1,876,513

provided, that any rule or regulation adopted by the Director of the State Department of Benefit Payments during the 1975–76 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.

Item		Amount
287.1—To the Department of Finance, for allocation to the Department of Benefit Payments for support, to be allocated by the Director of Finance ..... provided, that the Director of Finance shall notify the chairman of the committee in each house which considers appropriations at least 30 days in advance of making any allocations of funds made available by this item.		800,000
287.2—For support of Department of Benefit Payments, together with any funds made available by the federal government, for the development of a model automated data processing system to be used by county welfare departments.....		522,710
(a) Unscheduled	1,045,420	
(b) Federal funds	–522,710	

Provided, that no funds appropriated by this item may be expended until the Department of Benefit Payments has prepared a detailed estimate of the resources required and a schedule of events necessary to complete the development of a Model Modular EDP system and has prepared, and the Department of Finance has approved, a feasibility study. This shall not absolve the department from complying with the requirements of Section 4 of this act.

Provided further, that (1) the Model Modular EDP project, as approved by the Department of Finance, shall proceed under the direction of a project manager employed by the Department of Benefit Payments, and such manager shall have prior experience in developing and implementing a complex data processing system; (2) a monitoring group composed of one representative of each of the following organizations shall periodically meet to consider the problems and progress made in developing a Model Modular EDP system: the Health and Welfare Agency, the Departments of Finance, Health, and Benefit Payments, the Joint Legislative Budget Committee, and the County Welfare Directors Association; and the Departments of Benefit Payments and Health shall provide the monitoring group with such information as requested; (3) all staff of the Department of Benefit Payments borrowed from other bureaus, subsequent to the preparation and approval of the feasibility study, shall be paid from funds appropriated by this item while on loan to the Model Modular project, and the Department of Benefit

Item		Amount
	Payments shall keep accurate records of the total cost of developing the Model Modular EDP system.	
288—For State Supplementary Program for Aged, Blind and Disabled (SSP), as provided by Sections 12000 to 12204, inclusive, of the Welfare and Institutions Code, Department of Benefit Payments..		641,786,900

provided, that this appropriation is in addition to the county contribution required for this program as prescribed by Section 12400 of the Welfare and Institutions Code.

Provided further, that there is further appropriated for purpose of this item, subject to the review of the Director of Finance, such funds as are required to meet the terms of the contract between the State of California and the Secretary of Health, Education and Welfare relating to the State Supplementary Program for Aged, Blind and Disabled (SSP). The Director of Finance shall report to the Legislature within 15 days any such reviews of expenditure in excess of this appropriation. At such time as a report is made, the amount of this appropriation shall be increased by the amount of such excess unless or until otherwise provided by law.

Provided further, that any rule or regulation adopted by the Director of Benefit Payments during 1975–76 fiscal year which adds to the costs of the SSP Program shall only be effective from and after the date upon which it is approved as to availability of funds by the Director of Finance. Any such approvals shall be reported to the Joint Legislative Budget Committee, by the Director of Finance subject to the requirements of Section 28 of the Budget Act of 1975.

Provided further, that the amount appropriated by this item includes sufficient funds to comply with Section 12201 of the Welfare and Institutions Code to provide a cost-of-living increase of not more than twenty-four dollars ($24) for an aged or disabled person, or not more than twenty-seven dollars ($27) for a blind person, or not more than forty-eight dollars ($48) for a married couple both qualifying as aged or disabled, or not more than fifty-four dollars ($54) for a married couple both qualifying as blind, or not more than fifty dollars ($50) for a married couple both qualifying for benefits and one of whom is blind, or not more

Item		Amount
than sixteen dollars ($16) for a disabled minor under 18 living with a parent or guardian or relative by blood or marriage, or not more than twenty-three dollars ($23) for a recipient in a nonmedical out-of-home care facility, or not more than a four-dollar ($4) out-of-home meal allowance for an aged or disabled recipient or an eight-dollar ($8) out-of-home meal allowance for a married couple both qualifying as aged or disabled.		
289—For the cost of the state's share of special circumtances including unmet shelter needs and special needs, as specified in Sections 12550 and 12551 of the Welfare and Institutions Code; for costs of special benefits due to eligibility or special exemption granted by Sections 12152 and 12352 of the Welfare and Institutions Code, Department of Benefit Payments		4,196,500
Schedule:		
(a) Special circumstances	2,293,800	
(b) Special benefits	1,902,700	
provided, that the funds appropriated by this item may be transferred to and in augmentation of Item 291.		
290—For the cost of special programs for which federal grants-in-aid are made to the state for local agency training, demonstrations, and federal aid programs, Department of Benefit Payments		191,937
Schedule:		
(a) County training	22,880	
(b) Demonstration programs	169,057	
(c) Cuban refugees and repatriated Americans	10,834,900	
(d) Federal funds	-10,834,900	
provided, that the funds appropriated by this item may be transferred to and in augmentation of Item 279.		
291—For the state's share of the nonfederal administrative costs of administering the payment of aid grants as provided by Section 42.5 of Chapter 578, Statutes of 1971, as amended by Chapter 1216, Statutes of 1973, and the cost of the administration of the Supplementary Program for the Aged, Blind and Disabled (SSP), emergency payments, for both uncollected loans and county administration, and food stamps as provided by Chapter 1216, Statutes of 1973, Department of Benefit Payments		65,094,690
Schedule:		

Item		Amount
(a)	AFDC administration	53,898,990
(b)	APSB administration	38,700
(c)	Administration of SSP programs	1,083,000
(d)	Food stamp administration	6,751,500
(e)	Emergency payments	3,322,500

provided, that the department may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination. Upon recommendation of the Director of Benefit Payments, the Director of Finance may authorize the transfer of funds to Item 287 for this purpose.

Provided further, that during the 1975–76 fiscal year, the Department of Benefit Payments shall develop and implement a plan whereby costs for county administration shall be effectively controlled within the amount appropriated by this item; provided, further, that the department shall seek the advice and assistance of the counties in the development of the cost-control method; provided further, that implementation of the method shall be effective not sooner than 30 days after submission of the plan to the Chairman of the Joint Legislative Budget Committee.

Provided further, that (1) the Department of Benefit Payments shall not approve additional funds for the development of improved data processing systems at the county welfare department level which are not part of and consistent with the Model Modular EDP system; (2) the department shall develop an accounting mechanism which shall isolate county welfare department cost (all funds) of developing or improving county data processing systems; (3) the department may authorize not more than $1 million (all funds) for expenditure by county welfare departments for the development of data processing systems in 1975–76, and all such approvals shall relate specifically to the development of the Model Modular EDP system and shall not contribute to the improvement of independent county EDP systems; (4) in the event the Department of Finance does not approve the feasibility study for the development of the Model Modular EDP system, the restrictions placed on the department by (1) and (3) of this proviso shall not apply and the department may then approve the expenditure of funds for improvement of existing county data processing

Item		Amount
systems.		
292—For support of Department of Corrections		178,225,366
Schedule:		
(a) I. Reception and diagnosis	2,168,201	
(b) II. Institutional program	149,207,047	
(c) III. Releasing authorities	2,413,828	
(d) IV. Community correctional program	21,201,893	
(e) V. Administration	5,812,827	
(f) Reimbursements	-2,537,367	
(g) Federal funds	-41,063	
provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 304, Budget Act of 1975; provided further, that subject to approval by the Department of Finance, any reallocation of savings due to reduction of population, other than those resulting from decreased court commitments, shall be used to give primary emphasis to the development of transition programs in the community for persons being released from prison.		
293—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code.....		200,000
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
294—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code		700,000
provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller, and any restitution received by the state for such expenses be credited to the appropriation of the year in which the State Controller's receipt is issued.		

Item		Amount
295—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		1,598,934
provided, that claims filed payable under Section 6005 of the Penal Code may be paid by the Department of Corrections from funds appropriated by this item.		
Provided further, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
296—For reimbursement to counties for the cost of detaining state parolees pursuant to Section 4016 of the Penal Code, as added by Chapter 1237 of the Statutes of 1974, Department of Corrections.....		300,000
provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.		
297—For support of Department of the Youth Authority.....		73,921,484
Schedule:		
(a) I. Community services.....	1,643,075	
(b) II. Rehabilitation services.....	75,058,705	
(c) III. Research.....	1,518,524	
(d) IV. Youth Authority Board.....	1,076,184	
(e) V. Administration undistributed..	3,753,495	
(f) Reimbursements.....	-8,739,129	
(g) Federal funds	-389,370	
provided, that upon executive order of the Department of Finance, any portion of this item which reflects savings due to reduction of population may be transferred to and in augmentation of Item 304, Budget Act of 1975; provided further, that subject to approval by the Department of Finance, any reallocation of savings due to reduction of population, other than those resulting from decreased court commitments, shall be used to give primary emphasis to the development of community-based treatment programs and delinquency prevention programs.		

Item	Amount
297.1—For contracting with Sugar Ray Youth Foundation, for correctional services to wards and parolees, Department of the Youth Authority	300,000
298—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators provided, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller	43,540
299—For reimbursements to counties for maintenance of juvenile homes, ranches and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,825,840
300—For reimbursements to counties for construction of juvenile homes, ranches and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	400,000
301—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	253,788
302—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1792.1 of the Welfare and Institutions Code	33,300
303—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority	200,000
provided, that expenditures allocated in accordance with Section 1792.2 of the Welfare and Institutions Code are contingent upon receipt of federal, local, or private agency funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation; provided further, that grants for research and training in delinquency and crime prevention shall be allocated in accordance with Section 1752.6 of the Welfare and Institutions Code.	

Item		Amount
304	For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority ..... provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1974–75 fiscal year. Provided further, that upon executive order of the Department of Finance, any portion of this item which is in excess of the actual reimbursement to the counties in the 1975–76 fiscal year may be transferred to and in augmentation of Items 292 and 297 to provide for unbudgeted population increase. Moneys appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965–66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	21,687,000
305	For support of California Health Facilities Commission payable from the California Health Facilities Commission Fund, in accordance with the provisions of Part 1.7 (commencing with Section 440) of Division 1 of the Health and Safety Code	905,728

EDUCATION

EDUCATION

306	For transfer by the State Controller from the General Fund to Section A of the State School Fund, in lieu of the appropriation made by Section 16130 of the Government Code, for the purposes of the Early Childhood Education Program ..... provided, that this amount shall be apportioned in accordance with the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code except that the Controller shall schedule payment of the certified allowances according to the provisions of paragraph (5) of	77,950,000

Item	Amount
subdivision (a) of Section 17352 of the Education Code. Provided further, that the amount specified in subdivisions (b) and (c) of Section 6445.12 of the Education Code shall be raised to one hundred forty dollars ($140) and the amount specified in subdivisions (b) and (c) of Section 6445.13 of the Education Code shall be raised to seventy dollars ($70). Provided further, that the Department of Education shall not adversely evaluate Early Childhood Education Program schools which retain Miller-Unruh specialists with regard to the 1 to 10 adult-student guideline.	
306.1—To Department of Education for the purpose of contracting with an independent evaluator to evaluate the 1975–76 Early Childhood Education Program ..... provided, that the evaluator-contractor shall be approved by the Director of Finance and the Legislative Analyst.	200,000
307—To Department of Education for the purposes of conservation education, payable from the California Environmental Protection Program Fund .... to be allocated by executive order of the Director of Finance, upon approval by the Secretary of Resources and the Secretary of Business and Transportation of a Department of Education plan for the (1) generation of local funds from community participation groups for the purposes of acquiring a dollar-for-dollar match for this item, and (2) utilization of the California Environmental Protection Program Fund.	275,000
308—For transfer by the State Controller from the General Fund to Section A of the State School Fund, in lieu of the appropriation made by Section 16130 of the Government Code, for the purposes of the Educationally Disadvantaged Youth Program..... This amount shall be apportioned in accordance with the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code except that the Controller shall schedule payment of the allowances under this chapter according to the provisions of paragraph (5) of subdivision (a) of Section 17352 of the Education Code.	91,302,400
309—To Department of Education for the following two compensatory education programs: (1) dem-	

Item		Amount
	onstration programs in reading and mathematics, and (2) the professional development center program as specified in Education Code Sections 13355 through 13355.14	3,695,000
	Schedule:	
	(a) Demonstration programs in reading and mathematics 3,045,000	
	(b) Professional development centers 650,000	
	Funds for the demonstration programs in reading and mathematics shall be allocated by executive order of the Director of Finance to the Department of Education pursuant to legislation enacted for this purpose during the 1975–76 Regular Session.	
310	—To Department of Education for special elementary school reading instruction program teachers provided, that funds which are not allocated to schools because they reduce their current year level of participation below their prior year level of participation in the special reading program shall revert to the General Fund; provided further, that $605,972 appropriated by this item shall not be available for expenditure if the Early Childhood Education Program (Item 306 of this act) is funded at $59,000,000 (the 30% of K–3 level) or above.	15,955,597
311	—To the Department of Education to reimburse school districts and county superintendents of schools for the costs of providing occupational training of physically handicapped and mentally retarded pupils pursuant to Section 6932 of the Education Code	85,000
312	—To the Department of Education for apportionment to school districts and other eligible agencies maintaining development centers for handicapped pupils pursuant to Sections 6880 through 6880.50 of the Education Code ..... provided, that, notwithstanding any other provisions of law, the Superintendent of Public Instruction shall allocate $814,130 of the appropriation made by this item to school districts or county superintendents of schools in order to increase the reimbursement per child hour allowed pursuant to Section 6880.14 of the Education Code from $1.75 to $1.89 to meet cost increases due to inflation.	10,990,760

Item Amount

313—To Department of Education for the pilot career guidance center, pursuant to provisions of Chapter 14.1 (commencing with Section 7467) of Division 6 of the Education Code 73,396
provided, that a maximum of $13,896 of this appropriation may be used for Department of Education administrative costs.

314—To the Department of Education for child development programs for apportionment to school districts and other eligible agencies maintaining children's centers, child care and preschool programs, pursuant to Sections 16700 through 16784 of the Education Code 46,925,545
Schedule:
(a) Children's centers 23,412,825
Subschedule:
(1) Children's centers 75,088,767
(2) Reimbursements ..–51,425,942
(3) Federal funds ..... –250,000
(b) State Preschool Program. 23,512,720
provided, that the Department of Finance may, by executive order, transfer funds scheduled in subitem (a) above, for and in augmentation of the amount scheduled in subitem (a) of Item 279 of this act, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248; and provided further, that all state and local funds for the children's centers and child care programs and all federal funds for child care services generated by state and local in-kind matching funds shall be expended in meeting Public Law 90-248 requirements and in expanding needed services in children's centers and child care programs; provided further, that notwithstanding any other provisions of law, the maximum reimbursement levels for child-hour costs within a child development program allowed pursuant to Section 16780 of the Education Code shall be increased for the 1975–76 fiscal year to $1.14 for children age two and over and $1.35 for children under two years of age.

Provided further, that notwithstanding any other provisions of law, $799,971 scheduled in subitem (a) above, shall be subject to allocation by executive order by the Director of Finance to the Department of Education to (1) provide for the payment of approved special rent allowances to private nonprofit contractors who deliver child

Item		Amount
	care services, provided that these special allowances are not subject to the provisions of Section 16780 of the Education Code; and provided further, that the Department of Education shall only allow special rent allowances to fund rental costs in excess of that amount which can be funded within the applicable maximum state and federal reimbursements specified in Section 16780 of the Education Code, and (2) to provide contract payments not to exceed $501,420 to programs designed to provide care for developmentally and physically handicapped children, which were under contract during fiscal year 1973–74 as capitalized child care programs; Provided further, that $1,283,379 scheduled in subitem (a) above, for county child care services, shall be subject to the provisions of Section 19.7 of this act. Provided further, that the Director of Finance shall allocate by executive order no more than $553,000 from the funds budgeted in subitem (b) above and, in addition, any funds allocated by the Department of Finance from appropriations in this act for salary increases and for increases in the Total Equivalent Compensation Benefit Program, for the purpose of the state administrative costs incurred in the 1975–76 budget year with respect to preschool programs under Division 12.5 (commencing with Section 16700) of the Education Code.	
315	—To Department of Education for Indian Education Centers, provided that the appropriation made by this item is limited to carrying out the provisions of Article 2 (commencing with Section 526) of Chapter 4.5 of Division 2 of the Education Code ..... provided further, that not more than $50,000 may be used for Department of Education administrative costs in support of this program in the 1975–76 fiscal year.	150,000
315.1	—To Department of Education for Indian Early Childhood Education, to be expended to carry out the purposes of Chapter 1052, Statutes of 1972.... provided, that no funds from this item may be used for Department of Education administrative costs.	250,000

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316—To Department of Education for Bilingual Education programs pursuant to Sections 5761 through 5764.5 of the Education Code ..... provided, that not more than $368,281 may be used for Department of Education administrative costs; provided further, that no funds appropriated by this item shall be expended for those monolingual English-speaking students whose enrollment in a bilingual class would result in there being a smaller percentage of limited-English-speaking children in the class than the maximum percentage of limited-English-speaking children permitted by statute.	8,479,538
316.1—To Department of Education for Bilingual Teacher Corps Programs, pursuant to Sections 5766 through 5766.2 of the Education Code.....	700,000
318—To Department of Education for instructional television programs, to be expended in accordance with the provisions of Section 18270 of the Education Code..... provided, that a maximum of $26,000 of this appropriation may be expended by the Department of Education pursuant to subdivision (g) of Section 6444 of the Education Code.	840,000
319—To Department of Education for child nutrition programs pursuant to the provisions of Section 11927 of the Education Code ..... provided, that a maximum of $67,600 of this appropriation may be used for Department of Education administrative costs.	14,926,000
320—For transfer by the Controller from the Motor Vehicle Account, State Transportation Fund, to Section A and Section B of the State School Fund for the purposes of highway severance aid apportionments to school districts pursuant to Article 17.5 (commencing with Section 18421) of Chapter 3 of Division 14 of the Education Code	100,000
320.1—(a) In lieu of the amounts which would otherwise be appropriated for transfer from the General Fund in the State Treasury to Section A of the State School Fund for the 1975–76 fiscal year pursuant to subdivisions (a) and (b) of Section 17301 of the Education Code, there is hereby appropriated for transfer by the State Controller during the 1975–76 fiscal year from the General Fund in the State Treasury to Section A of the State School Fund, such sums as needed, in addition to the sums accruing to Section A of the State School	

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Fund from other sources, as shall provide in Section A of State School Fund for apportionment pursuant to Chapter 1 (commencing with Section 17151), Chapter 2 (commencing with Section 17300), and Chapter 3 (commencing with Section 17601), of Division 14 of the Education Code, during the 1975–76 fiscal year, an amount not to exceed four hundred twenty-three dollars and fifty-eight cents ($423.58) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction.

(b) In lieu of the schedule of expenditures prescribed by Sections 17303 and 17303.5 of the Education Code, the amount to be transferred to the State School Fund for the 1975–76 fiscal year pursuant to subdivision (a) of this item shall be expended during such fiscal year in accordance with the following schedule:

(1) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed seventy-nine cents ($0.79) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352 of the Education Code.

(2) Seven dollars and eighteen cents ($7.18) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds during the preceding fiscal year for the purpose of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14 of the Education Code.

(3) Twenty-four dollars and sixty-eight cents

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($24.68) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds during the preceding fiscal year for the purposes of Sections 18060 and 18062 and Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of the Education Code.

(4) Three dollars and forty-four cents ($3.44) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to county school service funds pursuant to subdivision (b) of Section 18352 of the Education Code.

(5) Two dollars and seventy-three cents ($2.73) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to school districts for the purposes of Section 6426 of the Education Code.

(6) Three hundred seventy-one dollars and one cent ($371.01) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds during the preceding fiscal year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(7) Thirteen dollars and seventy-five cents ($13.75) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6 of the Education Code.

(c) Of the amount appropriated pursuant to subdivision (a) of this item, not more than $5,000,000 may be expended in the 1975–76 fiscal year for new programs as determined by the Superintendent of Public Instruction, including, but not limited to, regional occupation centers and programs and special programs under exceptional circum-

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stances as determined by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall provide a quarterly report to the Chairman of the Joint Legislative Budget Committee and the Director of Finance on the expenditures made pursuant to this subdivision.

(d) (1) Of the amounts appropriated in subdivision (a) for the purposes of this item, and except as provided in subdivision (c), the Superintendent of Public Instruction shall apportion to county superintendents of schools and school districts state aid adjusted for the 1975–76 fiscal year foundation program increases for not more than 105 percent of the 1974–75 second principal apportionment average daily attendance for each of the following programs:

(aa) High School Regular Adults.

(bb) High School Defined Adults and Regional Occupational Centers and Regional Occupational Programs' Defined Adults.

(cc) Regional Occupational Centers and Regional Occupational programs maintained by a single school district or by school districts pursuant to a joint powers agreement.

(dd) Regional Occupational Centers and Regional Occupational Programs maintained by a county superintendent of schools.

(2) A county superintendent of schools or a school district may exceed the apportionment limit in a particular program; provided that the total combined amount of state aid apportioned for all programs managed by the county superintendent of schools or the school district, as the case may be, in programs (aa), (bb), (cc), and (dd) above, does not exceed the overall apportionment limits provided for in subdivision (d) (1).

(3) If funds remain after the apportionment of state aid pursuant to this subdivision because some programs do not expand to 105 percent of the 1974–75 second principal apportionment average daily attendance, such funds may be apportioned to school districts and county superintendents of schools for programs which will exceed the apportionment limit or for programs specified in subdivision (c).

(e) For purposes of apportionments for pupils enrolled in regional occupational centers, and regional occupational programs, adult classes and

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summer school programs, in the 1975-76 fiscal year, no attendance shall be credited for absences for any reason, including illness in such programs, except where a pupil is enrolled concurrently in a regional occupation center and a regular high school program or a regional occupation program and a regular high school program.

(f) This item shall not be interpreted to impose a limitation upon enrollment.

(g) No amount shall be expended for the purposes specified in subdivision (c) unless the programs for which such expenditures are made are approved pursuant to Chapter 14 (commencing with Section 7450) of Division 6 of, and Division 29 (commencing with Section 45000) of, the Education Code.

321—To the Department of Education for assistance to public libraries, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code 1,000,000

322—For support of Department of Education, Superintendent of Public Instruction and State Board of Education 10,711,685

Schedule:

(a) Personal services	26,571,797
(b) Operating expenses and equipment	19,989,560
(c) Minor capital outlay	100,000
(d) Consolidated data center	307,896
(e) Education Commission of the States	35,000
(f) Special projects	1,990,566
(g) Reimbursements	-2,270,252
(h) Federal funds	-21,828,685
(i) Amounts payable from other support appropriations	-9,319,968
(j) Amounts payable from local assistance appropriations	-4,864,229

provided, that the funds appropriated in subitem (d) may be allocated by the Department of Education to subitems (a) and (b) above and expended therefrom for electronic data processing; provided further, that the Director of Finance, may transfer the unencumbered balance of subitem (d) to the Stephen P. Teale Consolidated Data Center, Item 211, Budget Act of 1975; and provided further, that $823,558 of the funds appro-

Item		Amount
	priated in subitem (f) may be allocated by the Department of Education, subject to the approval of the Director of Finance, to subitems (a) and (b) for expenditure for salary increases and total equivalent compensation benefits of federal programs under P.L. 93-380, Titles I, II, III, and V, and for price increases in contractual services for the State Assessment Program.	
322.1—To Department of Education to develop, standardize, and implement a bilingual scholastic achievement test in the Spanish language ..... provided, that the Department of Education shall report its progress in developing the test to the Legislature and Governor by January 1, 1976, and shall make a final report to the Legislature and the Governor by June 30, 1976.		300,000
323—For support of Department of Education, the sum of $323,954 is appropriated from the State School Building Aid Fund		(323,954)
324—For support of the State Educational Agency for Surplus Property, the sum of $5,287,850 is appropriated from the Surplus Educational Property Revolving Fund		(5,287,850)
325—For support of special schools, Department of Education .... and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		13,193,437
Schedule:		
(a) California School for the Blind	1,602,576	
(1) Support.....	2,029,109	
(2) Reimbursements ..	–426,533	
(b) Diagnostic School for Neurologically Handicapped Children, Northern California	1,092,177	
(1) Support.....	1,159,585	
(2) Reimbursements ..	–67,408	
(c) Diagnostic School for Neurologically Handicapped Children, Southern California.....	1,023,741	
(1) Support.....	1,268,382	
(2) Reimbursements ..	–244,641	
(d) California School for the Deaf, Berkeley.....	3,470,350	
(1) Support.	4,012,350	
(2) Reimbursements ..	–542,000	

Item		Amount
(e) California School for the Deaf, Riverside	5,007,001	
(1) Support	5,576,819	
(2) Reimbursements	-569,818	
(f) Diagnostic School for Neurologically Handicapped Children, Central California	997,592	
(1) Support	1,008,392	
(2) Reimbursements	-10,800	
provided, that transfers between items in the above schedule cannot be made without the approval of the Department of Finance.		
326—For support of the California Advisory Council on Vocational Education and Technical Training		150,000
327—For support of Division of Libraries, Department of Education and Board of Library Examiners		3,140,038
328—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System		135,000,000
329—For support of Commission for Teacher Preparation and Licensing, payable from the Teacher Credentials Fund		2,175,341
Schedule:		
(a) Personal services	1,545,607	
(b) Operating expenses and equipment	1,956,138	
(c) Federal funds	-1,326,404	
HIGHER EDUCATION		
330—For support of California Postsecondary Education Commission		1,140,692
Schedule:		
(a) Personal services	917,866	
(b) Operating expenses and equipment	1,172,342	
(c) Federal funds	-917,675	
(d) Amount payable from Chapter 1376, Statutes of 1972	-31,841	
331—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, Department of Finance		28,000
332—For support of University of California, exempt from Section 31 of this act		536,708,522
provided, that none of the funds appropriated by this item may be expended to initiate major capital outlay projects, either by contract or lease-purchase agreement, without prior legislative		

Item		Amount
	approval. Provided further, that none of the funds appropriated by this item may be expended for any new medium- or large-scale computers which exceed 100,000 positions of primary core memory until systemwide computer policies and a university-wide master plan have been formally adopted by the university and submitted to the Joint Legislative Budget Committee and the Chairmen of the Senate Finance and Assembly Ways and Means Committees.	
332.5	—For financing the Extended University Pilot Program, University of California, exempt from Section 31 of this act ..... provided, that this appropriation shall be available only when the university has designated an amount equal to 50 percent of the student fees derived from this pilot program to administrative costs of the extended university pilot programs.	1,354,000
334	—For financing undergraduate teaching excellence, University of California, exempt from Section 31 of this act	999,999
335	—For the planning of a University of California medical education program in the Fresno-San Joaquin Valley Region, exempt from Section 31 of this act	70,000
335.1	—For support of a University of California biomedical education program at its Riverside Campus, exempt from Section 31 of this act	98,000
335.2	—For the preparation of a report, University of California, exempt from Section 31 of this act, recommending a location north of the Tehachapis, and a location south of the Tehachapis, for a field clinic for veterinary medicine, attached to the University of California at Davis, together with a general plan of operation and type of facilities ..... provided, that the appropriation made in this item shall be available for expenditure during the 1975–76 and 1976–77 fiscal years; provided further, that the report regarding the clinic north of the Tehachapis shall be submitted to the Legislature no later than January 10, 1976, and the report regarding the clinic south of the Tehachapis shall be submitted to the Legislature no later than November 1, 1976.	50,000

Item	Amount
336—For the support of a University of California medical education program at its Berkeley Campus, exempt from Section 31 of this act	267,000
337—For deferred maintenance projects, University of California, exempt from Section 31 of this act .... provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority list to be submitted by the university to the Joint Legislative Budget Committee; provided further, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act. The university shall not utilize educational fees for purpose of matching funds provided by this item.	500,000
338—For financing research and development of aquaculture within controlled systems, in the sea and inland fresh waters of California to expand food production potential from aquatic species, University of California, exempt from Section 31 of this act	409,000
339—For support of University of California program of clinical health sciences education, research, and public service, conducted in conjunction with the Charles R. Drew Postgraduate Medical School, as provided for in Sections 1, 2 and 3 of Chapter 1140 of the Statutes of 1973, exempt from Section 31 of this act	1,706,660
340—For support of a program of basic and clinical health science education and primary health care delivery research in the field of podiatry, University of California, to be conducted in conjunction with the California College of Podiatric Medicine, as provided for in Sections 1 to 4, inclusive, of Chapter 1497, Statutes of 1974, exempt from Section 31 of this act	541,000
341—For salary increases, to be allocated by the Department of Finance to the Regents of the University of California, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range of rate established on or after July 1, 1975 for the 1975–76 fiscal year by the regents of the university, exempt from Section 31 of this act	41,371,000

Item		Amount
	Schedule:	
	(a) For increases in compensation for faculty and faculty-related positions	21,944,000
	(b) For increases in compensation for nonfaculty positions	19,427,000

provided, that increases in compensation provided by increased salary ranges for positions established for the 1975–76 fiscal year shall not result in total annual salary increases of more than $41,371,000.

In addition to any percentage salary increases adopted by the Regents of the University of California it is the intent of the Legislature that there shall also be provided a one-time bonus sum of $400 to specified low-paid employees. This sum shall be distributed in two equal payments as follows:

The first payment shall be made as of December 15, 1975, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

The second payment shall be made as of June 15, 1976, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

Payment to other than full-time employees and to full-time employees who began service after July 1, 1975, shall be determined by the regents on a pro rata basis. These payments shall not be subject to retirement system deductions.

Before the Regents of the University of California establish any increased salary range or rate for the 1975–76 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the University of California or may be made available from the appropriation in this item to meet the cost of such increases.

342—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund		100,000
343—For educational research needs of the real estate industry in California, University of California, exempt from Section 31 of this act, payable from the Real Estate Education, Research and Recovery Fund		192,000
343.5—For support of Institute of Transportation and Traffic Engineering, University of California, ex-		

Item		Amount
empt from Section 31 of this act, payable from the Transportation Planning and Research Account, State Transportation Fund		510,000
344—For support of Hastings College of Law		2,872,413
Schedule:		
(a) Personal services	2,964,049	
(b) Operating expenses and equipment	1,762,840	
(c) Reimbursements	-1,247,646	
(d) Federal funds	-606,830	
345—For support of Trustees of the California State University and Colleges and the California State University and Colleges		497,977,304
Schedule:		
(a) Personal services	487,170,355	
(b) Operating expenses and equipment	105,143,294	
(c) Economic opportunity grants	4,405,725	
(d) Reimbursements	-68,263,683	
(e) Federal funds	-29,192,461	
(f) Payable from funds appropriated for innovative projects (Item 346)	-1,285,926	
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State University and Colleges subject to being reported to the Department of Finance; provided further, that no instructional faculty positions authorized in the 1975–76 fiscal year shall be used for administration, administrative assistance, department chairmanships, or noninstructional research; and provided further, that no portion of the funds appropriated in this item for instructionally related activities may be expended for intercollegiate athletics.		
346—For support of innovative projects, Trustees of the California State University and Colleges, in addition to and augmentation of Item 345		1,285,926
347—For salary increases, to be allocated by the Department of Finance to the Trustees of the California State University and Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1975 for the 1975–76 fiscal year by the Trustees of the California State University and Colleges		38,930,000

Item		Amount
Schedule:		
(a) For increases in compensation for instructional and instructional-related positions	25,938,000	
(b) For increases in compensation for noninstructional positions	12,992,000	

provided, that increases in compensation provided by this item for increased salary ranges for positions established for the 1975–76 fiscal year shall not result in total annual salary increases, of more than $38,930,000.

In addition to any percentage salary increases adopted by the Trustees of the California State University and Colleges, it is the intent of the Legislature that there shall also be provided a one-time bonus sum of $400 to specified low-paid employees. This sum shall be distributed in two equal payments as follows:

The first payment shall be made as of December 15, 1975, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

The second payment shall be made as of June 15, 1976, to all full-time employees in those classes whose maximum salary level as of July 15, 1975, was at or below $753 per month.

Payment to other than full-time employees and to full-time employees who began service after July 1, 1975, shall be determined by the Trustees of the California State University and Colleges on a pro rata basis. These payments shall not be subject to retirement system deductions.

Before the Trustees of the California State University and Colleges establish any increased salary range or rate for the 1975–76 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State University and Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.

348—For support of California Maritime Academy		1,672,217
Schedule:		
(a) Personal services	1,557,004	
(b) Operating expenses and equipment	889,443	
(c) Minor capital outlay	74,350	
(d) Reimbursements	–501,880	

Item		Amount
	(e) Federal funds ..... -346,700	
349—For support of Board of Governors of the California Community Colleges		1,504,428
	Schedule:	
	(a) Personal services 1,999,448	
	(b) Operating expenses and equipment 636,039	
	(c) Reimbursements ..... -1,131,059	
350—For support of the credentials office of the Board of Governors of the California Community Colleges, payable from the Community Colleges Credentials Fund		237,357

provided, that as of June 30, 1976, the unencumbered balance of the Community Colleges Credentials Fund shall revert to the unappropriated surplus of the General Fund.

350.1—(a) In lieu of the amounts which would otherwise be appropriated for transfer from the General Fund in the State Treasury to Section B of the State School Fund for the 1975–76 fiscal year pursuant to subdivision (a) and subdivision (b) of Section 17301.12 of the Education Code, there is hereby appropriated for transfer by the State Controller during the 1975–76 fiscal year from the General Fund in the State Treasury to Section B of the State School Fund, such sums as needed, in addition to the sums accruing to Section B of the State School Fund from other sources, as shall provide in Section B of the State School Fund for apportionment pursuant to Chapter 1 (commencing with Section 17151), Chapter 2 (commencing with Section 17300), and Chapter 3 (commencing with Section 17601), of Division 14 of the Education Code, during the 1975–76 fiscal year, an amount not to exceed five hundred seventy-four dollars and eighty-seven cents ($574.87) per pupil in average daily attendance during the preceding fiscal year credited to all community colleges in the state as certified by the Chancellor of the California Community Colleges.

(b) In lieu of the schedule of expenditures prescribed by Sections 17303.1 and 17303.6 of the Education Code, the amount to be transferred to Section B of the State School Fund for the 1975–76 fiscal year pursuant to subdivision (a) of this item shall be expended during such fiscal year in accordance with the following schedule:

(1) Five hundred sixty-two dollars and sixty-

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eight cents ($562.68) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for basic aid and equalization aid to be apportioned to community college districts on account of average daily attendance.

(2) Five dollars and eighty-five cents ($5.85) multiplied by total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Chapter 8 (commencing with Section 6801), Chapter 9 (commencing with Section 6901), of Division 6, and Sections 18060 and 18062, of, the Education Code.

(3) One dollar and seventy-six cents ($1.76) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

(4) One dollar and seventy-six cents ($1.76) multiplied by the total average daily attendance credited to community college districts during the preceding fiscal year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14.

(5) Two dollars and eighty-two cents ($2.82) multiplied by the average daily attendance during the preceding school year credited to all community college districts for the purpose of Article 12 (commencing with Section 18151) of Chapter 3 of Division 14.

(c) (1) Of the amounts appropriated in subdivision (a) for the purpose of this item, and except as provided in subdivision (d), the chancellor shall apportion to community college districts state aid adjusted for the 1975–76 fiscal year foundation program increases for not more than 105 percent of the 1974–75 second principal apportionment average daily attendance for each of the following programs:

(aa) Defined Adults.

(bb) Other than Defined Adults.

(2) A community college district may exceed the apportionment limit in either the defined adult or other than defined adult programs; provided that the total combined amount of state aid apportioned for both programs does not exceed

Item		Amount
the overall apportionment limits provided for in subdivision (c) (1).		
(3) If funds remain after the apportionment of state aid pursuant to this subdivision because some programs do not expand to 105 percent of the 1974–75 second principal apportionment average daily attendance, such funds may be apportioned to community college districts for programs which will exceed the apportionment limit or for programs specified in subdivision (d).		
(d) Of the amounts appropriated pursuant to subdivision (a) of this item not more than $5,000,000 may be expended for new programs in community college districts as determined by the chancellor, including, but not limited to, new community college districts, community college districts with new campuses, and community colleges with annexed territory and special programs under exceptional circumstances as determined by the chancellor. The chancellor shall provide a quarterly report to the chairman of the Joint Legislative Budget Committee and the Director of Finance on the expenditures made pursuant to this subdivision.		
(e) This item shall not be interpreted to impose a limitation upon enrollment.		
(f) No amount shall be expended pursuant to this item unless the courses for which such expenditures are made have been approved pursuant to Section 25516.5 of the Education Code.		
351—For community college extended opportunity programs, Board of Governors of the California Community Colleges, conducted under the provisions of Sections 25524 through 25528.7 of the Education Code		6,849,255
provided, that the board of governors shall allocate funds on a priority basis and only to local programs which demonstrate their effectiveness and which have the most pressing need for financial aid for students.		
352—For support of State Scholarship and Loan Commission		1,812,466
Schedule:		
(a) Personal services	1,139,412	
(b) Operating expenses and equipment	695,981	

Item		Amount
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 354)	-22,927	
353—For grant awards under provisions of Sections 31261 through 31267 of the Education Code, for graduate fellowship awards under provisions of Sections 31240 through 31251 of the Education Code, for grant awards under provisions of Sections 31295 through 31296.2 of the Education Code, and for scholarship awards under provisions of Section 4709 of the Labor Code, State Scholarship and Loan Commission		9,720,560
Schedule:		
(a) College opportunity grant program	9,691,500	
(b) Fellowships for graduate study	1,000,000	
(c) Occupational training grant program	972,360	
(d) Dependents of deceased or disabled peace officers program	15,000	
(e) Federal funds	-1,958,300	
provided, that upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 353.5.		
353.5—For scholarship awards in the Competitive Scholarship Program under provisions of Sections 31201 through 31218 of the Education Code, State Scholarship and Loan Commission		39,230,237
Schedule:		
(a) Awards	40,308,585	
(b) Federal funds	-1,078,348	
provided, that upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 353.		
354—For support of State Scholarship and Loan Commission, the sum of $22,927 is appropriated from the State Guaranteed Loan Reserve Fund		(22,927)

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years, except that appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations, unless otherwise

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herein provided, shall be paid out of the General Fund in the State Treasury.

GENERAL GOVERNMENT

GENERAL ADMINISTRATION

Unallocated

355—For project planning, to be allocated by the Department of Finance, to state agencies 150,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

356—For augmentation of, and in accordance with, the provisions of Section 16409 of the Government Code 1,750,000

357—For increased cost of construction, in accordance with the provisions of Section 16352 of the Government Code, to be allocated by the Department of Finance, to the University of California and the Trustees of the California State University and Colleges, payable from the Capital Outlay Fund for Public Higher Education 8,000,000

AGRICULTURE AND SERVICES

358—For capital outlay, Department of General Services 886,500
Schedule:

(a) Modernize elevators—Library and Courts Building	150,000
(b) Replace windows—Office Building No. 1 and Library and Courts Building	332,500
(c) Purchase of Capitol area plan lot	50,000
(d) Basic architectural and engineering services, new state office building, Long Beach	354,000

359—For capital outlay, Department of General Services, the sum of $285,000 is appropriated from the Consumer Affairs Fund ..... (285,000)
Schedule:

(a) Modernize elevators—Consumer Affairs Building	285,000

Item			Amount
	BUSINESS AND TRANSPORTATION		
360—For capital outlay, Department of Transportation, payable from federal funds deposited in the State Highway Account, State Transportation Fund, for the purposes specified in the provisions of Chapter 1470, Statutes of 1974 ..... provided, that the funds appropriated in this item may be transferred upon order of the Department of Finance to subitems (a) or (b) in Item 200, Budget Act of 1975, for local assistance, Department of Transportation.			(12,607,568)
361—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund			3,227,700
Schedule:			
(a) Radio equipment and construction—statewide ..		574,924	
(b) Working drawings for Los Angeles communications center		26,000	
(c) Purchase leased facility—Auburn		199,706	
(d) Purchase leased facility—Barstow		251,490	
(e) Purchase leased facility—King City		176,750	
(f) Purchase leased facility—Napa.....		232,758	
(g) Purchase leased facility—Paso Robles		232,298	
(h) Purchase leased facility—Redwood City		640,797	
(i) Purchase leased facility—San Bernardino.....		257,550	
(j) Purchase leased facility—Visalia....		245,715	
(k) Purchase leased facility—Williams		177,760	
(*l*) Purchase leased facility—Willows		211,952	
362—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund			4,888,000
Schedule:			
(a) Site acquisition and working drawings for office building and parking facilities—Oceanside		434,200	
(b) Site acquisition and working drawings for office building and parking facilities—San Pedro		352,500	
(c) Site acquisition and working drawings for office building and parking facilities—Torrance		561,800	
(d) Site acquisition and working drawings for office building and parking facilities—Pleasanton		490,000	

Item		Amount
(e)	Site acquisition and working drawings for office building and parking facilities—South Lake Tahoe..	187,100
(f)	Site acquisition and working drawings for office building and parking facilities—Lancaster.....	260,560
(g)	Land acquisition for additional parking—Fullerton	115,000
(h)	Site acquisition and working drawings for office building and parking facilities—Compton.....	568,560
(i)	Site acquisition and working drawings for office building and parking facilities—Los Angeles (southern headquarters)	879,880
(j)	Site acquisition and working drawings for office building and parking facilities—Oroville	196,500
(k)	Site acquisition and working drawings for office building and parking facilities—Woodland/Davis	247,300
(*l*)	Site acquisition and working drawings for office building and parking facilities—Santa Barbara.....	559,600
(m)	Project planning.....	35,000

provided, that prior to site selection or acquisition of any field office site, the Department of Motor Vehicles shall establish site and field office criteria which shall include but not be limited to (a) the effect of year-round registration, (b) the effect of computer terminals for direct issuance of vehicle registrations and drivers licenses, (c) the integration of vehicle inspection with registration, (d) the delineation of site selection criteria and a methodology for selecting the optimum site and (e) any additional program plans and operational parameters which impact the location and size of facilities of the department provided further, that such criteria shall be submitted to the Joint Legislative Budget Committee prior to site selection or acquisition for any field office.

RESOURCES

363	—For capital outlay, Department of Conservation	204,000

Item		Amount
Schedule:		
(a) Land acquisition—statewide opportunity purchases	5,000	
(b) Construct and equip class A auto shop—San Bernardino ranger unit headquarters	199,000	
364—For capital outlay, Department of Fish and Game, for acquisition of Heerdt Marsh, payable from the Fish and Game Preservation Fund		114,000
and, in addition, such amounts from Item 381.5, Budget Act of 1974, as may be necessary to complete the acquisition of this property are reappropriated for such purpose.		
364.5—For capital outlay, Department of Fish and Game, payable from the California Environmental Protection Program Fund		300,000
Schedule:		
(a) Land acquisition	250,000	
(1) Deep Canyon Bighorn Ecological Reserve		
(2) O'Connor Lake Ecological Reserve		
(3) Rhode Island Ecological Reserve		
(4) Mooney Island Ecological Reserve		
(5) Murphy Slough Ecological Reserve		
(b) Development of Ecological Reserves	50,000	
365—For capital outlay, Department of Navigation and Ocean Development, the sum of $275,000 is appropriated from the Harbors and Watercraft Revolving Fund		(275,000)
Schedule:		
(a) Preliminary planning, statewide	20,000	
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future years.		
(b) Improvements to boat-in area, marina and launching ramp, Picacho State Recreation Area	255,000	
366—For capital outlay, Department of Parks and Recreation, Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969; Item 214, Budget Act of 1970; Item 208, Budget Act of 1971; Item 212, Budget Act of 1972; Item 228, Budget Act of 1973 and Item 274, Budget Act of 1974		350,000

Item		Amount
367—For capital outlay, Department of Parks and Recreation, payable from the State Park Contingent Fund		-0-
Schedule:		
(a) Humboldt Redwoods State Park land acquisition	300,000	
(b) Standish Hickey State Recreation Area land acquisition	200,000	
(c) Mt. Diablo State Park land acquisition	65,000	
(d) Castle Rock State Park land acquisition	18,000	
(e) Reimbursement from the Federal Land and Water Conservation Fund	-283,000	
(f) Reimbursement from the Save-the-Redwoods League	-300,000	
368—For capital outlay, Department of Parks and Recreation, subject to the approval of the State Public Works Board, payable from the Bagley Conservation Fund, notwithstanding the provisions of Section 316, Chapter 1, Statutes of 1971, First Extraordinary Session		320,000
Schedule:		
(a) Design and construction planning	120,000	
(b) Opportunity purchases	200,000	
368.9—For capital outlay, Department of Parks and Recreation, payable from the Bagley Conservation Fund, for expenditure during the 1975-76, 1976-77, and 1977-78 fiscal years		150,000
Schedule:		
(a) El Capitan State Beach, development	150,000	
369—For capital outlay, Department of Parks and Recreation, payable from the Collier Park Preservation Fund		1,730,000
Schedule:		
(a) Fort Ross State Historic Park—working drawings for visitors center	40,000	
(b) Preliminary planning funds	40,000	
(c) Huntington State Beach, development	1,250,000	
(d) Folsom Lake State Recreation Area, for acquisition of approximately 250 acres at Monte Vista Campground	400,000	
370—For land, easements and rights-of-way, including		

Item			Amount
	but not limited to, borrow pit, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, to the Department of Water Resources		3,590,000
	Schedule:		
	(a) Sacramento River and tributaries flood control project	72,000	
	(b) Fairfield flood control project	1,900,000	
	(c) Chester, North Fork Feather River flood control project	50,000	
	(d) San Joaquin River and tributaries flood control project	18,000	
	(e) Fresno River flood control project	35,000	
	(f) Chowchilla River flood control project	115,000	
	(g) Sacramento River bank protection project	1,400,000	
	notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1975–76 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.		
371	For capital outlay, Department of Water Resources		225,000
	Schedule:		
	(a) Telemetry station replacement	225,000	
	HEALTH AND WELFARE		
372	For capital outlay, Department of Health		11,174,548
	Schedule:		
	(a) To provide for a study of the fac-		

Item		Amount
	tors that affect construction and the existing structures of the state hospitals—Napa and Sonoma State Hospitals 300,000	
	(b) Fire and panic safety improvements—statewide 1,000,000	
	provided, that the Office of Architecture and Construction and the Department of Health shall provide the Joint Legislative Budget Committee an inventory of items to be accomplished by this expenditure in order of priority, along with associated costs; provided further, that the appropriation made by this subitem is for those items which will be accomplished within one year.	
	(c) Air condition wards—Agnews State Hospital 1,611,000	
	(d) Alterations to electrical distribution system—Camarillo State Hospital 553,440	
	(e) Air condition wards—Fairview State Hospital 3,606,863	
	(f) Air condition R & T building—Metropolitan State Hospital 396,280	
	(g) Construct and equip rehabilitation therapies building—Porterville State Hospital 576,500	
	(h) Air condition wards—Sonoma State Hospital 3,130,465	
373—For capital outlay, Department of Corrections....		860,578
	Schedule:	
	California Institution for Women:	
	(a) Construct pump station and interceptor 130,000	
	California Men's Colony:	
	(b) Remodel sewage plant..... 125,000	
	Deuel Vocational Institution:	
	(c) Remodel sewage plant..... 605,578	
374—For capital outlay, Department of the Youth Authority.....		1,091,408
	Schedule:	
	Southern California Youth Center:	
	(a) Remodel gymnasium 173,000	
	(b) Provide for recreational facility .. 217,108	
	Southern Reception Center-Clinic:	

Item		Amount
(c) Rehabilitate electrical distribution system	297,000	
Ventura School:		
(d) Improvements to water supply system	404,300	

EDUCATION

EDUCATION—K–12

375—For capital outlay, Department of Education, subject to the approval of the State Public Works Board, for the Diagnostic School for Neurologically Handicapped Children, Northern California, in accordance with the following 127,440
Schedule:
(1) Working drawings, construct and equip life and safety requirements 127,440

375.5—For capital outlay, Department of Education, payable from the Capital Outlay Fund for Public Higher Education, notwithstanding the provisions of Sections 22510 and 22512 of the Education Code 1,700,000
Schedule:
Diagnostic School for Neurologically Handicapped—Central California:
(a) Acquisition of facilities 1,700,000

HIGHER EDUCATION

376—For capital outlay, University of California, minor projects to be allocated to the University of California, payable from the Capital Outlay Fund for Public Higher Education 4,000,000
provided, that notwithstanding the provisions of Section 2.2 of this act, the funds in this item shall be available for expenditure only during the 1975–76 fiscal year.

376.1—For capital outlay, the Regents of the University of California, subject to approval of the State Public Works Board, shall allocate the cash income received from the educational fee and designated by the regents for capital outlay purposes for expenditures as set forth in the following schedule (6,560,500)
Schedule:
Universitywide:

Item		Amount
(1)	Preliminary plans, general campuses	300,000

provided, that the funds appropriated in this subitem shall be released only for those major capital outlay projects for working drawings or working drawings and construction, which are anticipated to be included in the 1976–77 Governor's Budget or the Budget Act of 1976, except that a maximum of $75,000 shall be available for expenditure on July 1, 1975, for utility and site development of major capital outlay projects.

	Los Angeles campus:	
(2)	Equip life sciences unit 3	500,000
	San Diego campus:	
(3)	Equip humanities building (Mandeville Center)	226,000
	Davis campus:	
(4)	Equip King Hall basement development	67,000
	San Diego campus:	
(5)	Equip third college academic unit 1	420,000
	Santa Cruz campus:	
(6)	Equip university library unit 2	87,500
	San Diego campus:	
(7)	Working drawings and construct general campus, step 2, correct life safety deficiencies	1,943,000
	Santa Barbara campus:	
(8)	Working drawings and construct general campus, correct life safety deficiencies	181,000
	Davis campus:	
(9)	Working drawings and construct electrical generating facility	771,000
	Santa Barbara campus:	
(10)	Working drawings and construct central control—phase 2	276,000
	San Diego campus:	
(11)	Working drawings and construct integration of Revelle building systems into central control	505,000
	Irvine campus:	
(12)	Working drawings and construct health and safety modifications	374,000
	Davis campus:	
(13)	Working drawings and construct utilities, 1975–76	407,000

Item		Amount
	Los Angeles campus:	
	(14) Construct utilities, 1975–76	240,000
	San Diego campus:	
	(15) Working drawings and construct utilities, 1975–76	153,000
	Santa Barbara campus:	
	(16) Working drawings and construct utilities, 1975–76	110,000
	provided, that notwithstanding the provisions of Section 2.2 of this act, the appropriation made in this item for equipment items shall be available for expenditure only during the 1975–76 and 1976–77 fiscal years.	
376.2	—For capital outlay, University of California, to be allocated subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education	3,320,000
	provided that withdrawals shall be as required to meet current obligations as certified by the University of California.	
	Los Angeles campus:	
	(1) Working drawings Powell Library life safety and rehabilitation	384,000
	Santa Barbara campus:	
	(2) Construct library alterations	2,176,000
	San Francisco campus:	
	(3) Working drawings, construct and equip Langley Porter Neuropsychiatric Institute alterations, step 2	760,000
	provided, that funds provided in this subitem shall not be allocated for expenditure unless essential to maintain the licensed operations of the institute.	
	Notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1975–76 and 1976–77 fiscal years.	
378	—For capital outlay, Trustees of the California State University and Colleges, minor projects to be allocated to the California State University and Colleges, payable from the Capital Outlay Fund for Public Higher Education	4,000,000
	provided, that notwithstanding the provisions of Section 2.2 of this act, the funds in this item shall be available for expenditure only during the 1975–76 fiscal year.	

Item		Amount
378.1—For capital outlay, Trustees of the California State University and Colleges, to be allocated subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education		5,594,000
Schedule:		
(a) State University, Chico—land acquisition, 1975	1,200,000	
(b) State University, San Diego—land acquisition, 1975	500,000	
(c) State College, Dominguez Hills—construct physical education facility	3,894,000	
provided, that the funds provided in this item shall be available only from the first proceeds received from the sale of the undeveloped state college sites in Contra Costa, San Mateo, and Ventura Counties.		
378.2—For capital outlay, Trustees of the California State University and Colleges, subject to the approval of the State Public Works Board, payable from the Capital Outlay Fund for Public Higher Education		19,124,000
provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State University and Colleges.		
Schedule:		
Statewide—Trustees of the California State University and Colleges:		
(1) Preliminary planning for rehabilitation projects	150,000	
(2) Campus master planning	190,000	
(3) Preliminary planning—1976–77 projects	200,000	
provided, that the funds appropriated in this subitem shall be released only for those major capital outlay projects for working drawings or working drawings and construction, which are anticipated to be included in the 1976–77 Governor's Budget or the Budget Act of 1976, except that a maximum of $50,000 shall be available for expenditure on July 1, 1975, for utility and site development of major capital outlay projects.		
State College, Bakersfield:		
(4) Construct central plant III	565,000	
State College, Dominguez Hills:		

Item		Amount
(5)	Equip outdoor physical education facility	10,000
	State University, Fresno:	
(6)	Equip science building	500,000
	State University, Fullerton:	
(7)	Equip education classroom building	358,000
	State University, Humboldt:	
(8)	Equip converted laboratory school	74,000
	State University, Long Beach:	
(9)	Equip administration building	347,000
(10)	Equip general classroom and faculty office building	207,000
	State Polytechnic University, Pomona:	
(11)	Equip science building	500,000
	State University, San Diego:	
(12)	Equip arts and sciences rehabilitation	8,000
(13)	Equip health services rehabilitation	63,000
	San Jose State University:	
(14)	Equip home economics building rehabilitation	73,000
	State College, Sonoma:	
(15)	Equip classroom office building 2	205,000
	State University, Chico:	
(16)	Equip library	405,000
	State University, Fresno:	
(17)	Equip engineering building	265,000
	State University, Los Angeles:	
(18)	Equip physical science building	400,000
	San Jose State University:	
(19)	Equip science 2, II	200,000
	Statewide—Trustees of the California State University and Colleges:	
(20)	Preliminary plans, working drawings, construction, and equipment to remove architectural barriers to the handicapped	1,500,000
	State University, Chico:	
(21)	Working drawings and construct utilities, 1975	412,000
	State College, San Bernardino:	
(22)	Working drawings and construct utilities, 1975	332,000
	State University, Long Beach:	

Item		Amount
(23) Construct science building addition	4,158,000	
(24) Construct old administration building addition	1,258,000	
(25) Construct and equip science building conversion	163,000	
State Polytechnic University, San Luis Obispo:		
(26) Working drawings for faculty office building	75,000	
(27) Construct life science building	6,251,000	
State University, San Diego:		
(28) Working drawings and construct utilities 1975	105,000	
State University, San Jose:		
(29) Preliminary plans for central library building	150,000	
provided, that notwithstanding the provisions of Section 2.2 of this act, the appropriation made in this item for equipment items shall be available for expenditure only during the 1975–76 and 1976–77 fiscal years.		
378.3—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to community college districts for expenditure by such districts, as set forth in the schedule below, payable from the Capital Outlay Fund for Public Higher Education		26,279,400
Schedule:		
Santa Barbara Community College District, Santa Barbara City College:		
(1) Construct site development, phase I	448,600	
West Valley Joint Community College District, Mission Valley College:		
(2) Construct site development and utilities, phase II	327,200	
Saddleback Community College District, Saddleback College:		
(3) Construct entrance and perimeter road, phase I	373,500	
Ventura County Community College District, Oxnard College:		

Item		Amount
(4)	Construct and equip site development, phase II	539,600
	West Valley Joint Community College District, Mission Valley College:	
(5)	Working drawings and construct central utility plant and maintenance	441,700
	Cabrillo Community College District, Cabrillo College:	
(6)	Working drawings and construct site development and utilities, phase II	256,800
(7)	Working drawings and construct water service expansion	196,400
	Chaffey Community College District, Chaffey College:	
(8)	Working drawings and construct offsite sewer line	154,500
(9)	Working drawings and construct onsite sewer line	92,800
	San Jose Community College District, Evergreen Valley College:	
(10)	Working drawings and construct site development. phase II	441,700
	Los Angeles Community College District, Los Angeles Trade-Tech College:	
(11)	Equip business science building, phase I	57,100
	Marin Community College District, Indian Valley Colleges:	
(12)	Equip science technology classroom and laboratory building	152,600
	Coast Community College District, Orange Coast College:	
(13)	Equip literature and language building	113,000
	State Center Community College District, Reedley College:	
(14)	Equip life science building	24,900
	Yosemite Junior College District, Modesto Junior College:	
(15)	Equip police science, health occupation and home economics building	116,600
(16)	Equip child development laboratory	14,800

Item	Amount
San Francisco Community College District, City College of San Francisco:	
(17) Equip social science classroom and laboratory building	244,500
(18) Equip downtown education center	166,100
San Luis Obispo County Community College District, Cuesta College:	
(19) Equip language arts and social science building	57,800
(20) Equip fine arts building	31,000
(21) Equip faculty office building	5,000
Hartnell Joint Community College District, Hartnell College:	
(22) Equip classroom, counseling and administration building	105,800
(23) Equip visual arts building	60,100
Glendale Community College District, Glendale College:	
(24) Equip technical education building	148,400
Pasadena Area Community College District, Pasadena City College:	
(25) Equip remodeling and air conditioning of science building "D"	138,900
(26) Equip remodeling and air conditioning of science building "E"	79,500
Yosemite Junior College District, Columbia Junior College:	
(27) Equip classroom and science building	22,900
Lassen Community College District, Lassen College:	
(28) Equip student personnel service building	23,200
San Diego Community College District, San Diego City College:	
(29) Equip administration building remodel, phase II	73,700
San Diego Community College District, San Diego Mesa College:	
(30) Equip science building addition	127,300
(31) Equip student personnel administration building	26,700
(32) Equip music addition	32,600

Item		Amount
	North Orange County Community College District, Cypress College:	
(33)	Equip vocational technical building No. 2 ..	570,600
	Los Angeles Community College District, Los Angeles Harbor College:	
(34)	Equip music building	32,300
	Peralta Community College District, Merritt College:	
(35)	Equip outdoor physical education facilities, phase II (pool)	4,500
	Peralta Community College District, Feather River College:	
(36)	Equip multipurpose facility	56,700
	Saddleback Community College District, Saddleback College:	
(37)	Equip physical education building	55,800
	Santa Barbara Community College District, Santa Barbara City College:	
(38)	Equip drama and music facilities	147,400
	San Diego Community College District, San Diego City College:	
(39)	Equip dining facility	76,400
	Lassen Community College District, Lassen College:	
(40)	Equip maintenance and warehouse building	45,000
	Marin Community College District, Indian Valley Colleges:	
(41)	Equip library building	48,800
	Los Angeles Community College District, Los Angeles Harbor College:	
(42)	Equip library and audiovisual building	77,900
	Santa Clarita Community College District, College of the Canyons:	
(43)	Equip physical education lockers	29,700
(44)	Equip indoor physical education facilities	59,100
(45)	Equip outdoor physical education facilities (pool)	10,300
	San Jose Community College District, Evergreen Valley College:	

Item	Amount
(46) Equip physical education building	10,100
Peralta Community College District, Merritt College:	
(47) Equip outdoor physical education facilities, phase I	12,300
Peralta Community College District, Feather River College:	
(48) Equip warehouse and maintenance building	10,400
West Valley Joint Community College District, Mission Valley College:	
(49) Construct multidiscipline classroom and laboratory building, phase I	6,707,100
Sonoma County Junior College District, Santa Rosa Junior College:	
(50) Construct liberal arts building....	2,086,500
Cabrillo Community College District, Cabrillo College:	
(51) Construct occupational center....	1,705,400
Riverside Community College District, Riverside City College:	
(52) Construct and equip business education building	1,075,900
Peralta Community College District, College of Alameda:	
(53) Construct library building.....	1,558,000
Allan Hancock Community College District, Allan Hancock College:	
(54) Construct library addition.....	931,900
Ventura County Community College District, Moorpark College:	
(55) Working drawings, construct, equip, and remodel library and science buildings	183,400
Los Rios Community College District, Cosumnes River College:	
(56) Working drawings, construct and equip conversion of business to science	80,500
Chaffey Community College District, Chaffey College:	

Item		Amount
(57)	Working drawings, construct and equip auto shop and technical laboratory building ..... Ventura County Community College District, Oxnard College:	745,800
(58)	Working drawings for classroom building ..... Palomar Community College District, Palomar College:	51,300
(59)	Working drawings and construct industrial technology building ..... Coast Community College District, Golden West College:	817,000
(60)	Working drawings for educational units No. 1..... Chaffey Community College District, Chaffey College:	71,200
(61)	Working drawings and construct vocational education building ..... Sonoma County Junior College District, Santa Rosa Junior College:	632,400
(62)	Working drawings for environmental science building..... Peralta Community College District, Merritt College:	73,000
(63)	Working drawings and construct horticulture building ..... Coast Community College District, Golden West College:	606,200
(64)	Working drawings for health science addition No. 1 .... Santa Barbara Community College District, Santa Barbara City College:	27,100
(65)	Working drawings, construct and equip marine technology building Merced Community College District, Merced College:	364,200
(66)	Working drawings, construct and equip welding and metal technology building ..... Coast Community College District, Orange Coast College:	359,700
(67)	Working drawings and construct business education addition ..... Riverside Community College District, Riverside City College·	342,300

Item	Amount
(68) Working drawings, construct and equip cosmetology addition	156,000
Napa Community College District, Napa College:	
(69) Working drawings for health occupation, communication, and resource facility	85,700
provided, that the classroom facilities are deleted from this project.	
Solano Community College District, Solano College:	
(70) Working drawings, construct and equip horticulture building	164,100
Los Angeles Community College District, Los Angeles Harbor College:	
(71) Construct auto technology laboratory addition	18,800
Coast Community College District, Orange Coast College:	
(72) Working drawings for chemistry building	87,700
Cerritos Community College District, Cerritos College:	
(73) Working drawings for auto technology center	51,000
Los Rios Community College District, American River College:	
(74) Working drawings for art addition, phase I	39,200
(75) Working drawings for music and drama addition, phase I	51,200
(76) Working drawings for home economics addition, phase I	19,200
Siskiyou Joint Community College District, College of the Siskiyou:	
(77) Working drawings, construct and equip vocational education building	145,800
Los Angeles Community College District, Los Angeles Pierce College:	
(78) Working drawings for library addition	7,000
Santa Monica Community College District, Santa Monica City College:	

Item		Amount
(79) Working drawings for library and instructional materials center.....	115,500	
Palomar Community College District, Palomar College:		
(80) Working drawings for library building	61,200	
Ventura County Community College District, Oxnard College:		
(81) Working drawings for learning resource center	62,900	
Los Angeles Community College District, East Los Angeles College:		
(82) Construct library building.....	347,400	
Compton Community College District, Compton College:		
(83) Working drawings, construct and equip classroom remodeling.....	105,200	

notwithstanding the provisions of Section 2.2 of this act, the equipment items in this item shall be available for expenditure only during the 1975–76 and 1976–77 fiscal years.

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964 PROGRAM

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1975–76 fiscal year beginning July 1, 1975, and ending June 30, 1976. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund of 1964.

CAPITAL OUTLAY

Resources

381—For capital outlay, Department of Parks and Recreation, for purposes set forth in Sections 5096.15(a) and (b) of the Public Resources Code for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964		53,000
Schedule:		
(a) Design and construction planning	53,000	

Item		Amount
381.9—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (b) of Section 5096.15 of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1964		1,868,312
Schedule:		
(a) El Capitan State Beach, development	1,868,312	

Reappropriation

382—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and the limitations) provided for in said appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1976:

Item 424(c), Budget Act of 1966
Point Mugu State Recreation Area.
Buy into Calleguas Water District.

Item 423(a), Budget Act of 1969
Old Town San Diego State Historic Park.
Sanitary facility.

Item 423(c), Budget Act of 1969
Refugio State Beach.
Water supply system.

Item 323A, Budget Act of 1972 as added by Chapter 955, Statutes of 1972
San Onofre State Beach.
Campground.

Item 362(a), Budget Act of 1965
Statewide.
Land acquisition.

Item 362(b), Budget Act of 1965
Statewide augmentations.

Item 423(a)(3), Budget Act of 1966
Montana de Oro State Park.
Land acquisition.

Item 313(g), Budget Act of 1971
Montana de Oro State Park.
Land acquisition.

Item 423(c), Budget Act of 1966
Coyote River Parkway.
Land acquisition.

Item Amount

Item 423(f), Budget Act of 1966
Gaviota-Refugio State Beaches.
Land acquisition.
Item 423(m), Budget Act of 1966
Old River Islands.
Land acquisition.
Item 423(q), Budget Act of 1966
Bolsa Chica, Calaveras Big Trees, Cima Dome, MacKerricher, Mitchell Caverns, Montana De Oro, Montgomery Woods, Old River Islands, Old Sacramento, Picacho, Santa Monica Mountains and Whipple Mountains, augmentations.
Item 423(t), Budget Act of 1966
Santa Monica Mountains.
Land acquisition.
Item 343.7(b), Budget Act of 1967
Delta Meadows augmentation.
Item 377.1(a), Budget Act of 1968
Carpinteria State Beach.
Land acquisition.
Item 422(a), Budget Act of 1969
Statewide.
Land acquisition.
Item 322(b), Budget Act of 1972
Topanga Canyon.
Land acquisition.
Item 322(e), Budget Act of 1972
Cardiff State Beach.
Land acquisition.
Item 322(f), Budget Act of 1972
Anticipated federal reimbursements.
Item 322cx(a), Budget Act of 1972 as added by Chapter 1340, Statutes of 1972
Relocation expenses.

LOCAL ASSISTANCE

Resources

382.3—For grants to counties, cities, or cities and counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 788,716

Item		Amount
Schedule:		
(a) City of Los Angeles, Griffith Park, for acquisition, or development, or both	788,716	

provided, that none of the funds appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

Reversions

382.4—As of June 30, 1975, the unexpended balance of the appropriation made by Item 418(f), Budget Act of 1969, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund of 1964.

RECREATION AND FISH AND WILDLIFE ENHANCEMENT BOND ACT PROGRAM

SEC. 2.6. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years for expenditure only for programs contemplated by the Recreation and Fish and Wildlife Enhancement Bond Act, except that appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations shall be paid out of the Recreation and Fish and Wildlife Enhancement Fund.

CAPITAL OUTLAY

Resources

383—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		817,368
Schedule:		
(a) Silverwood Lake State Recreation Area bicycle and hiking trails	450,000	
(b) Design and construction planning	367,368	

Item		Amount
383.1—For payment for sanitary facilities at Lake Oroville State Recreation Area, Department of Parks and Recreation, payable from the Recreation and Fish and Wildlife Enhancement Fund		83,000
383.6—For capital outlay, Department of Parks and Recreation, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		837,000
Schedule:		
(a) Perris Lake State Recreation Area, group picnicking area	837,000	
384—For minor capital outlay, Department of Navigation and Ocean Development, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		196,100
385—For capital outlay, Department of Navigation and Ocean Development for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		175,000
Schedule:		
(a) Ramp extensions, Lake Oroville State Recreation Area	175,000	
385.5—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes of the Recreation and Fish and Wildlife Enhancement Bond Act, payable from the Recreation and Fish and Wildlife Enhancement Fund		299,900
Schedule:		
(b) Enlarge broodstock facility, Mt. Shasta Hatchery	178,900	
(c) Equip Crystal Lake Hatchery	70,000	
(d) Wildlife habitat development	51,000	

Reappropriation

386—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes (and the limitations) provided for in said appropriations (and any reappropriations), and shall be available for expenditure until June 30, 1976:

Item	Amount
Item 327(f), Budget Act of 1972 San Luis Reservoir State Recreation Area Development	
Item 327(g), Budget Act of 1972 Silverwood Lake State Recreation Area Development	

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

SEC. 2.8. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

Resources

387—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 ...		1,033,015
Schedule:		
(a) Preliminary planning	200,000	
(b) Design and construction planning	773,015	
(c) Historical and archeological surveys	60,000	
387.3—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974		150,000
Schedule:		
(a) Old Shasta Townsite, Litch Store, development	150,000	
provided, that none of the funds which are appropriated by this item for the projects set forth here-		

Item		Amount
in shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.		
387.4—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974		5,135,716
Schedule:		
(a) Half Moon State Beach: Construct campground	254,540	
(b) Plumas-Eureka State Park: Construct water supply line	200,000	
(c) San Onofre State Beach: Working drawings and hook-up fees for sewage system and sanitary facilities	838,300	
(d) Bothe-Napa Valley State Park: Bale Mill, restoration and interpretation research	30,000	
(e) Col. Allensworth State Historic Park: Restoration and reconstruction	300,000	
(f) Columbia State Historic Park: D. O. Mills Building, restoration	202,250	
(g) Fort Ross State Historical Park: Historical and archaeological research	40,000	
(h) Monterey State Historic Park: Cooper-Molera Adobe, working drawings	92,225	
(i) Old Sacramento State Historic Park: Arcade Station, construction and interpretation	1,430,916	
(j) Old Sacramento State Historic Park: Big Four Building	867,300	
(k) San Juan Bautista State Historic Park: Plaza Hotel, working drawings	114,600	
(*l*) Sonoma State Historic Park: Barracks, construction	765,585	
387.5—For capital outlay, Wildlife Conservation Board, Department of Fish and Game, for purposes set		

Item		Amount
	forth in subdivisions (b) and (c) of Section 5096.85 of the Public Resources Code, for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.....	6,075,000
	Schedule:	
	(a) Deer winter range acquisition..... 1,000,000	
	(b) Bighorn sheep range acquisition.. 500,000	
	(c) Coastal wetlands acquisition..... 3,000,000	
	(d) Interior wetlands and riparian habitat acquisition..... 1,500,000	
	(e) Project planning 75,000	
	Provided that upon the receipt of any reimbursements applicable to any of the projects in this item from federal land and water conservation funds, such reimbursements shall be credited to this item.	

Reversions

388—As of June 30, 1975, the unencumbered balances of the following appropriations shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund of 1974

Item 410.10, Budget Act of 1974:
Prairie Creek Redwood State Park.
Land acquisition.

Item 410.10k, Budget Act of 1974, as added by Chapter 1523, Statutes of 1974
Lands located between Newport Beach and Laguna Beach.
Land acquisition.

Item 379(b), Budget Act of 1973
Carmel River (Odello).
Land acquisition.

Item 379(e), Budget Act of 1973
Leo Carrillo (Marguart).
Land acquisition.

Item 410.6, Budget Act of 1974
Old Shasta Townsite.
Litch store, development.

LOCAL ASSISTANCE

Resources

389—For project review for purposes set forth in Section 5096.85 of the Public Resources Code,

Item		Amount
	Department of Parks and Recreation, for expenditure during the 1975–76 fiscal year, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974	104,263
390—	For grants to counties, cities, cities and counties, or special districts, pursuant to Section 5096.85(a) of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974	25,583,218

Unless otherwise provided herein, funds appropriated for each of the local grant projects in this item are for acquisition, development or both.

Projects in Alameda County

Schedule:

(1) City of Berkeley, Columbus Park	85,000
(2) City of Berkeley, San Pablo baseball diamond	234,000
(3) City of Berkeley, Codornices Park	68,968
(4) City of Fremont, Alameda Creek Quarry Park	164,279
(5) Hayward Area Recreation and Park District, and City of Hayward, Hayward Shoreline Park	725,221
(6) City of Newark, Birch Grove Community Park	96,745
(7) City of Newark, Newark Community Park	33,000
(8) City of Oakland, San Leandro Bay Shoreline Park	120,000

Projects in Amador County

(9) City of Ione, Howard Park	22,500
(10) City of Jackson, Detert Park	45,000
(11) Jackson Valley Irrigation District, Lake Amador Park	22,500
(12) City of Sutter Creek, Provis Park	20,000

Projects in Butte County

(13) City of Chico, Big Chico Creek	80,000
(14) Chico Area Recreation and Park District, Hooker Oak Recreation Area	96,001

Item	Amount
(15) Feather River Recreation and Park District, Southside Park	68,219
(16) City of Gridley, Municipal Park	41,014
(17) City of Oroville, Bedrock Park	35,000
(18) Richvale Recreation and Park District, Richvale Elementary School Park	1,969
Projects in Calaveras County	
(18.5) County of Calaveras, Mokelumne Hill Community Park	10,000
Projects in Colusa County	
(19) City of Colusa, C.D. Semple Park	500
(20) City of Colusa, Colusa Levee Scenic Park	16,000
(21) City of Colusa, Will S. Green-A. B. Davison Park	14,000
(22) City of Colusa, Elmwood Park	23,500
(23) City of Colusa, Will S. Green Home	5,000
(24) City of Colusa, Memorial Park	16,000
(25) County of Colusa, Grimes grammar school tennis courts	5,500
(26) County of Colusa, Arbuckle Park	7,000
(27) County of Colusa, Wescott Road bicycle path	5,000
(28) County of Colusa, Princeton Park	8,000
(29) County of Colusa, Princeton High School tennis courts	2,000
(30) County of Colusa, Maxwell Community Park	30,000
(31) County of Colusa, Pierce High School tennis courts	19,900
(32) County of Colusa, Grand Island Log Cabin	7,600
(33) City of Williams, park playground equipment	2,500
(34) City of Williams, Williams Museum Park	35,000
(35) City of Williams, Williams School/city pool	2,500

Item		Amount
	Projects in Contra Costa County	
(36)	County of Contra Costa, Alamo Community Park	101,560
(37)	City of San Pablo, Oak (Hillside) Park	84,470
(37.1)	City of Richmond, Doorman Park	137,400
(37.2)	City of Richmond, Hilltop Neighborhood Park	63,500
(37.3)	City of El Cerrito, Cerrito Vista Park	12,000
	Projects in Del Norte County	
(38)	City of Crescent City, Fraser Park	24,500
(39)	City of Crescent City, Peterson Park	26,500
(40)	City of Crescent City, Beachfront Park	21,500
(41)	City of Crescent City, Howe Drive Lineal Park	2,500
(42)	City of Crescent City, Preston Island Park	17,000
(43)	County of Del Norte, Clifford Kamph Memorial Park	20,298
(44)	County of Del Norte, Gasquet Park	50,000
(45)	County of Del Norte, Bertsch Neighborhood Park	15,000
	Projects in El Dorado County	
(46)	Tahoe City Public Utility District, bike trail	10,000
	Projects in Fresno County	
(47)	Biola Community Services District, Biola Community Center	17,000
(48)	Calwa Recreation and Park District, Calwa Municipal Park	27,320
(49)	City of Firebaugh, Andrew Firebaugh Historic Park	27,210
(50)	City of Fowler, Fowler Park No. 2	22,865

Item	Amount
(51) County of Fresno, Skaggs Bridge Park	131,000
(52) County of Fresno, Kearney Mansion	50,000
(53) County of Fresno, Laton-Kingston Park	212,000
(54) County of Fresno, Lost Lake	25,000
(55) Highway City Community Services District, Highway City Community Park	12,000
(56) City of Kingsburg, Bicentennial Park	22,339
(57) Malaga County Water District, Malaga Community Recreation Area	19,000
(58) City of Orange Cove, Sheridan Park	27,210
(59) City of San Joaquin, San Joaquin Park	14,431
(60) City of Selma, North Selma Park	30,000
(61) City of Selma, Floral Storm Basin Park	11,717
(61.1) City of Mendota, Rojas-Pierce Park	17,646
(61.2) City of Clovis, Sierra-Sunnyside Park	73,352
Projects in Humboldt County	
(62) City of Blue Lake, Perigot Park	17,677
(63) City of Eureka, Cooper Gulch Park	97,802
(64) College of the Redwoods, Campus Park Lake	24,852
(65) City of Rio Dell, Rio Dell Community Park	17,677
Projects in Imperial County	
(66) City of Brawley, Longfellow Park	14,815
(67) City of Brawley, Alice Gereaux Park	3,177
(68) City of Brawley, Plaza Park	4,023
(69) City of Brawley, Oakley Park	3,923
(70) City of Brawley, Meserve Park	5,443
(71) City of Calexico, Castulo Rodriguez Park	29,682
(72) City of El Centro, Adams Park	42,388

Item	Amount
(73) City of Holtville, Holtville Recreation Park	15,852
(74) City of Imperial, Evans Park	14,964
Projects in Kern County	
(74.5) Kern Community College District, Cerro Coso College Desert Ecological Park	5,785
(74.6) Kern Community College District, Bakersfield College Park	51,357
(74.7) Bear Mountain Recreation and Park District, Koacevich Park	37,653
(74.8) City of Arvin, Koacevich Park	16,289
Projects in Kings County	
(75) City of Corcoran, Corcoran Community Park	30,000
(76) City of Hanford, Hanford Community Park	76,796
(77) City of Hanford, Taoist Temple	20,000
Projects in Lake County	
(78) County of Lake, Kelseyville Mini-Park	10,000
(79) County of Lake, Redbud Park	33,000
(80) County of Lake, historical courthouse	20,000
(81) County of Lake, Middletown Park	1,000
(82) County of Lake, Lower Lake Park	1,000
(83) County of Lake, Austin Beach Park	40,000
(84) County of Lake, Upper Lake Area	40,000
(85) County of Lake, Lakeside Park	25,000
(86) City of Lakeport, historical courthouse restoration	10,000
(87) City of Lakeport, Library City Park extension	20,000
Projects in Lassen County	
(88) County of Lassen, Little Valley Park	2,500

Item	Amount
(89) County of Lassen, Bieber Park ..	10,000
(90) City of Susanville, Vallejo Meadows Park	39,000

Projects in Los Angeles County

(91) City of Artesia, Artesia Park.....	46,247
(92) City of Beverly Hills, La Cienega Park.....	103,770
(93) City of Carson, Carriage-Crest (Figueroa) Park.....	56,000
(94) City of Carson, Wilmington Park	74,916
(95) City of Carson, Dolphin Park.....	120,631
(96) City of Claremont, Higgenbotham Park	43,000
(97) City of Claremont, Griffith Park	14,150
(98) City of Compton, Alondra Sports Park.....	238,841
(99) City of Covina, Covina Park.....	102,487
(100) City of El Segundo, Washington Park.....	48,933
(101) City of El Monte, Mountain View (High School), Park.....	130,000
(102) City of Hidden Hills, City Hall tennis courts	10,000
(103) City of Inglewood, 104th Street/Crenshaw Park	25,000
(104) City of Inglewood, Rodgers Park	102,601
(105) City of Inglewood, Darby Park	92,000
(106) City of Inglewood, Centinela Park.....	56,000
(107) City of Monrovia, Library Park tot lot	13,000
(108) City of Monrovia, Monrovia Recreation Park	6,500
(109) City of Monrovia, Olive Park tot lot.....	13,000
(110) City of Pomona, Garfield Park	12,000
(111) City of Pomona, Kennedy Park	50,000
(112) City of Pomona, Palomares Junior High softball field.....	40,000
(113) City of Pomona, Weber Park....	65,000
(114) City of Pomona, Harrison Park	85,560
(115) City of Pomona, Lincoln Park ..	12,000
(116) City of Rolling Hills Estates, Ernie Howlett Park	23,223
(117) City of San Fernando, Las Palmas Park	49,549

Item		Amount
(118) City of San Marino, Lacy Park		44,200
(119) City of Sierra Madre, Sierra Vista Park		38,416
(121) City of West Covina, Cameron Avenue Park		145,000
(122) City of West Covina, West Covina High School tennis courts		25,000
(123) City of West Covina, Del Norte Park		15,912
(124) City of West Covina, West Covina playground equipment		35,000
(125) City of Whittier, Hellman Park		233,931
(125.1) City of La Puente, La Puente Park		99,299
(125.2) City of Torrance, Charles H. Wilson Park		432,287
(125.3) City of Walnut, Lemon Creek Park		20,000
(125.4) County of Los Angeles, El Sol Beach		355,000
Projects in Marin County		
(126) City of Belvedere, Lagoon Road Park		7,325
(127) Town of Fairfax, Cascade Canyon		21,537
(128) Gallinas Village Community Services District, Pueblo Park		4,373
(129) City of Larkspur, Piper Park		35,203
(130) County of Marin, Homestead School play area		6,095
(131) County of Marin, Creekside Park		25,801
(132) County of Marin, North Bay Front (McInnis) Park		320,324
(133) County of Marin, Greenbrae School recreation area		12,163
(134) County of Marin, Lucas Valley access		4,783
(135) Marinwood Community Services District, Big Rock Ridge		9,608
(136) Marinwood Community Services District, Dixie Schoolhouse		2,500
(137) City of Mill Valley, Boyle Park		37,062
(138) City of Novato, Domingo Canyon		97,464

Item	Amount
(139) Strawberry Recreation District, Strawberry, Cove, Brickyard, and Ricardo Road Parks	10,659
(140) Tamalpais Community Services District, Eastwood Park	14,076
(141) City of Tiburon, Richardson Bay Lineal Park	18,585
(141.1) City of San Anselmo, Memorial Park	13,460
(141.2) City of San Anselmo, Sorich Park	5,000
(141.3) City of San Anselmo, Creekside Park	2,000
(141.4) City of San Anselmo, Robson Park	16,000
(141.5) Town of Corte Madera, Triangular Marsh	23,970
(141.6) City of San Rafael, Pickleweed Park	100,000
Projects in Mendocino County	
(142) City of Ukiah, Oak Manor Park tennis courts	24,000
Projects in Merced County	
(143) City of Gustine, Harry P. Schmidt Park	11,480
(144) City of Livingston, Arakelian Neighborhood Park	13,113
(145) City of Los Banos, San Luis Park	40,133
Projects in Modoc County	
(146) County of Modoc, Adin Park	12,000
(147) County of Modoc, Cressler-Bonner Trading Post	15,000
(148) County of Modoc, Cedar Pass Ski Area	15,000
Projects in Mono County	
(149) County of Mono, Bridgeport Community Park	28,142
(150) County of Mono, Walker Community Complex	47,665

Item	Amount
(151) County of Mono, Mammoth Community Park	64,952
Projects in Monterey County	
(152) County of Monterey, Salinas River Recreation Area	117,000
(153) Monterey Peninsula Regional Park District, Laguna Grande Park	180,500
(154) City of Pacific Grove, Del Monte Park	59,987
(155) City of Salinas, Northgate Neighborhood Park	77,000
(156) City of Seaside, youth center	78,100
(157) City of Seaside, Highland Park	30,800
(157.1) City of Soledad, Soledad Neighborhood Park	15,093
Projects in Napa County	
(158) City of Calistoga, Pioneer Park	5,100
(159) County of Napa, Skyline Park	154,377
(160) City of Napa, John F. Kennedy Park	104,253
(161) Napa Valley Unified School District, Bumpy Camp	2,500
(162) Napa Valley Unified School District, Skyline Park Ecology Center	2,500
(163) Napa Valley Unified School District, Donaldson Way Ecology Center	1,670
(164) Napa Valley Unified School District, Yountville Community Center	1,670
(165) Napa Valley Unified School District, North Napa Recreation Complex	70,000
(166) City of St. Helena, Crane Avenue Park	17,670
Projects in Orange County	
(167) City of Anaheim, Juarez Park	174,772
(168) Capistrano Bay Recreation and Park District, Elevado Park	50,000
(169) City of Irvine, College Park	33,000

Item	Amount
(170) City of Irvine, Edison (Culverdale) R-O-W	35,000
(171) City of La Habra, Portola Park	119,474
(172) City of Los Alamitos, Highlands Park	34,460
(173) City of Los Alamitos, Stansbury Park	5,000
(174) City of Newport Beach, Bayside Drive Park	58,000
(175) City of Newport Beach, Balboa Island Park	60,000
(176) Orange County Harbors, Beaches and Parks District, Mile Square Regional Park	350,000
(177) Orange County Harbors, Beaches and Parks District, Fairview Regional Park	200,000
(178) Orange County Harbors, Beaches and Parks District, Aspen Park	90,000
(179) City of Stanton, Stanton (Edison Right-of-Way) Park	60,177
(180) City of Tustin, Prospect-Beneta Park	86,519
(180.1) City of Garden Grove, Chapman Intermediate School Park	80,000
Projects in Placer County	
(181) County of Placer, Sheridan Park	2,000
(182) County of Placer, Community Methodist Church restoration	1,500
(183) County of Placer, Gold Run Union Church restoration	1,800
(184) County of Placer, International Order of Odd Fellows Lodge restoration	5,000
(185) County of Placer, historical sites marking	200
(186) County of Placer, Griffith Quarry restoration	6,500
(187) County of Placer, Clipper Gap Schoolhouse restoration	7,000
(187.1) North Tahoe Public Utility District, North Tahoe Regional Park	5,350

Item	Amount
Projects in Riverside County	
(188) City of Beaumont, Stewart Park	18,096
(189) City of Blythe, Todd Park	23,719
(190) City of Corona, Butterfield Stage Trail Park	93,221
(191) City of Hemet, Gibble Park	53,553
(192) City of Lake Elsinore, Yarborough Park	12,496
(193) City of Palm Desert, Palm Desert Community Park	46,809
(194) County of Riverside, Lake Cahuilla	100,000
(195) County of Riverside, Tahquitz Canyon	35,000
(196) County of Riverside, Box Springs Mountain	65,000
(197) County of Riverside, Bogart Park	50,000
(198) Valley-Wide Recreation and Park District, Valley-Wide Regional Park	35,000
(199) West Riverside Memorial District, Paramount Park	55,701
(199.1) County of Riverside, Sunnymeade Park	87,684
Projects in Sacramento County	
(200) Arden Park Recreation and Park District, La Sierra Park	16,762
(201) Del Paso Recreation and Park District, Arcade Creek Neighborhood Park	36,913
(202) Fair Oaks Recreation and Park District, Fair Oaks Park	77,895
(203) North Highlands Recreation and Park District, Memorial Park	109,679
(204) County of Sacramento, Mission North Park	106,081
(205) County of Sacramento, Natomas East Main Drain Trail	146,124
(206) Southgate Recreation and Park District, Florin Creek Bike and Hiking Trail	25,602
(206.1) City of Sacramento, Washington Neighborhood Mini-Park	50,000

Item	Amount
(206.2) City of Sacramento, Del Paso Heights Community Center Park	65,381
(206.3) City of Sacramento, Southgate Community Neighborhood Park..	80,000
Projects in San Bernardino County	
(207) Hesperia Recreation and Park District, Lime Street Park	24,513
(208) City of Ontario, Oak Street Park Site No. 12	115,000
(209) City of Ontario, Phillips Street Park Site No. 13	47,589
(210) City of Ontario, West Cucamonga Creek Park Site	25,000
(211) City of San Bernardino, Casa Ramona Park	16,100
(212) City of San Bernardino, Wildwood Park.....	25,000
(213) City of San Bernardino, Patton Property.....	69,000
(214) City of San Bernardino, Perris Hill Park	40,000
(215) County of San Bernardino, Sugarloaf Park	19,055
(216) County of San Bernardino, Horsemen's Center.....	26,709
(217) County of San Bernardino, Marygold Acres	42,360
(218) County of San Bernardino, Yucaipa Wildwood Park	62,870
(219) County of San Bernardino, CSA No. 50, Alta Loma Park	43,273
(220) County of San Bernardino, Glenmeade Park No. 3.....	6,188
(221) County of San Bernardino, CSA No. 56, Community Center Park	5,500
(222) County of San Bernardino, Midway Park.....	9,269
(223) County of San Bernardino, Knott Sky Park.....	22,825
(224) County of San Bernardino, Southside Park	49,216
(225) County of San Bernardino, North Fontana Community Park	5,500
(226) County of San Bernardino, Fred A. Storey Community Center Park	17,484

Item		Amount
(227)	County of San Bernardino, Sportsman's Park	6,802
(228)	County of San Bernardino, Armory Park	3,500
(229)	County of San Bernardino, Skyline North Park	15,000
(230)	County of San Bernardino, Ella Pitcher Junior High Park	47,107
(231)	Yermo Community Services District, East Park	5,500
	Projects in San Diego County	
(232)	City of Chula Vista, Fred Rohr Park	146,096
(233)	City of Chula Vista, Greg Rogers Park	31,035
(234)	City of Coronado, Tidelands Park	86,121
(235)	City of El Cajon, Gillespie Community Park	152,135
(236)	City of Escondido, Grape Day Park	131,155
(237)	City of Escondido, Kit Carson Park	125,000
(238)	City of Imperial Beach, Imperial Beach Park	87,329
(239)	City of La Mesa, La Mesita Park	124,762
(240)	City of National City, Kimball Park	122,140
(241)	City of Oceanside, Lake Boulevard Park	142,157
(242)	City of San Diego, Cowles Mountain Regional Park	1,072,640
(243)	City of San Diego, Navajo Canyon Park	650,000
(244)	City of San Diego, Crest Canyon Park	450,000
(245)	County of San Diego, San Elijo Lagoon Regional Park	800,704
(246)	County of San Diego, Lakeview Park	37,900
(247)	County of San Diego, Los Penasquitos Regional Park	800,704
(248)	County of San Diego, Sweetwater Regional Park	800,704
(249)	County of San Diego, Spring Valley Park	147,768

Item	Amount
(250) County of San Diego, Skyline Drive Park	92,800
(251) County of San Diego, Otay River Park	57,300
(253) County of San Diego, Eden Gardens Park	107,800
(254) County of San Diego, Leona Lane Park	50,000
(255) City of San Marcos, Rock Springs (Woodland) Park	63,994
(256) City of Vista, Brengle Terrace Park	99,152
(256.1) County of San Diego, Royal Road Park	34,900
(256.2) County of San Diego, Lauderbach Park	50,500
(256.3) County of San Diego, Central Park	50,000
Projects in San Francisco County	
(257) City and County of San Francisco, Golden Gate Park recreation development	81,100
(258) City and County of San Francisco, Golden Gate Park Music Concourse	405,000
(259) City and County of San Francisco, John McLaren Park	98,000
Projects in San Luis Obispo County	
(260) City of Grover City, Grover Heights Community Park	32,155
(261) City of Paso Robles, Pioneer Park	34,335
(262) City of San Luis Obispo, Mitchell Park	84,688
(263) City of San Luis Obispo, Santa Rosa Park	27,500
(264) City of San Luis Obispo, Meadow Park	35,507
(264.1) City of Pismo Beach, Oceanview Park	25,000
Projects in San Mateo County	
(265) City of Daly City, Bayshore Park	37,790

Item	Amount
(266) City of Daly City, Hillside Park	150,000
(267) City of Daly City, Lincoln Park	55,000
(268) City of Daly City, Mussel Rock Park	15,810
(269) City of Foster City, Edgewater Park	36,400
(270) City of Foster City, Boat Park	27,000
(271) Ladera Park and Recreation District, Ladera School soccer field	3,330
(272) City of Menlo Park, Marsh Road Bayfront Park	97,900
(273) City of San Mateo, Indian Springs Park	8,215
(274) City of San Mateo, Lakeshore Park	6,248
(275) City of San Mateo, Beresford Park	12,881
(276) City of San Mateo, King Park	8,765
(277) City of San Mateo, Shoreview Park	6,565
(278) City of San Mateo, Joinville Park	79,050
(279) City of San Mateo, Lauriedale Park	50,000
(280) City of San Mateo, Bayfront Marina Lagoon	51,000
(281) City of San Mateo, Trinta Park	276
(282) Town of Portola Valley, Los Trancos Woods playfield	18,700
Projects in Santa Barbara County	
(283) City of Carpinteria, El Carro Park	38,139
(284) Cuyama Valley Recreation District, Cebrian wading pool and playground	3,911
(285) City of Santa Maria, Preisker Park	136,838
Projects Located in Santa Clara County	
(286) County of Santa Clara, The Casa Grande	10,000
(287) County of Santa Clara, Montebello Historical School	8,165
(288) County of Santa Clara, Machado School	14,000

Item	Amount
(289) County of Santa Clara, Uvas Creek Historic Indian Village and Bedrock Mortars Area	40,000
(290) County of Santa Clara, The Perham Adobes and The Bulmore House	30,000
(291) County of Santa Clara, Rengstorff House	10,000
(292) County of Santa Clara, The Roberto Adobe	20,000
(293) County of Santa Clara, San Antonio Historical School	22,500
Projects in Santa Cruz County	
(294) Ben Lomond Recreation and Park District, Ben Lomond Park	10,029
(295) Boulder Creek Recreation and Park District, Forest Pool	13,888
(296) La Selva Beach Recreation and Park District, Florida Avenue Park	5,408
(297) Opal Cliffs Recreation District, Opal Cliffs Beach	5,944
(298) City of Santa Cruz, Natural Bridges Park	33,953
(299) City of Santa Cruz, Ocean View Park	75,000
(300) City of Santa Cruz, Trescony Park	50,000
(301) County of Santa Cruz, Pinto Lake County Park	330,429
(302) City of Watsonville, Ramsay Park	73,236
Projects in Siskiyou County	
(303) Dunsmuir Recreation District, Dunsmuir Park	20,000
(304) Town of Fort Jones, Fort Jones City Park	30,000
(305) City of Montague, Montague City Park	10,000
(306) Weed Park and Recreation District, city baseball park	20,000

Item	Amount
Projects in Solano County	
(307) City of Rio Vista, Bruning Park	1,500
(308) City of Rio Vista, Egbert Baseball Park	23,030
(309) City of Vacaville, Fairmont Neighborhood Park	53,980
Projects in Sonoma County	
(310) Camp Meeker Recreation and Park District, Camp Meeker Mini-Park	10,000
(311) City of Cotati, Cotati Park	10,000
(313) City of Healdsburg, Healdsburg Recreation Park	23,158
(314) Monte Rio Park and Recreation District, Monte Rio tennis courts and play area	10,000
(315) Russian River Recreation and Park District, Guernewood Park..	10,000
(316) City of Santa Rosa, Hidden Valley Park	57,207
(317) City of Santa Rosa, Yulupa Park	61,000
(318) City of Sonoma, Sonoma Plaza	19,208
(319) County of Sonoma, Ragle Ranch	277,580
Projects in Stanislaus County	
(320) City of Ceres, Don Pedro Neighborhood Park	20,000
(321) City of Newman, Memorial Park	13,786
(322) City of Oakdale, Oak Valley Park	33,591
(323) City of Riverbank, Seventh and Atchison tennis courts	10,000
(324) City of Riverbank, Seventh Street Park	15,806
(325) City of Turlock, Tegner recreation site	89,805
(325.1) City of Patterson, North City Park	18,387
Projects in Sutter County	
(326) County of Sutter, Railroad Avenue Park	30,000

Item	Amount
Projects in Trinity County	
(327) Hyampom Community Services District, Hyampom Park	18,700
(328) Lewiston Community Services District, Lewiston Community Park	18,750
(329) Ruth Lake Community Services District, Hobart Creek Park	25,000
(330) County of Trinity, Odd Fellows Hall	10,000
(332) County of Trinity, Weaverville Fire Station Museum	7,500
(333) County of Trinity, Hayfork Community Park	16,630
(334) County of Trinity, Trinity County Historical Park	29,000
(335) County of Trinity, Lowden Park	12,000
(336) Weaverville-Douglas City Park and Recreation District, Lee Fong Park	24,000
Projects in Tulare County	
(337) Kern Community College District (Porterville College), J. Claude Memorial Park	10,000
(338) Liberty School District, Liberty School recreation area	1,509
(339) Palo Verde Union School District, Palo Verde Union School play area	2,270
(340) Springville Public Utility District, Village Park	2,500
(341) Sundale Union School District, Sundale Union School handball courts	2,520
(342) City of Tulare, Centennial Park	54,493
(343) County of Tulare, Bartlett Park	39,500
(344) County of Tulare, Kings River Regional Park	38,500
(345) County of Tulare, Balch Park	69,000
(346) County of Tulare, Elk Bayou Park	74,756
(347) County of Tulare, Pixley Park	19,000
(348) County of Tulare, Mooney Grove Park	19,500
(349) County of Tulare, Cutler Park	16,000

Item	Amount
(350) Tulare Union High School District, Western High School tennis courts	17,458
(351) City of Woodlake, Small World Park	6,429
(352) City of Woodlake, Woodlake Community Park	4,500
(352.1) City of Exeter, Exeter Union High School Park	14,399
(352.2) Exeter Union High School District, Exeter Union High School Park	4,200
(352.3) Exeter Union School District, Exeter Union High School Park	4,855
Projects in Tuolumne County	
(353) Groveland Community Services District, Groveland Wayside Park	30,000
(354) County of Tuolumne, Patterson Field	25,000
(355) County of Tuolumne, Tuolumne City swimming pool	70,000
(356) County of Tuolumne, Columbia Park	25,000
(357) Twain Harte Recreation and Park District, Eproson Park	30,000
Projects in Ventura County	
(358) Conejo Recreation and Park District, Thousand Oaks Community Park	180,110
(359) City of Ojai, Libbey Park	45,922
(360) City of Oxnard, Wilson Center Park	100,000
(361) City of Oxnard, Neighborhood No. 23 Park	119,844
(362) Pleasant Valley Recreation and Park District, Valle Lindo Park	77,342
(363) City of Port Hueneme, Hueneme Beach recreational facilities	36,254
(364) City of San Buenaventura, Marina Park	183,590
(365) City of Santa Paula, Community Center Park	44,278

Item		Amount
(366) Simi Valley Recreation and Park District, Rancho Simi Community Park		155,263
(367) United Water Conservation District, Lake Piru Recreation Area		60,423
(368) County of Ventura, Mandalay Beach		112,500
(369) County of Ventura, Saticoy Regional Park		300,000
(370) County of Ventura, Petit Park		128,039
(371) County of Ventura, Tapo Canyon Park		200,000
(372) County of Ventura, Pioneer Museum		20,000
Projects in Yolo County		
(373) City of Davis, Slide Hill Park		33,210
(374) City of Davis, Sycamore Park		36,225
(375) City of Davis, Oxford Circle arbor and picnic area		21,370
(376) City of Davis, Covell Park		23,027
(377) County of Yolo, Elkhorn Regional Park		50,000
Projects in Yuba County		
(378) City of Marysville, River Front Park		75,000
(379) Olivehurst Public Utility District, Olivehurst Community Park		45,000
(380) County of Yuba, East Linda Park		15,000
(381) County of Yuba, West Linda Park		35,000

provided that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are submitted to, and reviewed and approved by, the Secretary of the Resources Agency pursuant to Section 5096.89 of the Public Resources Code.

Reversions

391—As of June 30, 1975, the unencumbered balance of

Item		Amount
	the appropriation made by Item 412(a)(273), Budget Act of 1974, as added by Chapter 1522, Statutes of 1974, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund of 1974. (City of Carpinteria, Memorial Park, acquisition, development. or both.)	
	As of June 30, 1975, $57,150 of the appropriation made by Item 412(a)(60), Budget Act of 1974, as added by Chapter 1522, Statutes of 1974, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund of 1974. (City of Claremont, Chaparral Park, acquisition, development, or both.)	
	As of June 30, 1975, $50 of the appropriation made by Item 412A(156), Budget Act of 1974, as added by Chapter 1522, Statutes of 1974, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund of 1974. (City of King, King City Municipal Park, acquisition, development, or both.)	

HEALTH SCIENCE FACILITIES CONSTRUCTION BOND ACT PROGRAM

SEC. 3.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years for expenditures only for the programs contemplated by the Health Science Facilities Construction Program Bond Act of 1971, except that appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations shall be paid out of the Health Science Facilities Construction Program Fund.

HIGHER EDUCATION

396.2	—For capital outlay, University of California, subject to approval of the State Public Works Board, payable from the Health Sciences Facilities Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California	31,797,000
	Schedule:	
	Universitywide, Health Sciences:	
	(1) Reserve for cost-rise augmentation	7,500,000

Item		Amount
	Davis, Health Sciences:	
(1.1)	Sacramento Medical Center Program, planning	400,000
(1.2)	Sacramento Medical Center, equipment, 1975–76	2,000,000

provided, that no sums appropriated for subitems (1.1) and (1.2) shall be allocated by the State Public Works Board until the President of the University of California certifies to the Director of Finance and the Chairman of the Joint Legislative Budget Committee that the University of California has renegotiated its contract with the County of Sacramento to include a provision in the agreement whereby the county agrees to provide financial support for medical indigents not eligible for Medi-Cal, at a level equivalent to that experienced by the county between October 1971, and July 1973, adjusted annually for patient load changes of such indigents and annually by a relevant inflation index.

(2)	Working drawings and construct and relocate vegetable crops field headquarters	430,000
	Irvine, Health Sciences:	
(2.1)	Acquisition and improvements of Orange County Medical Center	5,000,000
(2.2)	Planning for renovation of the Orange County Medical Center	500,000
(2.3)	Working drawings for three community clinics	49,000
(2.4)	Planning for on-campus teaching hospital	200,000

provided, that no sums appropriated for subitems (2.1), (2.2), (2.3), and (2.4) shall be allocated by the State Public Works Board until the President of the University of California certifies to the Director of Finance and the Chairman of the Joint Legislative Budget Committee that the University of California has renegotiated its contract with the County of Orange to include a provision in the agreement whereby the county agrees not to amend, change, or alter, during the term of the agreement (as amended and supplemented), the ordinance, regulation, resolution, or other document setting forth (a) the standard pursuant to which the county provides the partial or total health care costs of county residents who cannot

Item		Amount
	otherwise pay for all or part of their health care needs or (b) the class of persons presently receiving such health services from the county, in such a way as to reduce the level of financial support, adjusted annually by a relevant inflation index; and that the agreement of October 1, 1974, and any amendments or supplements thereto, is further amended to provide that the Regents of the University of California may terminate such agreement, as amended and supplemented, by giving the County of Orange written notice, two years prior to termination, but that such notice may not be given prior to January 1, 1983.	
	Los Angeles, Health Sciences:	
(3)	Construct health sciences center, correct safety deficiencies.....	1,238,000
	San Diego, Health Sciences:	
(4)	Equip improvements at University Hospital, 1974–75	202,000
(5)	Working drawings and construct University Hospital, correct life safety deficiencies, step 2	827,000
(6)	Working drawings and construct basic science building, correct life safety deficiencies	507,000
	San Francisco, Health Sciences:	
(7)	Working drawings and construct clinics and medical sciences building alterations, step 1	1,957,000
(7.1)	Equip community dental clinics, San Francisco Extension Center ..	177,000
(7.2)	Construct and equip community dental clinics, San Francisco General Hospital, Building 20	852,000
(8.1)	Preliminary plans, working drawings, construct and equip Hunter's Point Animal Facility	244,000
	provided, that the funds in this subitem shall not be released until the lease agreement for the facilities has been reviewed by the Chairman of the Joint Legislative Budget Committee or his designee.	
(9.1)	Working drawings and construct heating plant—additional capacity and correct seismic deficiencies ..	1,656,000

Item	Amount
(10) Working drawings and construct replacement facilities for U.C. hospital inpatient care areas	7,612,000
(11) Working drawings and construct medical sciences building fire protection, 1975–76	446,000

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made in this act, or funds obtained from any other source, over $25,000, may be expended by any state entity for any single expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities, or supplies, as such terms are defined in the Supplementary Report of the Committee on Conference on the Budget Act of 1975, hereinafter referred to in this section as the supplementary report, during fiscal year 1975–76, unless the department director certifies (or in the case of a consolidated data center, the center director), and the Director of Finance determines and states in writing, that the criteria and procedures set forth in the supplementary report have been met and followed.

Notwithstanding any other provisions of this act, no appropriations made in this act, or funds obtained from any other source, may be expended by any state entity pursuant to a contract in excess of $25,000 for expansion, improvement, or addition to electronic data-processing activities, personnel, equipment, facilities, or supplies, as such terms are defined in the supplementary report, during fiscal year 1975–76, unless such contract for personal services or supplies or for the acquisition or rental of equipment is competitively bid, except that competitive bidding shall not be required (a) when the state entity and the Department of Finance agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the entity, or (b) in cases of emergency where immediate acquisition of supplies, equipment, or services without bid is necessary for the protection of the public health, welfare, or safety. When such contract is to be let without the taking of bids, the Department of Finance shall report the intention to let such contract together with a written statement of facts requiring the acquisition of the supplies, equipment, or services, without bid, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee 30 days prior to the execution of such contract. If such contract is for the lease of electronic data-processing equipment, it shall be in the form of the model contract for lease of electronic data-processing systems and components, as contained in Section 4960.2 of the State Administrative Manual. No portion of the model contract shall be deleted or stricken unless such portion is

clearly inappropriate and not applicable for the specific items of equipment being leased and the Departments of Finance and General Services concur in the deletion.

The Department of Finance, coordinating with the Department of General Services, shall revise the model lease contract by appropriate changes to Section 4960.2 of the State Administrative Manual for the purpose of improving contractual terms and conditions to obtain increased benefits to the state. Any such proposed changes shall, however, result from consultation with computer vendors, which shall, if possible, include manufacturers of small, medium, and large equipment. In addition, any such changes shall be submitted to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee 30 days prior to approval and adoption of any such new model lease contract language.

With respect to any single expansion, improvement, or addition over $25,000 involving the lease, lease-purchase, or purchase of electronic data-processing equipment, the state's specifications shall be stated so as to encourage maximum competition. In any such procurement subject to this section involving the replacement of a computer mainframe (central processing unit), no award shall be made if only one bid is received and that bid is from the vendor whose equipment is being replaced.

No expenditure of funds for any data-processing activities shall be authorized until the director of the department requesting the expenditure and the Director of Finance certify that adequate safeguards have been developed following the criteria contained in the supplementary report to ensure the confidentiality of data.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, the community college districts, agencies provided for by Article VI of the Constitution, or the Legislature.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1976–77 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars ($2,000,000) in estimated cost.

SEC. 7. Any acquisition of land or other real property included

in any appropriation made herein except appropriations from the California Water Fund or the State Highway Account, State Transportation Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the California State University and Colleges and the community colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that community college approvals by the Public Works Board will apply only to the allocation of state capital outlay funds appropriated heretofore and hereafter by the Legislature; including land acquisition and equipment funds; provided further, that unless excepted by the conditions of Section 20084 of the Education Code, the Public Works Board shall not approve for allocation any appropriated amounts for working drawings or construction where said working drawings or construction have been started by a community college prior to approval of the state-appropriated amounts by the Public Works Board, and all such amounts not approved by the board under this criterion shall be reverted to the unappropriated balance of the appropriate fund; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no more than one thousand dollars ($1,000) of the money appropriated herein may be spent for any single unit of equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Transportation in the expenditure of State Highway Account, State Transportation Fund money appropriated for capital outlay purposes.

The Department of Transportation shall report to the State Public

Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentation. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1976.

General Fund:

Department of Navigation and Ocean Development:

Item 222(a), Budget Act of 1973—Erosion control, Las Tunas State Beach, Los Angeles County

Department of Finance:

Item 98.1, Budget Act of 1974—For relocating the State Treasurer's Office in Sacramento

Department of Parks and Recreation:

Chapter 987, Statutes of 1970—For purchase of lands under the jurisdiction of the State Lands Commission located at or near Manchester State Beach, Mt. Saint Helena State Park and Red Rock Canyon State Park

State Air Resources Board:

Item 246, Budget Act of 1974—Local assistance, county air pollution control districts

Transportation Planning and Research Account in the State

Transportation Fund, created pursuant to Section 99305, Public Utilities Code:
Department of Transportation:
Chapter 1428, Statutes of 1974, subdivision (d), Section 6.
Bagley Conservation Fund:
Department of Parks and Recreation:
Item 318.2(a)(1), Budget Act of 1972—Acquisition, inholding purchases
Item 318.2(a)(6), Budget Act of 1972—Acquisition, Little River State Reserve
Item 318.2(a)(11), Budget Act of 1972—Acquisition, Allensworth State Park
Item 318.2(b)(13), Budget Act of 1972—Development, Point Mugu State Park
Item 318.2(b)(14), Budget Act of 1972—Angel Island State Park
Item 318.3, Budget Act of 1972—Working drawings for a railroad exhibit in Old Sacramento
Chapter 1423, Statutes of 1972—Land acquisition in the Santa Cruz Mountains Area, Unit #417 of the state park system
Chapter 890, Statutes of 1973—Removal, repair, and modification of Benbow Dam on the Eel River and construction of a new seasonal dam.
Capital Outlay Fund for Public Higher Education:
State University and Colleges:
California State College, Bakersfield:
Item 309(qqq), Budget Act of 1972—Construct classroom office building I
California State University, Chico:
Item 301.5(ee), Budget Act of 1971—Construct library
California State College, Dominguez Hills:
Item 309(uu), Budget Act of 1972—Working drawings and construct for conversion of initial buildings
California State University, Fresno:
Item 301.5(jj), Budget Act of 1971—Construct engineering building
Item 301.5(*ll*), Budget Act of 1971—Construct industrial arts building
California State University, Humboldt:
Item 311(b), Budget Act of 1972—Working drawings for marine laboratory addition
California State University, Long Beach:
Item 309(yyy), Budget Act of 1972—Construct general classroom and faculty office building
California State University, Sacramento:
Item 309(eee), Budget Act of 1972—Construct library
California State College, Sonoma:
Item 309(rrr), Budget Act of 1972—Construct classroom office building 2

California Polytechnic State University, San Luis Obispo:
Item 309(xxx), Budget Act of 1972—Construct architecture classroom building
University of California:
Item 307(a), Budget Act of 1972—Langley Porter Neuropsychiatric Institute: alterations
State Park Contingent Fund:
Department of Parks and Recreation:
Item 307B, Budget Act of 1971 as added by Chapter 1754, Statutes of 1971—Montara State Beach in San Mateo County, land acquisition
Item 318(i), Budget Act of 1972—Bothe-Napa Valley State Park, land acquisition
Item 318.1, Budget Act of 1972—Humboldt Redwoods State Park, land acquisition
Harbors and Watercraft Revolving Fund:
Department of Navigation and Ocean Development:
Item 223(i), Budget Act of 1973—Ventura Harbor, development loan
Health Sciences Facilities Construction Program Fund:
University of California:
Item 333(5), Budget Act of 1972—Construct medical sciences unit 1, Irvine
Item 333(12.1), Budget Act of 1972—Preliminary plans, working drawings, construct and equip animal holding facilities, Elliott Field Station, San Diego
Item 333(15), Budget Act of 1972—Preliminary plans, working drawings, construct and equip animal facilities, step 1, relocate experimental animal surgery, San Francisco

SEC. 10.1. As of June 30, 1975, the unexpended balance of the appropriation made by Item 98, Budget Act of 1974, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1975, the amount reverted as of June 30, 1975, for Item 98, Budget Act of 1974, is reappropriated and shall be available until June 30, 1976, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1974–75 fiscal year.

SEC. 10.2. As of July 1, 1975, the sum of $30,000, appropriated by Item 275.1, Budget Act of 1974, from the Off-Highway Vehicle Fund, is reappropriated to Department of Parks and Recreation for the purchase of signs, markers, and maps for snowmobile trail marking, and shall be available for expenditure until June 30, 1976.

SEC. 10.3. Notwithstanding any other provisions of law, the unencumbered balance, on the effective date of this act, of the appropriation made by Item 120.1, Budget Act of 1974, is hereby reappropriated, for allocation by the Director of Finance, for the purposes provided for in such item, and shall be available for expenditure until June 30, 1976.

SEC. 10.4. As of July 1, 1975, $3,000,000 of the unexpended balance of Item 297 of the Budget Act of 1974 is hereby reappropriated for augmentation on Item 277 of this act for the purpose of funding the rate increases to community care facilities provided for by Item 277.

SEC. 10.6. Notwithstanding any other provision of law, that portion of the unexpended balance appropriated by Item 288, Budget Act of 1973, in the amount of $180,000, is hereby reappropriated for the purposes specified in such appropriation and shall be available for expenditure until June 30, 1976.

SEC. 10.7. As of July 1, 1975, an amount not to exceed $2,300,000 of the unexpended balance from Item 240, Budget Act of 1974, is hereby reappropriated for the support of the Solid Waste Management Board; provided, that only $500,000 of this amount shall be expended in the 1975–76 fiscal year, and shall be expended for the purpose of a study and the preparation of a report on a comprehensive solid waste management program for the San Francisco Bay area. Such study shall be conducted with the maximum feasible cooperation and participation of the Environmental Protection Agency, concerned state agencies, and local governments in the San Francisco Bay area.

SEC. 10.8. As of June 30, 1975, $462,500 of the appropriation provided in Item 398, Budget Act of 1974, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

As of July 1, 1975, $5,733,500, being the unexpended balance of the appropriation made by Item 398, Budget Act of 1974, is hereby reappropriated to the California Maritime Academy as set forth in the schedule below, subject to the approval of the State Public Works Board, and shall be available for expenditure until June 30, 1977.

Schedule:

(1) Preliminary plans, working drawings, construct and equip residence hall	3,375,000
(2) Working drawings and construct electrical distribution systems	340,000
(3) Preliminary plans, working drawings, construct and equip faculty office addition	446,000
(4) Preliminary plans, working drawings, construct and equip administration addition	125,300
(5) Preliminary plans, working drawings, construct, and equip physical education facility	273,400
(6) Working drawings and construct welding laboratory	45,900
(7) Working drawings and construct commissary remodeling	50,100
(8) Preliminary plans, working drawings, construct and equip library addition	209,100
(9) Working drawings and construct corporation yard, Phase I	105,700

(10) Preliminary plans, working drawings, construct and equip auditorium-lecture hall 763,000

SEC. 10.9. As of June 30, 1975, the unexpended balance of the appropriation made by Item 308(26), Budget Act of 1972, and Item 360(24), Budget Act of 1973, which is directly associated with the La Rue Road extension on the Davis campus, is hereby reappropriated until June 30, 1976, for the purpose of relocating the vegetable crop field headquarters on the Davis campus.

SEC. 11. As of June 30, 1975, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the fund from which the appropriation was made:

General Fund:

Department of Justice:

Chapter 885, Statutes of 1972—For licensing bicycles

State Controller (Department of Health):

Chapter 1258, Statutes of 1974—For reimbursement of private adoption agencies for costs of administering aid to adoption programs for hard-to-place children

Department of General Services:

Section 39.7(f), Chapter 578, Statutes of 1971—To the Office of Administrative Procedure for fair hearings under the provisions of the Welfare and Institutions Code

Department of Parks and Recreation:

Chapter 840, Statutes of 1972—For the operation and maintenance of state park system facilities at Silverwood Lake

Chapter 461, Statutes of 1974—For costs of one additional chief deputy for the Director of Parks and Recreation

Section 1, Chapter 1523, Statutes of 1974—For the acquisition of lands located between Newport Beach and Laguna Beach for the state park system

Department of Health:

Chapter 1023, Statutes of 1972—For administration of methadone maintenance programs

Budget Act of 1974, Section 10.6—For support of the social services programs

Budget Act of 1974, Section 14.3—To liquidate Health Care Deposit Fund outstanding obligations to the General Fund

Capital Outlay Fund for Public Higher Education:

University of California:

Item 390(f), Budget Act of 1974—Working drawings, construction, fuel storage for heating plant—Los Angeles Campus

Trustees of the California State University and Colleges:

Item 362(5), Budget Act of 1973—Construct central library and faculty office building, State University, San Jose

State Construction Program Fund:

Board of Governors of the California Community Colleges:
Item 364(127), Budget Act of 1973—Planning funds for 1974–75—Chancellor's office
Health Science Facilities Construction Program Fund:
University of California:
Item 333(7), Budget Act of 1972—Preliminary plans and working drawings for heating plant No. 2, San Francisco
Item 333(9), Budget Act of 1972—Construct clinics, medical sciences and U.C. hospital buildings alterations, step 1, San Francisco
Item 333(13), Budget Act of 1972—Construct and equip animal services building at University Hospital of San Diego County, San Diego
Item 333(16), Budget Act of 1972—Construct rural animal facility, step 1, San Francisco
Item 378(11), Budget Act of 1973—Preliminary planning and working drawings for Orange County Medical Center improvements, 1973–74, Irvine
Item 378(18), Budget Act of 1973—Working drawings and construct library expansion, University Hospital of San Diego County, San Diego Health Sciences
Item 378(19), Budget Act of 1973—Working drawings and construct medical sciences facility unit 1, San Diego Health Sciences
Item 409(9.1), Budget Act of 1974—Working drawings, construct and equip Sacramento Medical Center improvements, 1974–75
Item 409(11.4), Budget Act of 1974—Working drawings, Orange County Medical Center improvements
Item 409(11.5), Budget Act of 1974—Construct medical sciences unit 2, Irvine Health Sciences
Item 409(14), Budget Act of 1974—Equip library expansion, University Hospital of San Diego County
Item 409(15.2), Budget Act of 1974—Working drawings and construct and equip animal-holding facilities, Elliott Field Station, 1974–75
General Fund:
California State University and Colleges, Chapter 1541, Statutes of 1974, for funding instructionally related activities

SEC. 11.1. As of June 30, 1975, the unencumbered balance of the funds available to the Resources Agency for development of the California Protected Waterway Plan appropriated by Item 28, Budget Act of 1972, shall revert to the unappropriated balance of the General Fund; provided further, that the unencumbered balance of the $25,000 appropriated for grants to local agencies for development of detailed waterway management plans shall remain available without regard to fiscal year.

SEC. 11.2. As of July 1, 1975, $1,489,520 from the appropriation made by Chapter 1112, Statutes of 1973 and $133,975 from the

appropriation made by Chapter 1282, Statutes of 1974, shall revert to the unappropriated balance of the General Fund.

SEC. 11.3. As of July 1, 1975, after reversion of the $133,975 specified in Section 11.2 of this act, the unencumbered balances of Item 298(d), Budget Act of 1972, and Item 330(d), Budget Act of 1973, as reappropriated by Chapter 1282, Statutes of 1974; and after reversion of the $1,489,520 specified in Section 11.2, $4,104,000 from the appropriation made by Chapter 1112, Statutes of 1973, shall revert to the unappropriated surplus of the General Fund.

SEC. 11.4. As of June 30, 1975, the unencumbered balance of the funds appropriated by Item 346, Budget Act of 1973, to the Department of Fish and Game, shall revert to the unappropriated balance of the Fish and Game Preservation Fund.

SEC. 11.5. As of June 30, 1975, the unencumbered balance of the Community Colleges Credentials Fund shall revert to the unappropriated surplus of the General Fund.

SEC. 11.6. As of June 30, 1975, the unencumbered balance of the appropriation made by Item 171, Budget Act of 1974, shall be returned to the General Fund, rather than to the State School Building Aid Fund as indicated in Item 171.

SEC. 11.7. Funds appropriated for the Master Plan for Special Education Pilot Project by Chapter 1532, Statutes of 1974, may be expended by the Superintendent of Public Instruction after he has certified the amount of federal funds which may be lawfully used for the purposes of the Master Plan for Special Education Pilot Project and the Director of Finance has approved the certification. The Director of Finance shall, with the approval of the Joint Legislative Budget Committee, reduce the funds appropriated by Chapter 1532, Statutes of 1974, by the amount of federal funds certified by the Superintendent of Public Instruction and approved by the Director of Finance, which amount shall revert to the unappropriated surplus of the General Fund.

SEC. 11.8. As of September 1, 1975, the unencumbered balance of the funds available to the Department of Parks and Recreation for land acquisition at Inverness Ridge, appropriated by Item 350(mm), Budget Act of 1973, and by subdivision (n) of Section 1, Chapter 1521, Statutes of 1974, shall cease to be available for expenditure until the Department of Parks and Recreation has determined the full costs of the proposed acquisition, has clearly stated the purpose of the acquisition, has presented the above information to the State Public Works Board, and the board has determined that continued acquisition is both reasonable, in terms of costs, and desirable for the state park system.

SEC. 11.10. The University of California having applied for grants of money from the federal government, the following appropriations shall revert, as commitments for such grants are made, to the unappropriated balance of Health Sciences Facilities Construction Program Fund in amounts equal to the federal grant commitments:

Health Sciences Construction Program Fund:
University of California:
Item 378(9), Budget Act of 1973—Construct medical sciences unit 1, Irvine Health Sciences
Item 378(16), Budget Act of 1973—Working drawings and construct clinical teaching facilities, University Hospital of San Diego County, step 1, San Diego Health Sciences
Item 378(17), Budget Act of 1973—Working drawings and construct clinical teaching facilities, University Hospital of San Diego County, step 2, San Diego Health Sciences
Item 409(10), Budget Act of 1974—Construct and equip medical sciences unit 1, Irvine, Health Sciences
Item 409(13), Budget Act of 1974—Equip clinical teaching facility, University Hospital of San Diego County, step 1, San Diego, Health Sciences
Item 409(15), Budget Act of 1974—Equip clinical teaching facility, University Hospital of San Diego County, step 2, San Diego, Health Sciences
Item 409(15.3), Budget Act of 1974—Preliminary plans, working drawings, and construct medical teaching facility, San Diego, Health Sciences
Item 409(16), Budget Act of 1974—Construct school of dentistry, San Francisco, Health Sciences

SEC. 11.81. As of June 30, 1975, the unencumbered balance of the appropriation made by Chapter 1497, Statutes of 1974, shall revert to the unappropriated surplus of the General Fund.

SEC. 11.91. As of July 1, 1975, $309,000 of the funds appropriated from the Health Sciences Facilities Construction Program Fund by Item 409(21), Budget Act of 1974, shall revert to the unappropriated balance of such fund.

SEC. 12. Notwithstanding any other provisions of law the final repayment date of the loan authorized by Item 395, Budget Act of 1966, is hereby extended to June 30, 1979.

SEC. 12.1. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education for transfer, by the State Controller upon the effective date of this act, to the Bagley Conservation Fund, such amount as is necessary to fund the balance of Item 383.5 of the Budget Act of 1974.

SEC. 12.4. On or before March 31, 1976, the University of California shall renegotiate its contract with the County of San Diego to provide for the transfer of the University Hospital of San Diego County to the ownership of the University of California and for financial support by the county of medical indigents who are not eligible for Medi-Cal assistance.

SEC. 13. The Department of Health shall submit quarterly, commencing November 1, 1975, to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee all of the following information: (1) local mental health expenditures by county, (2) any

changes to county mental health allocations, and (3) all requests for new county mental health programs, together with the action taken on such requests by the Department of Health.

SEC. 18. Notwithstanding any statutes, regulations or state policy to the contrary, all contracts and interagency agreements for consultant or personal services, except such contracts as are expressly excluded below, shall, prior to their approval by the Department of General Services, be routed to the Department of Finance for review and approval. The Director of Finance shall, within 30 days of approving any such contract, so notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee in each house which considers appropriations.

The following types of contracts are excluded from the provisions of this section:

(a) Contracts that require payment of less than $10,000 per party per 12-month period.

(b) Contracts for hearing reporter services.

(c) Contracts for employer training programs which provide on-the-job training for workers.

(d) Contracts for rehabilitation services entered into by the Department of Rehabilitation.

(e) Contracts for maintenance or service of equipment.

(f) Contracts for electronic data-processing services reported under Section 4 of this act.

(g) Contracts related to any type of construction.

(h) Contracts for community mental health training entered into by the Centers for Training in Community Psychiatry, Department of Health, Health Treatment System.

(i) Contracts for library services entered into by the Department of Education.

(j) Contracts for removal of abandoned vehicles.

SEC. 19. On or before September 30, 1975, the State Controller shall transfer to the General Fund any amount of accumulated surplus in the Service Revolving Fund as of June 30, 1975, as follows: for the Office of State Printing totals in excess of $6,368,030, and for the remainder of the Service Revolving Fund totals in excess of $14,427,950, and shall apply the amount of such transfers first against any outstanding working capital advances and working capital property.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1975–76 fiscal year except as specifically provided for in this act. Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1976–77 fiscal year shall be included in the proposed budget for that fiscal year as an

appropriation out of the General Fund.

Any surplus resulting from legislative printing shall be shown as a reimbursement to Item 10 of this act.

SEC. 19.6. It is necessary that the State Scholarship and Loan Commission announce awards in the spring of each year, often prior to the time the Budget Act containing the appropriation for this purpose is enacted, in order that students receiving the awards and grants may have sufficient time to plan for entering or returning to school the following fall.

(a) Since the State Scholarship and Loan Commission must announce in the spring of 1976 those individuals to whom state scholarship awards will be granted for the following fall semester of 1976 and, since the Budget Act of 1976 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to announce competitive scholarship winners for the maximum number of new awards authorized by Section 31204 of the Education Code in an amount not to exceed $14,841,816 during the 1975–76 fiscal year for awards to be in effect during the 1976–77 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1976 those individuals to whom graduate fellowship awards will be granted for the following fall semester of 1976 and, since the Budget Act of 1976 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to announce graduate fellowship winners for the awards authorized by Section 31247 of the Education Code in an amount not to exceed $1,000,000 during the 1975–76 fiscal year for awards to be in effect during the 1976–77 fiscal year.

(c) Since the State Scholarship and Loan Commission must announce in the spring of 1976 those individuals to whom college opportunity grants will be granted for the following fall semester of 1976 and, since the Budget Act of 1976 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to announce college opportunity grant winners for the maximum number of new awards authorized by Section 31263 of the Education Code in an amount not to exceed $2,554,400 during the 1975–76 fiscal year for awards to be in effect during the 1976–77 fiscal year.

(d) Since the State Scholarship and Loan Commission must announce in the spring of 1976 those individuals to whom occupational training grants will be granted for the following fall semester of 1976 and, since the Budget Act of 1976 may not be enacted in adequate time, the State Scholarship and Loan Commission is authorized to announce occupational training grant winners for the maximum number of awards authorized by Section 31295.5 of the Education Code in an amount not to exceed $972,000 during the 1975–76 fiscal year for awards to be in effect during the 1976–77 fiscal year.

SEC. 19.7. The Legislature recognizes that child care programs

established and maintained pursuant to Chapter 1177, Statutes of 1972, have made valuable contributions towards insuring that public assistance recipients have been able to accept and maintain employment or related training. It is, therefore, the intent of the Legislature that the Department of Education shall insure that the following provision is met:

(a) That counties shall comply with Section 16784 of the Education Code which requires counties to maintain their 1970–71 level of effort for child care services provided by county funds, and that those county funds shall be used to exceed the $1.14 an hour maximum state and federal reimbursement rate as established by Item 314 of this act, for child care programs.

The Department of Education shall insure that each county complies with Section 16784 of the Education Code in one of the two following manners:

(1) The Legislature has appropriated $1,283,379 to the Department of Education for county child care services. The Department of Education shall not issue funds to a child care contractor within a county until such time as that county certifies in writing to the Department of Education that the county has obligated its 1970–71 child care maintenance of effort funding level, pursuant to Section 16784 of the Education Code, to local county child care contractors. Such sums awarded by a county to a local child care contractor shall not adversely affect an agency's contract reimbursement with the Department of Education pursuant to Section 16780 of the Education Code.

(2) The Legislature has appropriated $1,283,379 to the Department of Education for county child care services. Each county, which had a 1970–71 maintenance of effort funding level for child care, pursuant to Section 16784 of the Education Code, shall transmit such sum to the Department of Education. Funds derived from each county shall be returned to each respective county's child care contractors as a grant award and not within the reimbursement control of Section 16780 of the Education Code.

The Department of Education shall notify all such programs and all such counties which maintained such programs during fiscal year 1973–74 of the Legislature's intent. The Department of Education shall report to the Legislature, no later than August 1, 1975, on the implementation of the Legislature's intent.

SEC. 19.8. The Legislature recognizes that state child care programs can make a valuable contribution assisting adults in low-income families to secure and maintain employment. It is therefore the intent of the Legislature that the Department of Education shall insure that the appropriation schedule in Item 314(a) for child care services be encumbered to the fullest extent possible under the state and federal rules and regulations affecting these programs.

To accomplish the full encumbrance of the state means test allocation, the Department of Education shall compare the actual

rate of expenditures to the budgeted means test allocations for each means test funded child care provider agency during the first six months of the 1975–76 fiscal year, and make such reallocations among these agencies as are necessary for the final six months of the 1975–76 fiscal year to insure the maximum encumbrance of the means test funding level, and, to provide services to the maximum number of children that can be served under this level of funding.

The Department of Education shall also report to the Legislature on or before February 15, 1976, the actual rate of expenditures of all budgeted child care funds from any source for child care services provided in this state during the first six months of the 1975–76 fiscal year and the projected expenditures during the last six months of the 1975–76 fiscal year together with a summary of all actions to be taken by the Department of Education subsequent to the first six months of the 1975–76 fiscal year to ensure the maximum encumbrance of state and federal funds budgeted for child care services.

SEC. 19.9. (a) No funds shall be available to finance contracts in respect to instructional materials adopted by the State Board of Education in which the total price, including sales and use tax, for any instructional materials exceeds by more than 13 percent the average of the three highest total prices for competitive instructional materials.

(b) No funds shall be available to finance contracts for textbooks or separate teachers' manuals adopted by the State Board of Education in which the royalty for any such textbook or separate teacher's manual exceeds by more than 10 percent an amount equal to the net price of that book multiplied by the average of the ratios of royalty to net price of all competitive books of its respective type.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position which was abolished effective September 1, 1975 and which position was vacant continuously during the period between October 1, 1974 and July 1, 1975. The State Controller, no later than August 1, 1975, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those exempt from civil service or those instructional and instructional-related positions authorized for the California State University and Colleges, are abolished effective September 1, 1975.

The State Controller, not later than December 1, 1975, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1975, which were unfilled continuously during the period between October 1, 1974, and July 1, 1975.

SEC. 20.1. Notwithstanding any other provisions of law, expenditures under Item 12 of this act or any appropriation in augmentation of such item shall be exempt from the provisions of Sections 11033, 13320 and 13325 of, and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code,

subdivision (a) of Section 713 of Title 2 of the California Administrative Code and Sections 4, 8, 18, and 25 of this act, and may be expended as set forth in the Governor's Budget, or for such other purposes, including expenditures for such number of positions in various classifications, as may be authorized by the Joint Committee on Rules.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education in the selection of textbooks and for private publishers and the State Printer to print textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized subject to the provisions of Education Code Sections 9200 through 10001 to incur textbook printing obligations in an amount not to exceed $10 million in the aggregate during the 1975–76 fiscal year for delivery by the State Printer and private publishers to the Department of Education and local educational agencies beginning in the 1976–77 fiscal year.

SEC. 21.6. In addition to those purposes set forth in Section 19627.3 of the Business and Professions Code, money subject to allocation pursuant to such provisions may be allocated by the Director of Food and Agriculture to county, district, or combined county and district fairs, during the 1975–76 fiscal year, for general operational support purposes, in the limitation of $65,000 set forth in Section 19627 of the Business and Professions Code shall not be applicable to such allocation.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of General Services has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Transportation, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase funishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an

institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State University and Colleges, a president of a state university or college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a

restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, unemployment compensation benefits, insurance premiums for workmen's compensation coverage, industrial disability leave and payments, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of Law in Item 344 of this Budget Act, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of health benefits plans; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Governor's Budget for 1975–76," submitted by the Governor to the Legislature at the 1975–76 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13300 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are

paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Retirement Fund as provided by Sections 14050 and 14100 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of health benefits plans as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14050 and 14100 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 26.7. Each item appropriating funds for salaries and wages includes the additional funds necessary to continue the payment of the amount of salaries in effect on June 30, 1975, for state officers whose salaries are specified by statute.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

Augmentations of amounts available for expenditure for a category or project designated in any line of any schedule for personal services

or operating expenses and equipment set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule shall not exceed, during any fiscal year, 20 percent of the amount so scheduled on that line.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1975–76 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. The Regents of the University of California and the Trustees of the California State University and Colleges may not enter into a lease-purchase agreement with another entity, public or private, which involves building space, unless such agreement is reviewed and approved by the Legislature.

SEC. 28.2. The Director of General Services may not execute a lease agreement between the state and another entity, public or private, in which the state is lessee when the agreement is to be for the lease of a building or building space or both which will be for the occupancy of any agency or agencies of the state with a firm lease period of five years or longer and an annual rental in excess of $5,000 or if the agreement contains an option for the purchase of the lease property, unless not less than 30 days prior to its execution he notifies the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to execute such an agreement, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine, provided that no funds appropriated in this act may be encumbered or expended for any lease entered into on or after July 1, 1975, for office space in the County of Sacramento unless the lease terms contain a provision that such lease may at the option of the state be canceled without penalty in the event the state builds or has built

state office buildings in the City of Sacramento into which the state agency under the lease may be directed by the state to occupy, except that provisions to pay a lessor for the unamortized capital improvements put in at the state's request shall not be considered a penalty for purposes of this section.

SEC. 28.3. The Department of Benefit Payments shall submit, by September 1, November 15, and April 15, to the Department of Finance for its approval, all assumptions underlying all estimates related to the (1) average monthly caseloads for each of the categorical aid programs, (2) average grant for each of the categorical aid programs, (3) total estimated expenditures for each of the categorical aid programs, and (4) savings or costs associated with all regulatory or statutory changes.

The State Department of Health shall submit, by September 1, December 1, and April 15, to the Department of Finance for its approval, all assumptions underlying all estimates related to (1) the average monthly caseload for the medically needy and medical indigent in the Medi-Cal Program, (2) the average cost for each category of service and each category of recipient, (3) total estimated expenditures for each category of service, and (4) savings or costs associated with all regulatory or statutory changes.

The Department of Finance shall approve or modify the assumptions underlying all estimates by September 15, December 1, and May 1. Failure on the part of the Department of Finance to approve or modify the assumptions by such date shall constitute acceptance by the Department of Finance of the assumptions as presented by the submitting department.

The estimates of average monthly caseload, average monthly grant, average cost of medical services, total estimated expenditures (including administrative expenditures and savings or costs associated with all regulatory or statutory changes), and a listing of all of the approved assumptions, as well as all supporting data provided by the Department of Benefit Payments and the State Department of Health or developed independently by the Department of Finance, shall be made available to the Joint Legislative Budget Committee immediately following approval by the Department of Finance. However, such departmental estimates, assumptions, and other supporting data as have been prepared shall be forwarded to the Joint Legislative Budget Committee not later than October 1, January 1, and May 15 by the Department of Benefit Payments in the event this information has not been released earlier.

SEC. 28.4. No funds appropriated by this act shall be encumbered or expended for the purpose of funding any increased local governmental costs arising from the issuance of an executive order subject to the provisions of Section 2231 of the Revenue and Taxation Code, unless notification in writing of the necessity therefor is given at least 30 days before such encumbrance or expenditure is made to the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Commit-

tee or such lesser time as the chairman of said committee, or his designee, may in each instance determine.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the chairman of the committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee. Such notices shall state the reason for and amount of such authorization and shall be filed prior to approval whenever possible and in no case shall they be filed more than 10 days after approval.

SEC. 28.6. The Director of Parks and Recreation may not negotiate or advertise any concession contract or operating lease or nongovernmental agreement which involves a total investment for any private party in excess of $100,000 or involves projected concessionaire gross receipts in excess of $100,000 on an annual basis under the terms of the proposed agreement unless not less than 30 days prior to such advertising date, the Director of Finance notifies the Chairman of the Joint Legislative Budget Committee or his designee in writing of his intention to initiate advertising for such concession contract or agreement, or not sooner than such lesser time as the chairman of such committee or his designee, may in each instance determine; provided, that the notification shall include a finding by the Director of Parks and Recreation and the Director of Finance that the concession contract or agreement cannot reasonably be presented to the Legislature through the annual budgeting process.

In addition, none of the access, picnic, restroom, or camping facilities constructed with funds appropriated by this act shall be operated pursuant to any new or existing concession agreement unless the justification for the appropriation presented to the Legislature has included such concession operation.

SEC. 28.7. The Regents of the University of California shall not undertake any project funded from the Health Sciences Hospital Reserve Fund, which is in excess of $100,000, unless the scope and cost of any such project is approved by the Director of Finance and 30 days written notification is provided to the Chairman of the Joint Legislative Budget Committee or his designee. Any project funded from the Health Sciences Hospital Reserve Fund, of less than $100,000, shall be reported to the Chairman of the Joint Legislative Budget Committee by December 1 of each fiscal year. For purposes of this section the definition of a project does not include equipment projects. Any urgent project concerned with patient life or safety may proceed without prior approval or notification but such project shall be identified in the report provided each December 1.

SEC. 28.8. Notwithstanding any provisions of law to the contrary, including Sections 27 and 28 of this act, no funds allocated by this act or derived from any other source may be used to fund the center for the study and reduction of violence at the

Neuropsychiatric Institute or any similar research program at any state entity, without prior approval of the Legislature.

SEC. 28.9. Since it is the intent of the Legislature in enacting this budget that no qualified student be denied admission to the California State University and Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State University and Colleges or the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state colleges or the university, in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to insure that all qualified students can be admitted when he certifies that the systemwide enrollment of the California State University and Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the budget for the state university and colleges or the university was based; provided, that no increased expenditure may exceed $5 million in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

In the event that the systemwide enrollment of the California State University and Colleges or University of California is under the budgeted enrollment by more than 2 percent, such excess shall be unallotted by the Director of Finance. Unallocated funds may be reallocated to preclude layoffs only after the Director of Finance has approved such action and should not be authorized sooner than 30 days after notification in writing of the necessity therefor to the chairman of committee in each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

In the further event that any campus of the California State University and Colleges is projected to have a reduction of instructional faculty positions in the 1975–76 fiscal year of more than 2 percent of the positions that existed during the 1974–75 fiscal year, a sum not to exceed $1,000,000 shall be reapportioned from the unexpended balance of the appropriation made in Item 359, Budget Act of 1974, in order to limit the reduction of instructional faculty positions to a maximum of 2 percent. The Director of Finance, or his authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee and the chairman of the committee of each house which considers appropriations, of any action taken pursuant to this section, within 30 days of such action.

SEC. 28.10. All appropriations for the support of the California State University and Colleges shall be subject to the provisions of

Section 13320 of the Government Code and applicable Budget Act restrictions with the following exceptions:

(a) The trustees may transfer excess salary saving funds from the salary savings reserve allotments to expenditure allotments provided such transfers do not exceed 20 percent of salary saving. Excess salary savings funds are those in excess of the amount budgeted.

(b) The trustees may approve transfer of funds between one or more of the programs for which funds are appropriated for the support of the California State University and Colleges.

Any transfer of funds made under the above exceptions shall be reported to the Department of Finance and Joint Legislative Budget Committee within 30 days after the end of each quarter in which such transfer was approved.

SEC 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from total equivalent compensation funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

The Director of Finance, or his authorized designee, shall notify the Chairman of the Joint Legislative Budget Committee within 30 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step of $1,000 or more per month. He shall also report all transfers to blanket authorizations and the establishment of any permanent position out of a blanket authorization.

All positions administratively established pursuant to this section during the 1975–76 fiscal year shall terminate on June 30, 1976, except that those positions which have been (a) included in the 1976–77 Governor's Budget as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 1976–77 Governor's Budget submission to the Legislature, may be reestablished by the Department of Finance during the 1976–77 fiscal year, provided such positions are shown in the 1977–78 proposed Governor's Budget submitted to the Legislature, or in subsequent

Department of Finance letters to the Legislature, and provided, such positions do not result in establishment of positions deleted by the Legislature through the 1976–77 budget process.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1974, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be

allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Chairman of the Joint Legislative Budget Committee, and the chairman of the committee in each house which considers appropriations, quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.2. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7.5 (commencing with Section 12080) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12080.5 of the Government Code, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective; provided that, unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the Aid to Families with Dependent Children Programs or the Aid to the Potentially Self-Supporting Blind Program, expenditures of state funds for those programs for the fiscal year ending June 30, 1976, shall not exceed, in the aggregate, the sum of $504,350,500.

The Department of Benefit Payments shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1975-76 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 287, provided the Legislature is notified pursuant to the provi-

sions of Section 28 of the Budget Act of 1975.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1975–76.

Further provided, that any increase related to changes in a rule or regulation shall be limited to the minimum amount needed to reimburse counties for increased costs due to such changes when such regulation changes have been approved in advance by the Department of Finance.

If the Director of Finance determines during the third quarter that the estimate of expenditures will exceed the authorized expenditure in this section, he shall so report to the Legislature prior to the end of the third quarter. At such time as a report is made, the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

SEC. 32.9. No expenditure for park furnishings shall be made from any appropriation contained in this act for use by the Department of Parks and Recreation unless the department has made reasonable efforts to acquire such furnishings on a consolidated procurement basis. The department shall provide reasonable demonstration of such consolidated procurement to the Public Works Board and the Office of Procurement of the Department of General Services before the board and office authorize an expenditure or approve procurement.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated, or reduced by the Governor under Section 10 of Article IV of the Constitution, while approving portions of this act, such veto, elimination, or reduction shall not affect the other portions of this act, and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act, and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any portion of this act is held unconstitutional, such decision shall not affect the validity of any other portion of this act. The Legislature hereby declares that it would have passed this act, and each portion thereof, irrespective of the fact that any other portion be declared unconstitutional.

SEC. 34.5. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 35. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act makes appropriation for support of state and local government for the 1975–76 fiscal year and provides for capital outlay appro-

priations, in continuation of existing programs and to promote and sustain the economy of the state. It is imperative that such appropriations be available for expenditure commencing not later than July 1, 1975. It is therefore necessary that this act go into immediate effect.

CHAPTER 177

An act to amend Sections 15200 and 15201 of, and to add Section 15801.5 to, the Financial Code, relating to credit unions.

[Approved by Governor July 2, 1975 Filed with Secretary of State July 2, 1975]

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

SECTION 1. Section 15200 of the Financial Code is amended to read:

15200. The board of directors of any credit union may declare dividends semiannually, annually, or, with the written approval of the commissioner, quarterly. Rates of such dividends, and terms of payment may be established in advance by action of the board of directors. The board of directors may classify the share accounts of the credit union relative to the rights, restrictions, and dividend rates as prescribed in regulations which shall be promulgated by the commissioner.

SEC. 2. Section 15201 of the Financial Code is amended to read:

15201. The directors of any credit union may, for each quarter, half year, or fiscal year, declare such dividends from its undivided profits as provided by law, but no credit union shall credit or pay any dividends to its shareholders until it has transferred to its guaranty fund such part of its gross income as is required by Section 15150.

SEC. 3. Section 15801.5 is added to the Financial Code, to read:

15801.5. The commissioner may by regulation authorize credit unions organized under the provisions of this division to engage in any activity authorized by law or regulation for credit unions organized under the laws of the United States. Any such regulation shall expire on the first day of January of the second succeeding year following the end of the calendar year in which such regulation was promulgated.

CHAPTER 178

An act to add Section 13557.7 to the Education Code, relating to pupils.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 13557.7 is added to the Education Code, to read:

13557.7. The governing board of a school district may permit the pupils enrolled at any high school to leave the school grounds during the lunch period of such pupils.

Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.

In the event that the governing board grants such permission, it shall send the following notice along with the notification of parents and guardians required by Section 10921:

"The governing board of the _____ School District, pursuant to Section 13557.7 of the Education Code, has decided to permit the pupils enrolled at _____ High School to leave the school grounds during the lunch period.

"Section 13557.7 of the Education Code further states:

" 'Neither the school district nor any officer or employee thereof shall be liable for the conduct or safety of any pupil during such time as the pupil has left the school grounds pursuant to this section.' "

CHAPTER 179

An act to repeal Section 13063 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 13063 of the Welfare and Institutions Code is repealed.

CHAPTER 180

An act to amend Section 6812.7 of the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 6812.7 of the Education Code is amended to read:

6812.7. The governing board of any school district or a county superintendent of schools, with the approval of the county board of education and the Superintendent of Public Instruction, may establish and maintain an experimental program for deaf or severely hard-of-hearing children who are at least six months of age. Not more than two such experimental programs shall be established pursuant to this section. Program approval shall be given to such school district or county superintendent of schools which is presently operating such a program or which is otherwise prepared to undertake the type of program authorized by this section.

With the approval of the Superintendent of Public Instruction, these experimental programs shall be permitted to operate differently from regular class programs. The Superintendent of Public Instruction may, upon application of the governing board or county superintendent of schools, as the case may be, waive such provisions of the Education Code as he deems necessary in order to provide the necessary flexibility for these experimental programs.

It is the intent of the Legislature that, in connection with these experimental programs, proper recognition be given to the needs of parents, through provision of parents' home training and parent counseling, the audiological needs of the child, and the purchase of necessary supplies and equipment. The Legislature also intends that proper recognition be given to the need for the promotion and initiation of early identification activities. However, for the purposes of these experimental programs, it is not intended that actual identification activities be undertaken of the infant population at large.

The Superintendent of Public Instruction shall prepare and submit to the Legislature 24 months after initiation of such a program, but no later than July 1, 1977, an interim evaluation report of the results of the programs, and no later than June 30, 1978, a final evaluation report of the results of the programs. Authorization to conduct such experimental programs shall expire on July 30, 1978.

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

In order to authorize the experimental educational program for children six months of age and older who are deaf or severely hard-of-hearing to be continued beyond July 30, 1975, and to thereby provide vitally needed assistance to such children and their families, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 181

An act to amend Section 7 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)), relating to the Ventura County Flood Control District.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 7 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944 (Second Extraordinary Session)) is amended to read:

Sec. 7. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district, and to provide for the protection from erosion of beaches and shorelines within the district, and to provide for the restoration of such beaches and shorelines.

Ventura County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.

5. To acquire, by purchase, lease, construction, or otherwise, or contract to acquire, lands, right-of-way, easements, privileges and property of every kind, whether real or personal, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.

6. To store water in surface or underground reservoirs within or

outside of the district for the common benefit of a zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district or wasteful use of water.

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district.

8. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn any existing works or improvements in said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby

declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of any interest in land is necessary.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipe lines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights,. canals, water works, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Ventura County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry

such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer, sale or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the Ventura County Flood Control District or any zone thereof, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

11. To incur indebtedness and to issue bonds in the manner herein provided.

12. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

14. To cooperate and to act in conjunction with, or to contribute funds to, the United States or the state for the purposes of protecting beaches or shorelines within the district, or restoring such beaches or shorelines.

15. To carry on technical investigations pertaining to ocean currents, tides, erosion, soundings, and beach surveys.

CHAPTER 182

An act to amend Sections 11501, 11502, 11503, 11503.1, 11505, 11506, 11507, 11509, 11512, 11513, 11700, 11701, 11702, 11703, 11703.1, 11705, 11714, 11715 of, to add Sections 9262 and 9264 to, and to repeal Sections 9262, 9264, and 11906 of, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 9262 of the Vehicle Code is repealed.

SEC. 2. Section 9262 is added to the Vehicle Code, to read:

9262. (a) The fee for a license issued to manufacturers, manufacturer branches, distributors, distributor branches, transporters, representatives, and dealers shall be:

(1) For the original license, or an ownership change which requires a new application, an application fee of twenty-five dollars ($25).

(2) For the annual renewal of a license, a fee of fifteen dollars ($15).

(3) Where an alteration of an existing license is caused by a firm name change, address change, or the addition of a branch location, a fee of fifteen dollars ($15).

(b) When the holder of a license as indicated above applies for special plates as provided in subdivision (b) of Section 11714, the fee for such plates and the annual renewal of such plates shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are issued or renewed.

SEC. 3. Section 9264 of the Vehicle Code is repealed.

SEC. 4. Section 9264 is added to the Vehicle Code, to read:

9264. (a) The fee for a license issued to an automobile dismantler shall be:

(1) For the original license, or an ownership change which requires a new application, an application fee of twenty-five dollars ($25).

(2) For the annual renewal of a license, a fee of fifteen dollars ($15).

(3) Where an alteration of an existing license is caused by a firm name change, address change, or the addition of a branch location, a fee of fifteen dollars ($15).

(b) Should an automobile dismantler make application for a license as a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, then in that event he shall pay such additional fee as set forth under Section 9262.

(c) When the holder of an automobile dismantler's license as

indicated above applies for special plates as provided for in subdivision (b) of Section 11505, the fee for such plates and the annual renewal of such plates shall be the prevailing vehicle registration fee as set forth in Section 9250 during the period for which the special plates are issued or renewed.

SEC. 5. Section 11501 of the Vehicle Code is amended to read:

11501. Every automobile dismantler shall make application to the department upon the appropriate form for a license containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide automobile dismantler as may reasonably be required by the department.

SEC. 6. Section 11502 of the Vehicle Code is amended to read:

11502. The department shall have the power and duty to issue and for reasonable cause shown to refuse to issue a license. The department may refuse to any applicant therefor a license provided for herein, if such applicant does not meet the requirements of the terms and provisions of this code relating to the conduct of an automobile dismantling business.

SEC. 7. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license to an applicant when it determines that:

(a) The applicant was previously the holder of a license issued under this code, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license issued under the authority of this chapter was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license issued under the authority of this chapter was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled, or that by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation, business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A

conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in an application is incorrect.

(f) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(g) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 8. Section 11503.1 of the Vehicle Code is amended to read:

11503.1. Any of the causes specified in Section 11509 as a cause to suspend or revoke the license issued to an automobile dismantler, shall be cause to refuse to issue a license to an automobile dismantler.

SEC. 9. Section 11505 of the Vehicle Code is amended to read:

11505. (a) The department, upon granting a license shall issue to the applicant a license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) When the department has issued a license pursuant to subdivision (a), the licensee may apply for and the department shall issue special plates which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate from every other plate bearing a like general distinguishing number.

(c) The department shall also furnish books and forms as it may determine necessary, which books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

SEC. 10. Section 11506 of the Vehicle Code is amended to read:

11506. Except where the provisions of this code require the refusal to issue a license, the department may issue a license restricted by conditions to be observed in the exercise of the privilege granted. The terms and conditions to be attached to the exercise of the privilege under such restricted license shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department.

SEC. 11. Section 11507 of the Vehicle Code is amended to read:

11507. Pending the satisfaction of the department that the applicant has met the requirements under this code, it may issue a temporary permit to any person applying for an automobile dismantler license. The temporary permit shall permit the operation by the automobile dismantler for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualification of the applicant to such license. The department may cancel such temporary permit

when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

SEC. 12. Section 11509 of the Vehicle Code is amended to read:

11509. The department after notice and hearing may suspend or revoke the license issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the established place of business, or has violated one or more terms and provisions of Division 3 (commencing with Section 4000) or Division 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code; or any of the rules and regulations adopted pursuant thereto; or has been convicted of a felony or a crime involving moral turpitude; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license as provided for in this code; or has failed to pay within 30 days after written demand from the department any fees or penalties due on vehicles acquired for dismantling.

When a check, draft, or money order submitted to the department by a licensee dismantler for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend or revoke a license issued to such automobile dismantler.

Any of the causes specified in Section 11503 as a cause for refusal to issue a license to an automobile dismantler applicant, shall be cause, after notice and hearing, to suspend or revoke a license and special plates issued to an automobile dismantler.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 13. Section 11512 of the Vehicle Code is amended to read:

11512. (a) Upon refusal of the department to issue a license to an automobile dismantler the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

(b) The hearing shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 14. Section 11513 of the Vehicle Code is amended to read:

11513. The department shall not issue an automobile dismantler's license to any applicant therefor who has not an established place of business as is defined in this code. Should the automobile dismantler change the site or location of his established place of business, he shall immediately upon making such change so notify the department. Should the automobile dismantler for any reason whatsoever, cease to be in possession of an established place of business, as in this code defined, from and on which he conducts the business for which he is licensed, he shall immediately so notify the department and upon demand therefor by the department shall deliver up unto the department such automobile dismantler's license, and all books and forms provided by the department in his possession.

SEC. 15. Section 11700 of the Vehicle Code is amended to read:

11700. It shall be unlawful for any person to act as a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer without having first procured a license as required by Section 11701 or temporary permit issued by the department, or when such license or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

SEC. 16. Section 11701 of the Vehicle Code is amended to read:

11701. Every manufacturer of, and manufacturer branch, distributor of, and distributor branch, transporter of, or dealer in vehicles of a type subject to registration or of snowmobiles shall make application to the department for a license containing a general distinguishing number. The applicant shall submit proof of his status as a bona fide manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer as may reasonably be required by the department.

SEC. 17 Section 11702 of the Vehicle Code is amended to read:

11702. The department may issue, or for reasonable cause shown, refuse to issue, a license to any applicant applying for a manufacturer's, manufacturer's branch, distributor's, distributor's branch, transporter's, or dealer's license.

SEC. 18 Section 11703 of the Vehicle Code is amended to read:

11703. The department may refuse to issue a license to a manufacturer, manufacturer branch, distributor, distributor branch, transporter, or dealer, when it determines that:

(a) The applicant was previously the holder of a license issued under this chapter, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of suspension have not been fulfilled.

(b) The applicant was previously a limited or general partner, stockholder, director, or officer of a partnership or corporation whose license issued under the authority of this chapter was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled.

(c) If the applicant is a partnership or corporation, that one or more of the limited or general partners, stockholders, directors or

officers was previously the holder or a limited or general partner, stockholder, director or officer of a partnership or corporation whose license issued under the authority of this chapter was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been fulfilled, or that by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(d) The applicant, or one of the limited or general partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if the corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude. A conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

(e) The information contained in the application is incorrect.

(f) The decision of the department to cancel, suspend, or revoke a license has been entered, and this applicant was the licensee, or a copartner, officer, director, or stockholder of such licensee.

SEC. 19. Section 11703.1 of the Vehicle Code is amended to read:

11703.1. Any of the causes specified in Section 11705 as a cause to suspend or revoke the license issued to a dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter, shall be cause to refuse to issue a license to a dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter.

SEC. 20. Section 11705 of the Vehicle Code, as amended by Chapter 1286 of the Statutes of 1974, is amended to read:

11705. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has committed any of the following acts:

(1) Filed an application for the license thereafter issued using a false or fictitious name not registered with the proper authorities, or knowingly made any false statement or knowingly concealed any material fact, in the application for such license.

(2) Has made, or knowingly or negligently permitted, any illegal use of the special plates issued to such license.

(3) Has used a false or fictitious name, knowingly made any false statement, or knowingly concealed any material fact, in any application for the registration of a vehicle, or otherwise committed a fraud in such application.

(4) Failed to deliver to a transferee lawfully entitled thereto a

properly endorsed certificate of ownership.

(5) Has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle.

(6) Failed to provide and maintain a clear physical division between the type of business licensed pursuant to this chapter and any other type of business conducted at the established place of business.

(7) Has willfully violated any of the terms or provisions of Sections 3064 and 3065 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(8) Has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000) or a rule or regulation adopted pursuant thereto, or Section 1651, or subdivision (a) of Section 38200.

(9) Has violated one or more of the terms and conditions of Division 4 (commencing with Section 10500) or the rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(10) Has violated one or more of the provisions of Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651.

(11) Has violated any of the terms or provisions of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code or rules and regulations adopted pursuant thereto or adopted pursuant to Section 1651 of this code.

(12) Has violated any of the terms or provisions of Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code or the rules and regulations adopted pursuant thereto under the authority of Section 1651 of this code.

(13) Has submitted a check, draft, or money order to the department for any obligation or fee due the state and it is thereafter dishonored or refused payment upon presentation.

(14) Has caused any person to suffer any loss or damage by reason of any fraud or deceit practiced on him or fraudulent representations made to such person in the sale or purchase of a vehicle or parts or accessories thereof.

(15) Has violated any of the terms and conditions of Chapter 3 (commencing with Section 1797) of Title 1.7 of Part 4 of Division 3 of the Civil Code.

(16) Has violated any of the terms or provisions of Chapter 6 (commencing with Section 11950) of Division 5.

For the purposes of this subdivision, the term "fraud" includes any act or omission which is included within the definition of either "actual fraud" or "constructive fraud" as defined in Sections 1572 and 1573 of the Civil Code, and the term "deceit" has the same meaning as defined in Section 1710 of the Civil Code. In addition, the terms "fraud" and "deceit" include, but are not limited to, the following: a misrepresentation in any manner, whether intentionally false or

due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; an intentional failure to disclose a material fact; any act falling within the provisions of Section 484 of the Penal Code.

(b) Any of the causes specified in Section 11703 as a cause for refusal to issue a license to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer applicant shall be cause to suspend or revoke a license issued to a transporter, manufacturer, manufacturer branch, distributor, distributor branch, or dealer.

(c) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 21. Section 11714 of the Vehicle Code is amended to read:

11714. (a) The department, upon granting a license, shall issue to the applicant a license containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(b) When the department has issued a license pursuant to subdivision (a), the licensee may apply for and the department shall issue special plates which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate from every other plate bearing a like general distinguishing number.

(c) The department shall also furnish books and forms as it may determine necessary. Such books and forms are and shall remain the property of the department and may be taken up at any time for inspection.

SEC. 22. Section 11715 of the Vehicle Code is amended to read:

11715. (a) A manufacturer, distributor or dealer owning or lawfully possessing any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the

owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter, distributor or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this section do not apply to work or service vehicles owned by a manufacturer, transporter, distributor or dealer. They do not apply to vehicles owned and leased by dealers, except those vehicles rented or leased to vehicle salesmen in the course of their employment for purposes of display or demonstration, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this state which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

(f) Every owner upon receipt of a registration card issued for special plates shall maintain the same or a facsimile copy thereof with the vehicle bearing the special plates.

SEC. 23. Section 11906 of the Vehicle Code is repealed.

SEC. 24. There is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund, the sum of one hundred fifty-five thousand six hundred dollars ($155,600) to the Department of Motor Vehicles for costs relating to the implementation of this act.

SEC. 25. Section 20 of this act shall become operative on July 1, 1975.

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

This act will revise various provisions pertaining to the issuance of occupational licenses and special plates and the imposition of fees therefor. The period for renewing 1976 occupational licenses begins November 1, 1975. In order to provide sufficient advance time for the Department of Motor Vehicles to implement the provisions of this act in time for the 1976 renewal period, it is necessary that the act take effect immediately.

CHAPTER 183

An act to add Section 11038.3 to the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 11008.3 is added to the Welfare and Institutions Code, to read:

11008.3. The 1974 income tax refunds and the lump sum fifty dollars ($50) payment received under the provisions of Public Law 94-12 shall not be considered as income or resources in determining the amount payable to any person under the aid to families with dependent children program, the Burton-Moscone-Bagley Citizens' Income Security Act for Aged, Blind and Disabled Californians, the aid to the potentially self-supporting blind program, the Medi-Cal Act, in computing net income or financial liability under Section 14005.7 or 14005.12, or county aid and relief to indigents.

This section shall not be construed to limit the provisions of Section 11008 or 11008.1.

SEC. 1.5. This act shall become operative May 1, 1975.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order to implement certain federal requirements provided in this act it is necessary that this act take immediate effect.

CHAPTER 184

An act to amend Section 74504.5 of the Government Code, relating to municipal courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 74504.5 of the Government Code is amended to read:

74504.5. (a) With the approval of the board of supervisors, a majority of municipal court judges may establish positions for officers, attachés, and employees in addition to those provided by this article. The order and approval establishing any such position shall designate the position title and pay rate and whether the provisions of Section 74507 are applicable to the position.

With the approval of the board of supervisors, a majority of the

judges may appoint and employ such additional officers, attachés, and employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members.

(b) Rates of compensation of all court personnel provided by this article may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

(c) Appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following such appointments or changes in compensation, unless ratified by the Legislature.

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

In order to allow salary adjustments for municipal court commissioners in the City and County of San Francisco to be effective for the 1975–76 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 185

An act to repeal Section 311 of the Fish and Game Code, relating to salmon fishing.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 311 of the Fish and Game Code is repealed.

CHAPTER 186

An act to add Chapter 12 (commencing with Section 2520) to Division 3 of the Streets and Highways Code, relating to federal aid for off-system roads, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Chapter 12 (commencing with Section 2520) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 12. FEDERAL AID FOR OFF-SYSTEM ROADS

Article 1. General Provisions

2520. This chapter may be cited as the Federal Aid for Off-System Roads Act.

2521. By the Federal-Aid Highway Amendments of 1974, Congress has enacted Section 219 of Title 23 of the United States Code and has authorized an appropriation thereby for expenditures under the Off-System Roads Program for the construction, reconstruction, and improvement (including, but not limited to, the replacement of bridges and the elimination of high-hazard locations and roadside obstacles) of any toll-free road in a rural area, which road is not on any federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel. The boards of supervisors, the department, and the commission may do all things necessary and proper in their respective jurisdictions to secure the federal funds available under this program for county highways and state highways in accordance with the intent of the federal act and this chapter.

2522. As used in this chapter, "county" does not include a city and county.

Article 2. Administration

2530. The federal act provides that money apportioned to a state under this program shall be made available for expenditures in the counties of the state on a fair and equitable basis. It is in the interest of the state and its counties that an amount equal to at least 98½ percent of the money available for construction, pursuant to the provisions of Section 219 of Title 23 of the United States Code, be apportioned for expenditure on county roads among the counties in the manner and in accordance with the formula prescribed in that section for apportionment among the states. The census figures to be used in making such apportionments shall be those shown by the latest available federal census.

2531. The boards of supervisors of the several counties and the department shall enter into cooperative agreements and do all other things necessary and proper in their respective jurisdictions to secure federal aid for construction of county highways in accordance with the intent of this chapter.

2532. Following receipt of the federal apportionment, the department shall notify each county as soon as possible of the amount of money to be available for expenditure in the county. After receiving notice of the apportionment from the department, each county shall have 60 days in which to notify the department as to what amount of the apportionment the county wishes to claim and to agree to provide matching funds therefor as may be necessary. The counties, in cooperation with the department, shall thereafter

select projects in conformance with the federal act.

2533. The counties shall prepare plans, specifications, and estimates of costs for the construction of such projects in conformance with federal requirements for off-system roads, shall certify the necessary right-of-way, and shall submit such documents to the department by January 1 following the end of the fiscal year of apportionment in order to qualify for the funds.

2534. Off-system road funds apportioned to any county and not claimed or used as provided in Section 2532 or 2533 shall be expended upon off-system road projects on the state highway system in the county group, as specified in Section 187, which includes that county.

2535. By agreement with the department, a county may transfer all or part of the funds apportioned to it under this chapter to a qualifying off-system roads project on a road under other governmental jurisdiction in the same county, or to a qualifying project in another county under such terms and conditions as are agreed upon by the department and the counties involved.

2536. Expenditure of funds apportioned under the Off-System Roads Program on state highways, as well as funds used to match federal funds, shall be deemed an expenditure to meet the requirements of Sections 188, 188.8, and 188.9.

2537. The counties may use any funds available to them to match federal funds made available under this chapter, if the use of funds for such matching purposes is not prohibited by federal law. "Match," as used in this chapter, means to provide for the payment of the cost of any project to the extent that such cost is not to be reimbursed from federal funds.

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

Federal funds have been made available for off-system roads and therefore it is necessary that this act take effect immediately to implement the program and utilize the funds available as soon as possible.

CHAPTER 187

An act to amend Section 20741 of, and to repeal Sections 20750.88 and 20750.91 of, the Government Code, relating to the Public Employees' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 20741 of the Government Code is amended to read:

20741. The state's contribution to the Retirement Fund with respect to state miscellaneous members is a sum equal to 9.52 percent of the compensation paid such members by the state during fiscal year 1974–75, 10.02 percent of such compensation paid during fiscal year 1975–76, 11.02 percent of such compensation paid during fiscal year 1976–77, 12.02 percent of such compensation paid during fiscal year 1977–78, 13.02 percent of such compensation paid during fiscal year 1978–79, and 14.58 percent of such compensation paid during fiscal year 1979–80 and subsequent fiscal years.

SEC. 2. Section 20750.88 of the Government Code is repealed.

SEC. 3. Section 20750.91 of the Government Code is repealed.

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

Regular valuation of the Public Employees' Retirement System has been completed. Section 20750.91 of the Government Code provides that the state's rate of contribution to the Retirement Fund with respect to miscellaneous members shall be adjusted effective July 1, 1975, pursuant to such valuation In order that this mandate be complied with, and the integrity of the Public Employees' Retirement Fund maintained, this act must take effect immediately.

CHAPTER 188

An act to amend Sections 39000, 39001, 39002, 39003, 39004, 39005, 39007, 39008, 39009, and 39010 of the Vehicle Code, relating to bicycle licensing.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 39000 of the Vehicle Code is amended to read:

39000. For the purposes of this division:

(a) "Bicycle" means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears and which has wheels at least 20 inches in diameter and a frame size of at least 14 inches.

(b) "Bicycle retailer" means any person, firm, partnership, or corporation which is engaged, wholly or partly, in the business of selling bicycles at retail, or buying or taking in trade bicycles for purpose of resale, selling, or offering for sale at retail, or otherwise dealing in bicycles at retail, whether or not such bicycles are owned

by such person or entity. The term also includes agents or employees of such person or entity.

(c) "Designated agent" means any person, firm, business, or corporation which (1) is authorized by a city or county to issue licenses pursuant to this division, and (2) has consented to being a licensing agent.

SEC. 2. Section 39001 of the Vehicle Code is amended to read:

39001. The department shall procure and distribute bicycle license indicia to all cities and counties which have or adopt a bicycle licensing ordinance or resolution. Cities and counties shall issue, or cause to be issued by their designated agents, the indicia distributed by the department to owners of any new bicycle which is first sold on or after September 20, 1974. The department shall charge and collect a fee, not to exceed the cost of procuring and distributing the license indicia, for each bicycle license indicia issued. All fees collected pursuant to this section shall be deposited in the State Bicycle License Fund which is hereby created. There is hereby continuously appropriated from such fund such amounts, as determined by the Director of Finance, as are needed by the department to defray costs to procure and distribute the bicycle license indicia.

The director shall design the bicycle license indicia and shall establish procedures for the distribution of such indicia to cities and counties. Such indicia shall be adhesive, durable, flexible, and of a size to permit it to be affixed to the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle.

Bicycle licenses shall be renewed uniformly throughout the state at periods, not to exceed five years, to be designated by the director. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed on or near the indicia.

SEC. 3. Section 39002 of the Vehicle Code is amended to read:

39002. (a) If a city or county has or adopts a bicycle licensing ordinance or resolution, no resident shall operate any bicycle, first sold as a new bicycle in California on or after September 20, 1974, on any street, road, highway, or other public property within the jurisdiction of such city or county, unless such bicycle is licensed in accordance with this division.

(b) Any bicycle not subject to the provisions of this division may be additionally regulated or licensed pursuant to local ordinance or may be licensed upon request of the owner.

SEC. 4. Section 39003 of the Vehicle Code is amended to read:

39003. If a city or county has or adopts a bicycle licensing ordinance or resolution, indicia obtained from the department shall be issued to the owner by the city or county or its designated agents, including, but not limited to, bicycle retailers.

SEC. 5. Section 39004 of the Vehicle Code is amended to read:

39004. Each city or county, by ordinance or resolution, may adopt rules and regulations for the collection of license fees. The fee

charged shall not exceed two dollars ($2) per year. Revenues from license fees shall be retained by, or transmitted to, the licensing city or county and shall be used for the support of such bicycle ordinance or resolution, or may be used to reimburse its designated agents for services rendered. In addition, fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the limits of the jurisdiction, except that other bicycle license fee revenues which, prior to September 20, 1974, were used for other purposes may continue to be used for the same purposes for a period not exceeding one year from September 20, 1974.

SEC. 6. Section 39005 of the Vehicle Code is amended to read:

39005. Cities and counties having a bicycle licensing ordinance or resolution shall compile and maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type, and model of the bicycle, and the name and address of the licensee.

Records shall be maintained during the period of validity of the license or upon notification that the bicycle no longer is to be operated.

SEC. 7. Section 39007 of the Vehicle Code is amended to read:

39007. No bicycle retailer shall sell any new bicycle in this state unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. Serial numbers shall be stamped or cast in the head of the frame, either side of the seat down-post tube, the rear dropout, the toeplate, or the bottom sprocket bracket.

SEC. 8. Section 39008 of the Vehicle Code is amended to read:

39008. (a) Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county sells or otherwise disposes of a bicycle, he shall within 10 days notify the licensing city or county of such disposition.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall within 10 days of taking possession apply for the transfer of license to his name. Cities and counties may establish rules and regulations to govern and enforce the provisions of this section.

SEC. 9. Section 39009 of the Vehicle Code is amended to read:

39009. Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county changes his address, he shall within 10 days notify the city or county licensing his bicycle of the old and new address.

SEC. 10. Section 39010 of the Vehicle Code is amended to read:

39010. (a) Any city or county which has a bicycle licensing ordinance or resolution in effect on September 20, 1974, may only continue under such ordinance or resolution for a period not exceeding one year from September 20, 1974.

(b) Bicycle licenses which have been issued pursuant to an ordinance or resolution of a city or county which is in effect on September 20, 1974, shall remain valid until their assigned expiration

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dates, but in no case for a period exceeding five years from September 20, 1974.

SEC. 11. It is the intent of the Legislature in enacting this act to clarify provisions of the bicycle licensing statutes in order to facilitate utilization of bicycle retailers and other designated agents in implementing local bicycle licensing laws so that the greatest possible number of bicycles can be licensed. To this end, all cities and counties that have or adopt a bicycle licensing ordinance or resolution shall endeavor to obtain the cooperation of bicycle retailers and others, as designated agents, and to publicize thoroughly information about locations where bicycles can be so licensed.

SEC. 12. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 189

An act to add Sections 863, 7411, 15207 and 18859 to the Financial Code, relating to financial institutions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 863 is added to the Financial Code, to read:

863. (a) No bank shall impose any charge on a savings account or on a depositor for the failure of a depositor to deposit, or for the late deposit of, any agreed periodic installment deposit into such account. A bank shall pay interest on savings accounts as to which a depositor has agreed to make periodic installment deposits at the same rate of interest per annum as is paid on savings accounts as to which a depositor has not agreed to make periodic installment deposits.

(b) As used in this section "savings account" means a "savings deposit" as that term is defined in regulations promulgated by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, respectively, pursuant to 12 U.S.C., Sections 371b and 1828, and shall not mean an impound account established for the purpose of the payment of taxes or other expenses and obligations in connection with a loan secured by a mortgage or deed of trust on real property.

SEC. 2. Section 7411 is added to the Financial Code, to read:

7411. (a) No savings and loan association shall impose any charge on a regular account or on a depositor for the failure of a depositor to deposit, or for the late deposit of, any agreed periodic installment deposit into such an account. A savings and loan association shall pay interest on regular accounts as to which a depositor has agreed to make periodic installment deposits at the same rate of interest per annum as is paid on regular accounts as to which a depositor has not agreed to make periodic installment deposits.

(b) As used in this section "regular account" means a "regular account" as that term is defined in regulations promulgated by the Board of Directors of the Federal Home Loan Bank System pursuant to the Federal Home Loan Bank Act, 12 U.S.C., Section 1421 et seq., and shall not mean an impound account established for the purposes of the payment of taxes or other expenses and obligations in connection with a loan secured by real property.

(c) Notwithstanding Section 5057, this section shall apply to both state and federal savings and loan associations.

SEC. 3. Section 15207 is added to the Financial Code, to read:

15207. (a) A credit union shall not impose any charge on a member or depositor holding a periodic certificate for funds for the failure of such member or depositor to invest, or for the late investment of, any agreed periodic installment investment in such a periodic certificate for funds. A credit union shall pay interest on periodic certificates for funds at the same rate of interest per annum as is paid on certificates for funds as to which a member or depositor has not agreed to make periodic installment investments.

(b) As used in this section "periodic certificate for funds" means a certificate for funds under which a member or depositor undertakes to make periodic investments of a specified amount into one account, except, however, a periodic certificate for funds shall not mean an impound account established for the purpose of payment of taxes or other expenses and obligations in connection with a loan secured by real property.

SEC. 4. Section 18859 is added to the Financial Code, to read:

18859 (a) An industrial loan company shall not impose any charge on a periodic investment or thrift certificate, or on an investor in an account evidenced by such certificate, for the failure of an investor to invest, or for the late investment of, any agreed periodic installment investment into such an account. An industrial loan company shall pay interest on periodic investment or thrift certificates at the same rate of interest per annum as is paid on investment or thrift certificates as to which an investor has not agreed to make periodic installment investments.

(b) As used in this section "periodic investment or thrift certificate" means an investment arrangement under which an investor undertakes to make periodic investments of a specified amount into one account, except, however, a periodic investment or thrift certificate shall not mean an impound account established for the purposes of the payment of taxes or other expenses and

obligations in connection with a loan secured by real property, or a certificate of investment issued in connection with a loan pursuant to Section 18663.

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

In order that the provisions of this act will apply to savings accounts involving periodic installment deposits to be made during 1976, many of which will be established prior to January 1, 1976, and that institutions have adequate time to prepare for the change in the law applicable to such accounts, it is necessary that this act go into effect immediately, but become operative as provided in Section 6 of this act.

SEC. 6. This act shall become operative on October 1, 1975, and apply only to accounts established on or after that date.

CHAPTER 190

An act to amend Section 5001.6 of the Public Resources Code, relating to the state park system.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 5001.6 of the Public Resources Code is amended to read:

5001.6. (a) Notwithstanding the provisions of Section 5001.95, units of the state park system may be located within, and be a part of, a state seashore; provided, however, that any such unit shall be managed in accordance with its classification as provided in Section 5001.5.

(b) The following state seashores are hereby established consisting of appropriate coastal lands described herein together with such other lands as may, from time to time, be acquired by the state as an addition to such state seashores:

(1) Del Norte State Seashore, consisting of lands lying between Pyramid Point and Point Saint George, particularly lands to assure public access to, and scenic protection of, Pyramid Point; beach and dune lands, water-bottom and shoreline lands at Lake Earl, including Lake Talawa, all within Del Norte County.

(2) Clem Miller State Seashore, consisting of lands extending from the mouth of the Eel River to Pudding Creek at Fort Bragg, and including lands at Bear Harbor, Usal Creek, Cottoneva Creek, shore and upland additions to Westport-Union Landing State Beach, DeHaven Creek uplands, Ten Mile River estuary, and MacKerricher

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State Park, all within Humboldt and Mendocino Counties.

(3) Mendocino Coast State Seashore, consisting of lands extending from Jughandle Creek to the Gualala River, and including the Pygmy Forest Ecological Staircase, Russian Gulch State Park, Mendocino Headlands State Park, Van Damme State Park, Greenwood Creek Beach, Bowling Ball Beach and the Gualala River shoreline and estuary, all within Mendocino County.

(4) Sonoma Coast State Seashore, consisting of lands extending from the Gualala River to Bodega Head, and including the Kruse Rhododendron State Reserve, Salt Point State Park, Fort Ross State Historic Park, and Sonoma Coast State Beach, all within Sonoma County.

(5) Año Nuevo State Seashore, consisting of lands extending from Pillar Point to the City of Santa Cruz, and including the San Mateo Coast State Beaches, Año Nuevo State Reserve, Big Basin Redwoods State Park, and Natural Bridges State Beach, all within San Mateo and Santa Cruz Counties.

(6) San Luis Obispo State Seashore, consisting of lands extending from Cayucos to Lion's Head and including Cayucos State Beach, Morro Strand State Beach, Atascadero State Beach, Morro Bay State Park, Montana de Oro State Park, Avila State Beach, Pismo State Beach, Pismo Dunes State Vehicular Recreation Area and Point Sal State Beach, all within San Luis Obispo and Santa Barbara Counties.

(7) Santa Barbara Coast State Seashore, consisting of lands extending from Gaviota to Las Llagas Canyon, and including Gaviota State Park, Refugio State Beach, and El Capitan State Beach, all within Santa Barbara County.

(8) Point Mugu State Seashore, consisting of lands extending from Ormond Beach to San Nicholas Canyon, and including Mugu Lagoon, Point Mugu State Park, and Leo Carrillo State Beach, all within Ventura and Los Angeles Counties.

(9) Capistrano Coast State Seashore, consisting of lands extending from Newport Beach to San Mateo Point, and including Corona Del Mar State Beach, Irvine Coast, Doheny State Beach, and San Clemente State Beach, all within Orange County.

(10) San Diego Coast State Seashore, consisting of lands extending from San Onofre State Beach to La Jolla, and including San Onofre State Beach, Carlsbad State Beach, South Carlsbad State Beach, Leucadia State Beach, Moonlight State Beach, San Elijo State Beach, Cardiff State Beach, Torrey Pines State Beach, and Torrey Pines State Reserve, all within San Diego County.

(c) The department shall determine the precise boundaries of each state seashore, may revise such boundaries from time to time, shall identify additional lands appropriate for inclusion in state seashores, and shall recommend land acquisitions for the establishment of additional state seashores or as additions to existing state seashores to the Governor and to the Legislature for inclusion in the annual Budget Bill.

(d) The provisions of subdivision (g) of Section 5001.5 shall not

apply to lands lying within the boundaries of state seashores established pursuant to this section until such lands have been acquired by the state and designated as state park system lands which are a part of a state seashore.

CHAPTER 191

An act to amend Section 16430 of the Government Code, relating to surplus moneys.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

(e) Commercial paper of "prime" quality as defined by a nationally recognized organization which rates such securities. Eligible paper is further limited to issuing corporations: (1) organized and operating within the United States; (2) having total assets in excess of five hundred million dollars ($500,000,000); and (3) approved by the Pooled Money Investment Board. Purchases of eligible commercial paper may not exceed 180 days' maturity, represent more than 10 percent of the outstanding paper of an

issuing corporation, nor exceed 30 percent of the resources of an investment program. At the request of the Pooled Money Investment Board, such investment shall be secured by the issuer by depositing with the Treasurer securities authorized by Section 53651 of a market value at least 10 percent in excess of the amount of the state's investment.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for purchase by the Federal Reserve System.

CHAPTER 192

An act to amend Section 601 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 601 of the Welfare and Institutions Code is amended to read:

601. Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian, or who is beyond the control of such person, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

CHAPTER 193

An act to amend Sections 1 and 2 of, and to add Sections 5, 6, 7, 7.5, 8, 9, 10, 11, 12, 13, and 14 to, Chapter 78 of the Statutes of 1925, relating to tidelands and submerged lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 1 of Chapter 78 of the Statutes of 1925 is amended to read:

Section 1. There is hereby granted and conveyed to the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, all the right, title and interests of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands (whether filled or

unfilled), situated in and upon that portion of the Pacific Ocean known as Santa Barbara Channel in said county and lying between the line of mean high tide and the pier head line in said bay, as the same has been or may hereafter be established by the federal government, and between the prolongation of the west boundary line of the City of Santa Barbara into the Pacific Ocean and the prolongation of the east boundary line of the said City of Santa Barbara into the said Pacific Ocean; to be forever held by said City of Santa Barbara in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants, and facilities.

(3) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to, approach takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities,

structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities, with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(7) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, and prevention of pollution of the granted lands.

(8) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(9) For the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program for the granted tidelands and submerged lands which is consistent with the terms and conditions set forth in this act.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) The harbor shall be improved by the city without expense to the state, and it shall always remain a public harbor for all purposes of commerce, and navigation, and the state shall have at all times the right to use without charge all wharves, docks, piers, slips, quays, and other improvements constructed on the lands or any part thereof for any vessel or other watercraft or railroad, owned and operated by the state.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the

city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Santa Barbara County.

(f) The city shall cause to be made and filed with the State Lands Commission, annually, a copy of the certified annual audit of the city tidelands trust fund describing all rents, revenues, issues, income, and expenditures in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

(g) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 2. Section 2 of Chapter 78 of the Statutes of 1925 is amended to read:

Sec. 2. All of the following described property, to wit: All reclaimed or filled lands or lands formed by accretions due to artificial obstructions lying within the City of Santa Barbara and seaward of the mean high tide line of the Pacific Ocean, as the same existed on April 16, 1925, and bounded on the seaward side by the mean high tide line of the Pacific Ocean now existing and extending easterly from Santa Barbara Point to a point on the easterly city limits line where said line intersects the mean high tide line of the Pacific Ocean; which was formerly tidelands and submerged lands, is hereby declared to have ceased to be tidelands, and submerged lands, and to be free from all trusts and restrictions imposed on said lands under and by any of the provisions of this act except that said city or its successors, shall not at any time grant, convey, give or alien said lands or any part thereof, to any individual, firm, or corporation for any purpose whatsoever; provided, however, that the City of Santa Barbara, or its successors, may use, lease, rent, or otherwise let said lands, in parcels not to exceed 10 acres to any one person, firm or corporation and for limited periods not to exceed 66 years, with the right of the city to renew the same for any and all purposes which shall not interfere with the use of the tidelands of the Santa Barbara Channel lying seaward of said lands. If, during such lease, rental or other holding, such holding shall interfere with the use of any of the tidelands of Santa Barbara Channel lying seaward of said property

for navigation, commerce and fisheries, or in any manner become inconsistent with the trusts under which said tidelands are held by said city, the city shall have the right to terminate such holding and compensate such holder for the loss incurred, not exceeding an amount to be agreed upon by the terms of the lease or other holding.

There is hereby granted and conveyed to the City of Santa Barbara, a municipal corporation, and to its successors, all right, title and interest of the State of California in and to the reclaimed or filled lands or lands formed by accretions due to artificial obstructions hereinbefore in this section described, subject only to the restrictions and conditions contained in this section; except that, notwithstanding anything contained in this act, the City of Santa Barbara is hereby authorized, notwithstanding any law to the contrary, to lease to the State of California for a period of not to exceed 99 years, or to convey to the State of California, that part of said reclaimed or filled lands or lands formed by accretions, to wit: Commencing at the most southerly end of the 14th course, as given in a description of that certain real property described in a deed to Thos. B. Dibblee dated December 16, 1876, and recorded in Book "R" at page 98 of Deeds of Santa Barbara County records; thence S. 57° 19' 20" E. 406.18 feet to the point of intersection of a curve to the left having a radius of 170 00 feet, a delta of 56° 25', the long chord of which bears S. 85° 31' 50" E. 160.71 feet, said curve being the first course as described in Parcel 5 in a deed from the State of California to the City of Santa Barbara, dated August 15, 1934, and recorded in Book 314 of the official records at page 460 of Santa Barbara County records; thence N. 66° 15' 40" E. along the semitangent of said curve 91.18 feet to the end thereof; thence N. 58° 21' 34" E. 67.80 feet to the true point of beginning; said point of beginning being a point on the line of ordinary high water mark of the Pacific Ocean as given in a deed to Thos. B. Dibblee dated December 16, 1876, herein first above mentioned; thence S. 20° 39' 20" E. 355.00 feet to a point; thence N. 69° 20' 40" E. 735.00 feet to a point; thence N. 20° 39' 20" W. 355.00 feet more or less to a point on the line of ordinary high water mark of the Pacific Ocean as described in the deed of Dibblee herein first above mentioned; thence southerly and westerly along said line of high water mark of the Pacific Ocean to the true point of beginning containing 5.99 acres more or less; upon the condition that the said property shall be improved by the erection and construction thereon of an athletic field and stadium for Santa Barbara State College, costing not less than thirty thousand dollars ($30,000), within three years after the date of such lease or conveyance. In the event the lands described in this paragraph are leased to the State of California as herein provided, the lease shall provide that the lands may be conveyed to the state during the term of said lease and upon such conveyance the lease shall terminate and be of no further force and effect. Whenever said lands shall be conveyed to the State of California, the conveyance may provide for the forfeiture of title to said lands to said city in the event said condition is not complied with

and also in the event that the use of said property as an athletic field for such state college shall ever be discontinued by the state, for a period as long as one year.

SEC. 3. Section 5 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 5. The city shall establish a separate tidelands trust fund or funds on or before December 31, 1976, and the city shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands in the city. A statement of financial condition and operation shall be submitted by the city to the State Lands Commission on or before September 30, 1980, for the three-year period commencing on July 1, 1977, and ending on June 30, 1980, and on or before September 30 of every succeeding third year after September 30, 1980.

SEC. 4. Section 6 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 6. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants, and facilities.

(c) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to approach takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting

places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities, with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas, and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, and prevention of pollution of the granted lands.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of the granted lands or to encourage private investment in development of the granted lands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 5. Section 7 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 7. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 6. Section 7.5 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 7.5. As to the expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the

city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit and is not authorized by the provisions of Section 6 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 7. Section 8 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 8. On September 30th of each year, beginning in 1980 or in the year following the filing of the "Master Map of Granted Tideland Boundaries in California" and the "Description of Granted Tideland Boundaries" as required by subdivision (a) of Section 6367.7 of the Public Resources Code, whichever comes later, that portion of revenues in excess of five hundred thousand dollars ($500,000), as adjusted for changes in the cost of living on September 30th of each year, remaining after current and accrued operating costs and expenditures related to the operation or the maintenance of beaches, harbors, and other tidelands trust activities have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bonds issues, the moneys from which have been or will be, used for purposes authorized by law, shall not be deemed excess revenue. Said cost-of-living adjustment shall be made on the basis of the United States Retail Consumer Price Index (All U.S./All Items) or any index or indices which is created to succeed said index. The base point for such adjustment shall be September 30, 1974. Capital improvements of the granted lands for purposes and uses authorized by the terms of this act may be considered as expenditures for the purpose of determining net revenues. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the State Tidelands Trust Fund in the State Treasury, and 15 percent to the city, to be deposited in the city's tidelands trust fund and used for any purpose authorized by this act.

SEC. 8. Section 9 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 9. The State Lands Commission, at the request of the city, shall grant an extension of time, not to exceed 90 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 9. Section 10 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 10. In the event that the city fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 10. Section 11 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 11. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 11. Section 12 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 12. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 12. Section 13 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 13. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or conditions reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 13. Section 14 is added to Chapter 78 of the Statutes of 1925, to read:

Sec. 14. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the superior court in the County of Santa Barbara to compel compliance with the terms and conditions of the grant and any other

provision of law including, but not limited to, this act.

SEC. 14. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of the city for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is intended that Stearn's Wharf, a wharf located on certain of the tide and submerged lands granted to the City of Santa Barbara, be rehabilitated and redeveloped so that the general public may be better served. In order to accomplish such rehabilitation and redevelopment, it will be necessary for the city to grant a franchise or to enter into a lease for a term longer than the 25-year limitation presently contained in the tide and submerged lands grant. It is essential that such a franchise or lease be executed as soon as possible so that the rehabilitation and redevelopment of the wharf can proceed and revenue can be generated for the benefit of the city. Thus, it is necessary that this act take immediate effect.

CHAPTER 194

An act to amend Sections 11580.1 and 11580.2 of the Insurance Code, relating to automobile insurance.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 11580.1 of the Insurance Code is amended to read:

11580.1. (a) No policy of automobile liability insurance described in Section 16054 of the Vehicle Code covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in this state on or after the effective date of this section unless it contains the provisions set forth in subdivision (b). However, none of the requirements of subdivision (b) shall apply to the insurance afforded under any such policy (1) to the extent that such insurance exceeds the limits specified in subdivision (a) of Section 16056 of the Vehicle Code, or (2) if such policy contains an underlying insurance requirement, or provides for a retained limit of self-insurance, equal to or greater than the limits specified in subdivision (a) of Section 16056 of the Vehicle Code.

(b) Every policy of automobile liability insurance to which subdivision (a) applies shall contain all of the following provisions:

(1) Coverage limits not less than the limits specified in subdivision (a) of Section 16056 of the Vehicle Code.

(2) Designation by explicit description of, or appropriate reference to, the motor vehicles or class of motor vehicles to which coverage is specifically granted.

(3) Designation by explicit description of the purposes for which coverage for such motor vehicles is specifically excluded.

(4) Provision affording insurance to the named insured with respect to any motor vehicle covered by such policy, and to the same extent that insurance is afforded to the named insured, to any other person using, or legally responsible for the use of, such motor vehicle, provided such use is by the named insured or with his permission, express or implied, and within the scope of such permission, except that: (i) with regard to insurance afforded for the loading or unloading of any such motor vehicle, the insurance may be limited to apply only to the named insured, a relative of the named insured who is a resident of the named insured's household, a lessee or bailee of the motor vehicle, or an employee of any such person; and (ii) the insurance afforded to any person other than the named insured need not apply to: (A) any employee with respect to bodily injury sustained by a fellow employee injured in the scope and course of his employment, or (B) any person, or to any agent or employee thereof, employed or otherwise engaged in the business of selling, repairing, servicing, delivering, testing, road testing, parking, or storing automobiles with respect to any accident arising out of the maintenance or use of a motor vehicle in connection therewith.

(c) In addition to any exclusion as provided in paragraph (3) of subdivision (b), the insurance afforded by any such policy of automobile liability insurance to which subdivision (a) applies may, by appropriate policy provision, be made inapplicable to any or all of the following:

(1) Liability assumed by the insured under contract.

(2) Liability for bodily injury or property damage caused intentionally by or at the direction of the insured.

(3) Liability imposed upon or assumed by the insured under any workers' compensation law.

(4) Liability for bodily injury to any employee of the insured arising out of and in the course of his employment.

(5) Liability for bodily injury to an insured.

(6) Liability for damage to property owned, rented to, transported by, or in charge of, an insured.

(7) Liability for any bodily injury or property damage with respect to which insurance is or can be afforded under a nuclear energy liability policy.

(8) Any motor vehicle or class of motor vehicles, as described or designated in the policy, with respect to which coverage is explicitly excluded, in whole or in part.

The term "the insured" as used in paragraphs (1), (2), (3), and (4) of this subdivision shall mean only that insured under the policy

against whom the particular claim is made or suit brought. The term "an insured" as used in paragraphs (5) and (6) of this subdivision shall mean any insured under the policy.

(d) Notwithstanding the provisions of paragraph (4) of subdivision (b), or the provisions of Article 2 (commencing with Section 16450) of Chapter 3 of Division 7, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, of the Vehicle Code, the insurer and any named insured may, by the terms of any policy of automobile liability insurance to which subdivision (a) applies, or by a separate writing relating thereto, agree as to either or both of the following limitations, such agreement to be binding upon every insured to whom such policy applies and upon every third party claimant:

(1) That coverage under such policy shall not apply nor accrue to the benefit of any insured or any third party claimant while any insured motor vehicle is being used or operated by a natural person or persons designated by name. Such agreement shall remain in force as long as the policy remains in force, and shall apply to any continuation, renewal, or replacement of such policy by the named insured, or reinstatement of such policy within 30 days of any lapse thereof.

(2) That with regard to any such policy issued to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road testing, parking, or storing automobiles, coverage shall not apply to any person other than the named insured or his agent or employee, except to the extent that the limits of liability of any other valid and collectible insurance available to such person are not equal to the limits of liability specified in subdivision (a) of Section 16056 of the Vehicle Code.

(e) Nothing in this section or in Section 16054 or 16450 of the Vehicle Code shall be construed to constitute a homeowner's policy, personal and residence liability policy, personal and farm liability policy, general liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or any policy or endorsement where automobile liability coverage is offered as incidental to some other basic coverage as an "automobile liability policy" within the meaning of Section 16054 of the Vehicle Code, or as a "motor vehicle liability policy" within the meaning of Section 16450 of the Vehicle Code, notwithstanding that any such policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining.

(f) On and after January 1, 1976, no policy of automobile liability insurance described in subdivision (a) shall be issued, amended, or renewed in this state if it contains any provision which expressly or impliedly excludes from coverage under such policy the operation or use of an insured motor vehicle by the named insured in the performance of volunteer services for a nonprofit charitable organization or governmental agency by providing transportation to

senior citizens or physically or mentally handicapped persons. This subdivision shall not apply in any case in which the named insured receives any remuneration of any kind other than reimbursement for actual mileage driven in the performance of such services at a rate not to exceed fifteen cents ($0.15) per mile actually driven. As used in this section, "senior citizen" means a person 60 years of age or older.

SEC 2. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) (1) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16056 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, in the form specified in paragraph (2), delete the provision covering damage caused by an uninsured motor vehicle (1) completely, or (2) with respect to a natural person or persons designated by name when operating a motor vehicle. Either of such deletions by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply while such policy is in force, and shall continue to be so binding with respect to any continuation, renewal, or replacement of such policy by the named insured, or with respect to reinstatement of such policy within 30 days of any lapse thereof. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(2) The agreement specified in paragraph (1) shall be in the following form:

"The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Such section also permits the insurer and the applicant to delete such coverage completely or with respect to one or more natural persons designated by name when operating a motor vehicle. Uninsured motorists coverage insures the insured, his heirs, or legal representatives for all sums within the financial responsibility limits which such person or persons are legally entitled to recover as damages for bodily injury, including any

resulting sickness, disease, or death, to him from the owner or operator of an uninsured motor vehicle not owned or operated by the insured."

Such agreement may contain additional statements not in derogation of or conflict with the foregoing. The execution of such agreement shall relieve the insurer of liability under this section while such agreement remains in effect.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol,

and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawler treads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workers' compensation carrier or to any person qualified as a self-insurer under any workers' compensation law, or directly to the benefit of the United States, or any state or any political subdivision thereof.

(5) To establish proof of financial responsibility as provided in subdivisions (a), (b), and (c) of Section 16054 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an

insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c) (2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. If the insured has or may have rights to benefits, other than nonoccupational disability benefits, under any workmen's compensation law, the arbitrator shall not proceed with the arbitration until the insured's physical condition is stationary and ratable. In those cases in which the insured claims a permanent disability, such claims shall, unless good cause be shown, be adjudicated by award or settled by compromise and release before the arbitration may proceed. Any demand or petition for arbitration shall contain a declaration, under penalty of perjury, stating whether (i) the insured has a workmen's compensation claim; (ii) such claim has proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim; and (iii) if not, what reasons amounting to good cause are grounds for the arbitration to proceed immediately. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in such Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in such Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of such Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under such Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a) (4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b) (2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 of the Code of Civil Procedure may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to

liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law, exclusive of nonoccupational disability benefits.

(2) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(i) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings

(j) Notwithstanding the provisions of subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to the provisions of this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

(*l*) As used in subdivision (b), "public or livery conveyance," or terms of similar import, shall not include the operation or use of a motor vehicle by the named insured in the performance of volunteer services for a nonprofit charitable organization or governmental agency by providing transportation to senior citizens or physically or mentally handicapped persons. This subdivision shall not apply in any case in which the named insured receives any remuneration of any kind other than reimbursement for actual mileage driven in the performance of such services at a rate not to exceed fifteen cents ($0.15) per mile actually driven. As used in this section, "senior citizen" means a person 60 years of age or older. This subdivision shall apply only to policies of insurance issued, amended, or renewed on or after January 1, 1976.

CHAPTER 195

An act to amend Section 1093 of the Penal Code, relating to opening statements.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 1093 of the Penal Code is amended to read:

1093. The jury having been impaneled and sworn, unless waived, the trial must proceed in the following order, unless otherwise directed by the court:

1. If the accusatory pleading be for a felony, the clerk must read it, and state the plea of the defendant to the jury, and in cases where it charges a previous conviction, and the defendant has confessed the same, the clerk in reading it shall omit therefrom all that relates to such previous conviction. In all other cases this formality may be dispensed with.

2. The district attorney, or other counsel for the people, may make an opening statement in support of the charge. Whether or not the district attorney, or other counsel for the people, makes an opening statement, the defendant or his counsel may then make an opening statement, or may reserve the making of an opening statement until after introduction of the evidence in support of the charge.

3. The district attorney, or other counsel for the people shall then offer the evidence in support of the charge. The defendant or his counsel may then offer his evidence in support of the defense.

4. The parties may then respectively offer rebutting testimony only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case.

5. When the evidence is concluded, unless the case is submitted on either side, or on both sides, without argument, the district attorney, or other counsel for the people, and counsel for the defendant, may argue the case to the court and jury; the district attorney, or other counsel for the people, opening the argument and having the right to close.

6. The judge may then charge the jury, and must do so on any points of law pertinent to the issue, if requested by either party; and he may state the testimony, and may comment on the failure of the defendant to explain or deny by his testimony any evidence or facts in the case against him, whether the defendant testifies or not, and he may make such comment on the evidence and the testimony and credibility of any witness as in his opinion is necessary for the proper determination of the case and he may declare the law. At the beginning of the trial or from time to time during the trial, and without any request from either party, the trial judge may give the jury such instructions on the law applicable to the case as he may

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deem necessary for their guidance on hearing the case. The trial judge may cause copies of instructions so given to be delivered to the jurors at the time they are given.

CHAPTER 196

An act to amend Section 2193.77 of the Business and Professions Code, relating to the healing arts, making an appropriation therefor, and declaring the urgency thereof.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 2193.77 of the Business and Professions Code is amended to read:

2193.77. (a) It is the intention of the Legislature in enacting this section to provide financial assistance to University of California medical schools operating supervised clinical training programs authorized by Section 2193.71. The Legislature further intends to assist in, through this section, the development and operation of at least 30 places in such supervised clinical training programs on a continuing basis. Funds to support such intent may be appropriated by the Legislature in the future as part of the State Budget.

(b) The State Scholarship and Loan Commission shall, from funds appropriated by the Legislature for such purpose, allocate the sum of no more than ten thousand dollars ($10,000) for each United States citizen enrolled in an approved program of supervised clinical training established pursuant to Section 2193.75 to the medical school operating such program.

(c) The State Scholarship and Loan Commission shall make grants to medical schools pursuant to this section based upon information provided by medical schools detailing actual incremental costs of operating supervised clinical training programs. The amount paid per student shall be decreased by the amount of federal funds received for the support of the student and by the amount of tuition and fees paid by the students participating in the program. The commission may require such information from medical schools as is reasonably necessary to carry out the provisions of this section. The commission shall prescribe a standard application form for grants made pursuant to this section, and shall make such application form available to medical schools no later than 30 days after this section takes effect.

(d) The State Scholarship and Loan Commission may make grants pursuant to this section from funds appropriated by Item 330(f) of Chapter 129 of the Statutes of 1973 for use during 1973–74 and 1974–75 fiscal years and from funds appropriated to it for the

purposes of this section.

(e) The State Scholarship and Loan Commission shall maintain statistical records on the expenditures of funds by medical schools for operating supervised clinical training programs, and the numbers of students enrolled in such programs. The commission shall report to the Legislature no later than January 1, 1976, concerning: the numbers of students who have completed or are enrolled in supervised clinical training programs; the medical schools such students attended; the attrition rate of students enrolled in various programs; and recommendations for changes in funding such programs.

SEC. 2. There is hereby appropriated from the General Fund the amount of three hundred thousand dollars ($300,000) to the State Scholarship and Loan Commission for expenditure during the 1975–76 fiscal year for the purposes of this act.

SEC. 3. The provisions of this act shall become operative on July 1, 1975.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into effect on July 1, 1975. The facts constituting such necessity are:

The funding for the existing program will terminate on July 1, 1975. In order to assure the continuation of the program it is necessary that this statute go into effect on July 1, 1975.

CHAPTER 197

An act to amend Section 11126 of the Government Code, relating to the Public Utilities Commission.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to

him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State University and Colleges from holding executive sessions dealing with site selection for such state university and colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of

the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the Teachers' Retirement Board of the State Teachers' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

Nothing in this article shall be construed to prevent the Public Utilities Commission from holding executive sessions to deliberate on litigation or the institution of enforcement proceedings.

CHAPTER 198

An act to amend Section 17800 of the Business and Professions Code, relating to marriage, family and child counseling.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 17800 of the Business and Professions Code is amended to read:

17800. After the effective date of the amendments to this section adopted at the 1970 Regular Session of the Legislature, no person may for remuneration engage in the practice of marriage, family, or child counseling as defined by Section 17800.2, unless he holds a valid license as a marriage, family, or child counselor, or unless he is specifically exempted from such requirement, nor may he advertise himself as performing the services of a marriage, family, child, domestic, or marital consultant or adviser, nor in any way use these or any similar titles to imply that he performs these services without a license as provided by this chapter, except that persons licensed under Article 4 (commencing with Section 9040) of Chapter 17 of Division 3 of, and persons licensed under Chapter 6.6 (commencing with Section 2900) of Division 2 of, this code may advertise that they

practice marriage, family and child counseling but not that they hold the marriage family and child counselor's license.

CHAPTER 199

An act to add Section 25505.20 to the Education Code, relating to community colleges.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 25505.20 is added to the Education Code, to read:

25505.20. For purposes of the nonresident tuition fee, a community college district shall disregard the time during which a student living in the district resided outside the state, if:

(1) The change of residence to a place outside the state was due to a job transfer and was made at the request of the student's employer or, in the case of a student who resided with, and was a dependent of, the student's parents, the change of residence was made at the request of an employer of either of the student's parents.

(2) Such absence from the state was for a period of not more than four years.

(3) At the time of application for admission to a college maintained by the district, the student would qualify as a resident if the period of the student's absence from the state was disregarded.

A nonresident tuition fee shall not be charged to a student who meets each of the conditions specified in subdivisions (1) to (3), inclusive.

CHAPTER 200

An act to amend Section 27 of Chapter 550 of the Statutes of 1972 and Section 49 of Chapter 1516 of the Statutes of 1974, relating to attachment.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 27 of Chapter 550 of the Statutes of 1972 is amended to read:

Sec. 27. This act shall be operative until December 31, 1976, and after that date shall have no force or effect.

SEC. 2. Section 49 of Chapter 1516 of the Statutes of 1974 is amended to read:

Sec. 49. (a) This act becomes operative on January 1, 1977.

(b) Except as otherwise provided by rules adopted by the Judicial Council effective on or after January 1, 1977, this act shall not apply to any writ of attachment issued prior to January 1, 1977, and such writs of attachment shall continue to be governed in all respects by the provisions of Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure in effect on December 31, 1976.

CHAPTER 201

An act to amend Section 409.7 of the Code of Civil Procedure, to amend Section 66499.20½ of the Government Code, and to amend Section 17985 of the Health and Safety Code, relating to recording.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 409.7 of the Code of Civil Procedure is amended to read:

409.7. Whenever an action is commenced to declare a building uninhabitable, the plaintiff public agency, at the time of filing the complaint, shall record in the office of the recorder of the county in which such building is situated, a notice of the pendency of the action, containing the names of the parties, and a description of the real property upon which the building affected thereby is situated.

The recordation of a filing under this section shall constitute notice of the action. From the time of the recordation only, shall a purchaser or encumbrancer of the building affected thereby be deemed to have constructive notice of the pendency of such action as it relates to the building and only of its pendency against parties designated by their real names in the filing.

SEC. 2. Section 66499.20½ of the Government Code is amended to read:

66499.20½. A county may, by ordinance, authorize a parcel map to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the

map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

SEC. 3. Section 17985 of the Health and Safety Code is amended to read:

17985. Any enforcement agency which institutes an action or proceeding pursuant to this article shall record a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice shall be recorded at the time of the commencement of the action or proceeding. It has the same effect as the notice of pendency of action provided for in the Code of Civil Procedure.

CHAPTER 202

An act to amend Section 7202 of the Government Code, relating to federal tax lien registration.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 7202 of the Government Code is amended to read:

7202. (a) If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in subdivision (b) is presented to the filing officer and

(1) He is the Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of subdivision (4) of Section 9403, of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that code; or

(2) He is a county recorder, he shall accept for filing, file for record in the manner set forth in Section 27320 of this code, and index the document by the name of the taxpayer in the general index.

(b) If a certificate of release, nonattachment, discharge or subordination of any tax lien is presented to the Secretary of State for filing he shall

(1) Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates shall not be removed from the files, and

(2) Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

(c) If a refiled notice of federal tax lien referred to in subdivision (a) or any of the certificates or notices referred to in subdivision (b) is presented for filing with a county recorder, he shall accept for filing, file for record in the manner set forth in Section 27320 of this code, and index the document by the name of the taxpayer in the general index.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of federal tax lien or certificate or notice affecting the lien, filed on or after January 1, 1968, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is five dollars ($5) for each name searched. Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of one dollar ($1) per page.

CHAPTER 203

An act to add Section 12107.6 to the Business and Professions Code, relating to tare weights, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 12107.6 is added to the Business and Professions Code, to read:

12107.6. The director by regulation may authorize the establishment and use of tare weights for trucks or tractors used in making bulk deliveries of tomatoes to shippers, processors, or other handlers.

Each person using a tare weight established pursuant to such regulations shall pay to the department an "established tare" fee in accordance with such regulations. The fee shall be payable once each year and shall include the reestablishment of tare weights of such trucks or tractors upon request of the grower, processor, or other principal. The amount of such fee shall be based on the cost of

administration and enforcement of this section.

Fees collected under the provisions of this section shall be paid into the State Treasury and credited to the Department of Food and Agriculture Fund to be expended by the department for the administration and enforcement of this section and Section 12107.5.

The director shall enforce this section through the Division of Measurement Standards.

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

In order to permit the provision of this act to become operative during the forthcoming tomato harvest, it is necessary that this act take effect immediately.

SEC. 3. There is hereby appropriated from the Department of Food and Agriculture Fund the sum of one hundred twenty-three thousand five hundred dollars ($123,500) in augmentation of the 1975–76 support budget of the Department of Food and Agriculture for the purposes of carrying out the provisions of this act.

CHAPTER 204

An act to amend Section 30570 of the Public Utilities Code, relating to transit districts.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 30570 of the Public Utilities Code is amended to read:

30570. The purchase of all supplies, equipment, and materials, and the construction of facilities and works, when the expenditure required exceeds five thousand dollars ($5,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

CHAPTER 205

An act to add Section 987.1 to the Penal Code, and to add Section 634.6 to the Welfare and Institutions Code, relating to continued representation by counsel.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 987.1 is added to the Penal Code, to read:

987.1. Counsel at the preliminary examination shall continue to represent a defendant who has been ordered to stand trial until the date set for his arraignment in superior court unless relieved by the court upon the substitution of other counsel or for cause.

SEC. 2. Section 634.6 is added to the Welfare and Institutions Code, to read:

634.6. Any counsel upon entering an appearance on behalf of a minor shall continue to represent that minor unless relieved by the court upon the substitution of other counsel or for cause.

CHAPTER 206

An act to amend Section 24001 of the Government Code, and to amend Sections 20524, 34019, 34166, and 34725 of, and to add Sections 21123, 21124, 34711, and 34712 to, the Water Code, relating to water districts and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, or in Sections 21123 or 34711 of the Water Code, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 18 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the

administrative officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief adult probation officer that the appointee be a citizen of the state and an elector of the county.

SEC. 2. Section 20524 of the Water Code is amended to read:

20524. "Elective officers" irrespective of the method of selection in any particular instance are:

(a) A director from each division except as otherwise provided in this division.

(b) An assessor, a collector, and a treasurer, except when one or more of such officers are appointed pursuant to Section 21123.

SEC. 3. Section 21123 is added to the Water Code, to read:

21123. A board may, at least 90 days before a general district election, determine that the offices of assessor, collector, or treasurer or any of them shall be filled by appointment by the board rather than being filled by election. Appointments to the positions of assessor, collector, or treasurer shall be made for terms to coincide with the elective term or terms. A person so appointed need not be a resident or elector of the district.

SEC. 4. Section 21124 is added to the Water Code, to read:

21124. A board may, at least 90 days before a general district election, determine that the offices of assessor, collector, or treasurer or any of them that are currently appointive shall be filled by election at the next succeeding district election.

SEC. 5. Section 34019 of the Water Code is amended to read:

34019. "Elective officers," irrespective of the method of selection in any instance, (1) are the members of the board and (2) may be an assessor and a tax collector.

SEC. 6. Section 34166 of the Water Code is amended to read:

34166. (a) If a consolidation of the offices of assessor and tax collector is deemed advisable in the formation of a district, the petitioners may request the consolidation in their petition. The board calling the election shall in its order therefor announce the consolidation, and at the election only one person shall be elected to fill the offices consolidated.

(b) If it is deemed advisable in the formation of a district that the offices of assessor and tax collector shall be filled by appointment, the petitioners may request the appointment of such officers in their petition. In such event, the assessor shall be appointed pursuant to the provisions of Section 34711.

SEC. 7. Section 34711 is added to the Water Code, to read:

34711. The treasurer shall be appointed by the board and serve at its pleasure. At least 90 days before the date of a general district election wherein the offices of assessor and tax collector will be subject to election, the board may determine that these officers shall henceforth be appointed by the board to serve at its pleasure, or, if

a board has adopted the alternative provisions of Part 7.5 (commencing with Section 37200) of this division, it may by resolution eliminate these district offices. A person appointed pursuant to this section need not be a resident or elector of the district. Any person holding an elective office affected by this section may serve the remainder of the current term of office. The offices of treasurer, assessor and tax collector, or any combination thereof, may be held by the same person.

SEC. 8. Section 34712 is added to the Water Code, to read:

34712. At least 90 days before the date of a general district election, the board may determine that the offices of assessor and tax collector, or either of them, which are currently appointive shall be filled by election at the next succeeding district election.

SEC. 9. Section 34725 of the Water Code is amended to read:

34725. The board may consolidate the offices of assessor and tax collector.

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

Many California water districts and irrigation districts use the county auditor, assessor and tax collector for the levying, collecting and enforcement of district assessments. Therefore, the elected assessor and tax collector of such districts do not perform any function. This legislation will permit such districts to eliminate these unnecessary offices of assessor and tax collector, thus saving such districts the expense of these offices and the cost of holding an election therefor. If this legislation is effective prior to the elections to be held in California water districts and irrigation districts on November 4, 1975, some districts may choose to eliminate these offices this year, resulting in saving the taxpayers of such districts substantial costs.

Therefore, for the foregoing reasons it is necessary that the provisions of this act go into immediate effect.

CHAPTER 207

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

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Notwithstanding the provisions of Section 15955.5 of the Education Code, or any other provision of law to the contrary, the office of the Santa Barbara County Superintendent of Schools may conduct a pilot project whereby the governing boards of school districts contract with the office of the Santa Barbara County Superintendent of Schools for contracting with a public or private firm or agency for a term not to exceed seven years, for the provision, to the district, of electromechanical or electronic data processing services and for the management of such services. Such a contract may be entered into with any other school district, any public or private college or university, any public entity, or any private commercial entity.

SEC. 2. The governing board of the office of the Santa Barbara County Superintendent of Schools shall report annually, commencing on June 30, 1977, to the Superintendent of Public Instruction and the Legislative Analyst with respect to the effectiveness and efficiency of the operation as a result of the contract for data processing services and the management thereof, authorized by this act, if such contract is entered into.

SEC. 3. The Legislative Analyst shall conduct a study of the data processing services provided pursuant to this act, comparing the costs of such services provided by private industry with the costs of comparable services rendered by the regional educational data processing center at Ventura. The study shall include an analysis of services provided with respect to the administration and operation of the county system in order that the costs of those services may be determined separate and apart from services provided with respect to the county and district's instructional program. The Legislative Analyst shall, not later than December 31, 1978, submit a report to the Legislature on the results of the study.

SEC. 4. The Legislature finds and declares that a unique situation exists in Santa Barbara County which provides an excellent opportunity to test an alternate method for supplying data processing services to school districts. For this reason, a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable.

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

In order to permit the contracts authorized by this act to be entered into before the 1975–76 fiscal year begins, and so effectuate the orderly administration of such contracts, it is necessary that this act take effect immediately.

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CHAPTER 208

An act to amend Section 7267 of the Government Code, relating to relocation assistance.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 7267 of the Government Code is amended to read:

7267. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provisions of Sections 7267.1 to 7267.7, inclusive, except that the provisions of subdivision (b) of Section 7267.1 and Section 7267.2 shall not apply to the acquisition of any easement, right-of-way, covenant, or other nonpossessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair, or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks, or storm water drains.

CHAPTER 209

An act to amend Sections 12701 and 12771 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 12701 of the Business and Professions Code is amended to read:

12701. The following shall not be construed to be public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers. The provisions of this exemption shall not apply to persons, firms, or corporations weighing bulk lot commodities on vehicle or hopper scales, or selling such commodities by volume, when the purchaser is not present at the time the weight or measure determination is made.

(b) Producers of agricultural commodities or livestock, weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, or no signed

or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based; except that when such weight is to be used by a processor as basis of payment there shall be no exception to the provisions of Section 12734.

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(d) Weighers licensed under the provisions of Section 35161 of the Food and Agricultural Code when performing the duties for which they are licensed.

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

(h) Textile maintenance establishments weighing, counting, or measuring any articles in connection with the business of such establishments.

(i) Employees of garbage and refuse disposal districts operating pursuant to Chapter 1.5 (commencing with Section 4170) of Part 2 of Division 5 of the Health and Safety Code and county sanitation districts operating pursuant to Chapter 3 (commencing with Section 4700) of Part 3 of Division 5 of the Health and Safety Code, which are authorized by their respective governing boards to utilize scales in determining charges for the disposal of liquid and solid wastes.

(j) Persons who purchase scrap metal or salvage materials pursuant to a nonprofit cycling program.

(k) Persons operating under a license issued pursuant to Section 11701 of the Food and Agricultural Code.

SEC. 2. Section 12771 of the Business and Professions Code is amended to read:

12771. The following shall not be construed to be a public weighmaster at large:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers.

(b) Producers of agricultural commodities or livestock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based.

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation.

(d) Weighers licensed under the provisions of Section 35161 of the Food and Agricultural Code when performing the duties for which

they are licensed.

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5 of this code, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

(h) Persons who purchase scrap metals or salvage materials pursuant to a nonprofit recycling program.

(i) Persons operating under a license issued pursuant to Section 11701 of the Food and Agricultural Code.

CHAPTER 210

An act to amend Section 67041 of the Government Code, relating to the California Tahoe Regional Planning Agency.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 67041 of the Government Code is amended to read:

67041. The governing body of the agency shall be constituted as follows:

(a) One member appointed by the Board of Supervisors of the Counties of El Dorado and Placer, and one member appointed by the City Council of the City of South Lake Tahoe. Each of the members of the governing board shall be a member of the city council, or county board of supervisors he represents, and, in the case of a supervisor shall be a resident of a county supervisorial district lying wholly or partly within the region.

(b) Two members appointed by the Governor of California subject to Senate confirmation, who shall not be residents of the basin and shall represent the public at large. One of such members shall be chosen from among residents of the 10 southernmost counties in the state and one from among the residents of the remaining counties.

(c) One member appointed by the six other members appointed pursuant to this section. The member so appointed shall serve as the permanent chairman of the agency and shall serve at the pleasure of the other members. In the event such membership becomes vacant and the vacancy is not filled by the other members within 30 days, the vacancy shall be filled by appointment of the Governor.

(d) The Secretary of the California Resources Agency or his designee.

CHAPTER 211

An act to amend Section 61378 of the Food and Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 61378 of the Food and Agricultural Code is amended to read:

61378. A distributor shall not allow or give any payment of money, credit, compensation, gift, or loan of anything of value to a wholesale customer for advertising or display in connection with the sale of the distributor's milk, cream, or dairy product that is subject to the price filing requirements of Section 61411, or for the privilege of placing a sign, advertisement, or other advertising material in, on, or adjoining any premises which are occupied by such wholesale customer.

CHAPTER 212

An act to amend Section 13443.6 of the Education Code, relating to certificated employees.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 13443.6 of the Education Code is amended to read:

13443.6. Unless a certificated employee holding a position requiring an administrative or supervisory credential is sent written notice deposited in the United States registered mail with postage prepaid and addressed to his last known address by March 15 that he may be released from his position for the following school year or unless the signature of such an employee is obtained by March 15 on such written notice that he may be released from his position for the following year, he shall be continued in such position. The provisions of this section do not apply to a certificated employee who holds a written contract with an expiration date beyond the current school year, or to a certificated employee holding a position that is funded

for less than a school year, or to a certificated employee assigned to an acting position whose continuing right to hold this position depends on his being selected from an eligible list established for the position, or to the termination of employment pursuant to Section 13447. A certificated employee serving under Section 946 shall be notified by March 1 if the governing board determines on an individual basis that he may be released for the following school year.

CHAPTER 213

An act to amend Section 2607 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 3, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 2607 of the Revenue and Taxation Code is amended to read:

2607. The entire tax on real property may be paid when the first installment is due. The first installment may be paid separately when the first installment is due or at any time thereafter until the properties on the current roll are sold to the state. The second installment may be paid separately only if the first installment has been paid.

CHAPTER 214

An act to repeal and add Sections 4991 and 4992 of, and to repeal Sections 4993 and 4994 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 3, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 4991 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 4991 is added to the Revenue and Taxation Code, to read:

4991. If the tax collector sells property to the state for taxes which were a lien on the property for any year, and:

(a) The taxes for that year had been paid prior to the date of sale, or

(b) The taxes have been legally canceled, or

(c) The taxes are valid but an error subsequent to the levy of the taxes renders void the sale to the state; the tax collector, with the approval of the auditor, shall cancel the sale. The fact and date of the cancellation shall be entered on the abstract or electronic data processing records.

If the tax collector is not operating under the provisions of Article 2 (commencing with Section 3446) of Chapter 2 of Division 2 of Part 6, the tax collector shall transmit a copy of the cancellation to the State Controller in the form prescribed by the State Controller.

SEC. 3. Section 4992 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 4992 is added to the Revenue and Taxation Code, to read:

4992. If the tax collector deeds property to the state and,

(a) The sale to the state of such property is canceled under Section 4991, or

(b) The deed to the state is void because of any error occurring subsequent to the sale to the state.

The tax collector, with the approval of the auditor, shall cancel the deed to the state in the form prescribed by the State Controller. The cancellation shall be acknowledged, without charge, and shall be recorded with the county recorder, without charge.

The fact and date of the cancellation shall be entered on the abstract or electronic data processing records, and the tax collector shall transmit a copy of the recorded cancellation to the State Controller.

SEC. 5. Section 4993 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 4994 of the Revenue and Taxation Code is repealed.

CHAPTER 215

An act to amend Section 981.2 of the Military and Veterans Code, relating to veterans' benefits.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 981.2 of the Military and Veterans Code is amended to read:

981.2. The department, insofar as the funds permit, may provide an allowance of one hundred dollars ($100) for each month the student is in satisfactory and actual full-time attendance at an educational institution, and pursuing a course of study leading to a bachelor of arts or bachelor of science degree, or to a recognized

degree, license, certificate, or diploma.

For purposes of this section the term "full-time attendance" shall be defined in the same manner as it is defined by the educational institution attended by the student. For purposes of this section, "educational institution" shall be defined as any school or college of the collegiate level accredited by the Western Association of Schools and Colleges, including a community college, and shall include a vocational school or any other school approved by the State Department of Education for the purpose of receipt by a student of educational benefits afforded by the Veterans Administration.

The department may provide for such educational benefits for full-time students pursuing a course of study leading to a recognized postgraduate or professional degree, license, certificate, or diploma in educational institutions in other states or in other countries when such course of study is otherwise unavailable to the student.

CHAPTER 216

An act relating to the Orinda Union Elementary School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975. Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Notwithstanding any other provision of law, the maximum tax rate of the Orinda Union Elementary School District for the 1975–76 fiscal year is increased by twenty-seven cents ($0.27) per one hundred dollars ($100) of assessed valuation above the rate which would otherwise have been computed for the district pursuant to applicable provisions of law.

SEC. 2. The Legislature finds and declares that because of a clerical error not the fault of the Orinda Union Elementary School District which resulted in the computation of a tax rate lower than authorized by law and in decreased revenues to the district, it is necessary to permit the district to levy the additional tax specified by Section 1 to recoup tax revenues not realized and thereby preserve the financial integrity of the district. Because of this unique occurrence, a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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

In order to permit the increased maximum tax rate prescribed by this act to be operative for the entire 1975–76 fiscal year, and so

facilitate the orderly administration of the school district's finances, it is necessary that this act take effect immediately.

CHAPTER 217

An act to amend Section 25668.1 of the Health and Safety Code, relating to radiation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975. Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 25668.1 of the Health and Safety Code is amended to read:

25668.1. Until July 1, 1977, the department may, upon application, on a form prescribed and supplied by the department, by a licentiate of the healing arts, approve the licentiate to give on-the-job training, based on instructional standards prescribed by the department, to a student of radiologic technology if the following requirements are complied with:

(a) The training is restricted to applicants for limited permits in one category or an approved combination of categories.

(b) The training is given by a certified supervisor or operator.

(c) The didactic instruction and clinical experience are equivalent to that required of approved schools for radiologic technology limited permits and shall be outlined by the department in a manual or syllabus.

(d) On-the-job training may not exceed one year for any one student.

(e) There shall not be at any one time more than one student per licentiate.

(f) Records, subject to department inspection, shall be kept of hours of didactic training given the student and the number and kind of clinical procedures performed by the student. If the licentiate does not choose to give both clinical and didactic on-the-job training, as prescribed by the department, that portion not given by the licentiate shall be taken in a school approved by the department pursuant to Section 25668.

The department may establish and collect fees in an amount sufficient to defray the cost incurred by the department in administering the program of on-the-job training authorized by this section.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local

government by this act are minor in nature and will not cause any financial burden to local government.

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

In order that the program of on-the-job training of radiologic technology students may be continued, it is necessary that this act go into effect immediately.

CHAPTER 218

An act to amend Section 663.7 of the Harbors and Navigation Code, relating to vessels, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1 Section 663.7 of the Harbors and Navigation Code is amended to read:

663.7. (a) Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction as provided in this section. A boating safety and enforcement program as used in this section includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

(b) An entity other than a county is entitled to receive aid for boating safety and enforcement programs on waters under its jurisdiction through the county in which it lies, and such aid shall be counted as aid to such county; except that aid for boating safety and enforcement programs of the Department of Parks and Recreation for waters under its jurisdiction shall not be counted as aid to a county.

(c) The amount of aid for which a county or other entity or agency is eligible under this chapter shall not exceed the total cost of its boating safety and enforcement program needs, less the moneys derived from personal property taxes on boats and fees charged for inspection of vessels for equipment, capacity, seaworthiness or pollution control, as determined in accordance with a formula prescribed by the department. The department's formula shall specify the number of square miles of boating waters and the amount of use which will require one safety patrol unit and shall express such unit in terms of its cost.

(d) Aid for boating safety and enforcement programs shall be

made available to the Department of Parks and Recreation for waters under its jurisdiction in accordance with a boat entry unit cost factor derived by dividing the most recent annual boat entry count into the maximum amount available and appropriated for such programs in the 1969–70 fiscal year. Budgets for such programs shall be estimated for each fiscal year and adjustments shall be made thereto for the previous year in accordance with the actual boat entry count as it becomes available multiplied by the boat entry unit cost factor. The amount thus determined shall be available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund provided, however, that all fees and other proceeds from the use of boats or boating facilities in state parks and on waters under the control of the state shall be paid into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

(e) Entities or agencies desiring aid under the provisions of this section shall submit applications to the department at least six months prior to the period for which aid is required. Applications shall be in such form and contain such information as the department may require.

(f) Within 90 days after the close of any period for which aid is received, the entity or agency shall submit to the department a statement of the expenditures actually incurred, in such form and containing such information as the department may require.

(g) The department shall be responsible for the administration of the provisions of this section, and may adopt such rules and regulations as may be necessary to carry out its provisions. The department shall make periodic evaluations of the effectiveness of programs receiving aid under this section.

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

In order to provide effective boating safety and enforcement programs for the people of the state at the earliest possible time, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 219

An act to add Sections 16052.5 and 16058.3 to, and to repeal Article 2.1 (commencing with Section 16072) of Chapter 2 of Division 12 of, the Education Code, relating to school property.

[Approved by Governor July 4, 1975. Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Article 2.1 (commencing with Section 16072) of Chapter 2 of Division 12 of the Education Code is repealed.

SEC. 2. Section 16052.5 is added to the Education Code, to read:

16052.5. The sale of real property pursuant to this article shall be subject to the provisions of Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 3. Section 16058.3 is added to the Education Code, to read:

16058.3. (a) In the event that the governing board of a school district, other than a community college district, intends to sell real property pursuant to this article, the former owner from whom the district acquired the property shall be accorded the right, prior to the final acceptance of bids, to purchase the property at the tentatively accepted highest bid price.

(b) At any time after the notice of meeting given pursuant to Section 16058, and prior to the date of such meeting, the prior owner from whom the district acquired the property may submit to the governing board written notice of intention to purchase the property at the tentatively accepted highest bid price. Such notice does not constitute an offer to purchase.

(c) Bids, both written and oral, shall be submitted and acted upon by the governing board in the manner otherwise prescribed by this article, except that the acceptance of a bid shall be tentative only, subject to the right of the former owner to purchase the property.

(d) Upon receipt of bids, the governing board shall offer to sell the property to the former owner at the tentatively accepted highest bid price, subject to the terms and conditions of sale initially fixed by the board.

(e) In the event that the former owner rejects the offer, the governing board shall sell the property to the highest responsible bidder, by final acceptance of the bid theretofore tentatively accepted.

CHAPTER 220

An act to add Section 2361.8 to the Business and Professions Code, Section 1294.5 to the Health and Safety Code, and Article 6 (commencing with Section 14190) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 2361.8 is added to the Business and Professions Code, to read:

2361.8. Willful failure to comply with the requirements of Article 6 (commencing with Section 14190), Chapter 7, Part 3, Division 9, of the Welfare and Institutions Code and regulations promulgated thereunder constitutes unprofessional conduct.

SEC. 2. Section 1294.5 is added to the Health and Safety Code, to read:

1294.5. The department may suspend or revoke any license or special permit issued under the provisions of this chapter if the licensee or holder of a special permit willfully fails to comply with the provisions of the regulations contained in Article 6 (commencing with Section 14190), Chapter 7, Part 3, Division 9, of the Welfare and Institutions Code and regulations promulgated thereunder.

SEC. 3. Article 6 (commencing with Section 14190) is added to Chapter 7, Part 3, Division 9 of the Welfare and Institutions Code, to read:

Article 6. Sterilizations

14190. As used in this article "department" means the State Department of Health.

14191. Notwithstanding any other provision of law, no payment for care or services shall be made under Medi-Cal to the attending physician under this chapter for the costs of any voluntary nonemergency sterilization unless the treatment authorization request is accompanied by the documents evidencing informed consent required by regulations of the department. In the event that the department does not require a treatment authorization request, such documents evidencing informed consent shall accompany the billing of the attending physician. The department shall promulgate regulations under this article and shall adopt a standard informed consent form in English and Spanish which is readily understandable to Medi-Cal beneficiaries for use by health providers performing voluntary nonemergency sterilizations.

The failure of the attending physician performing the sterilization to fulfill his obligations under this section shall not be construed as requiring the department to deny or withhold reimbursement under Medi-Cal to other providers participating in the sterilization.

14192. Willful failure on the part of a health facility to comply with the provisions of the regulations of the department under this article shall constitute cause for suspension as a provider of services under Medi-Cal.

14193. The department shall transmit any data acquired by it regarding willful failure of a physician and surgeon to comply with the regulations of the department under this article to the Board of Medical Examiners of the State of California.

14194. The department shall submit reports to the Legislature as to compliance by health facilities with the requirements of this

article, 6, 12, and 24 months after its operative date.

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

Federal regulations regarding informed consent to voluntary, nonemergency sterilization have not been complied with and in order to achieve compliance with such regulations it is necessary that this act go into effect at the earliest possible date.

CHAPTER 221

An act to amend Sections 17154, 18091, 18093, 18094, and 18098 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 17154 of the Revenue and Taxation Code is amended to read:

17154. (a) At the election of the taxpayer, gross income does not include gain from the sale or exchange of property if—

(1) The taxpayer has attained the age of 65 before the date of such sale or exchange, and

(2) During the eight-year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating five years or more, and

(b) (1) If the adjusted sales price of the property sold or exchanged exceeds thirty thousand dollars ($30,000), subsection (a) shall apply to that portion of the gain which bears the same ratio to the total amount of such gain as thirty thousand dollars ($30,000) bears to such adjusted sales price. For purposes of the preceding sentence, the term "adjusted sales price" has the meaning assigned to such term by Section 18092(a) (determined without regard to subsection (d) (7) of this section).

(2) Subsection (a) shall not apply to any sale or exchange by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale or exchange is in effect.

(c) An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this part for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Franchise Tax Board shall by regulations prescribe. In the case of a taxpayer who is married, an

election under subsection (a) or a revocation thereof may be made only if his spouse joins in such election or revocation.

(d) (1) For purposes of this section, if—

(A) Property is held by a husband and wife as joint tenants, tenants by the entirety, or community property,

(B) Such husband and wife make a joint return under Section 18402(b) for the taxable year of the sale or exchange, and

(C) One spouse satisfies the age, holding, and use requirements of subsection (a) with respect to such property,

then both husband and wife shall be treated as satisfying the age, holding, and use requirements of subsection (a) with respect to such property.

(2) For purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if—

(A) The deceased spouse (during the eight-year period ending on the date of the sale or exchange) satisfied the holding and use requirements of subsection (a)(2) with respect to such property, and

(B) No election by the deceased spouse under subsection (a) is in effect with respect to a prior sale or exchange,

then such individual shall be treated as satisfying the holding and use requirements of subsection (a)(2) with respect to such property.

(3) For purposes of this section, if the taxpayer holds stock as a tenant-stockholder (as defined in Sections 17264 and 17265) in a cooperative housing corporation (as defined in such sections), then—

(A) The holding requirements of subsection (a)(2) shall be applied to the holding of such stock, and

(B) The use requirements of subsection (a)(2) shall be applied to the house or apartment which the taxpayer was entitled to occupy as such stockholder.

(4) For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of such property.

(5) In the case of property only a portion of which, during the eight-year period ending on the date of the sale or exchange, has been owned and used by the taxpayer as his principal residence for periods aggregating five years or more, this section shall apply with respect to so much of the gain from the sale or exchange of such property as is determined, under regulations prescribed by the Franchise Tax Board, to be attributable to the portion of the property so owned and used by the taxpayer.

(6) In the case of any sale or exchange, for purposes of this section—

(A) The determination of whether an individual is married shall be made as of the date of the sale or exchange; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered

as married.

(7) In applying Sections 18082 to 18090.2, inclusive (relating to involuntary conversions), and 18091 to 18100, inclusive (relating to sale or exchange of residence), the amount realized from the sale or exchange of property shall be treated as being the amount determined without regard to this section, reduced by the amount of gain not included in gross income pursuant to an election under this section.

(e) This section shall apply to dispositions after December 31, 1963, in taxable years ending after such date.

SEC. 2. Section 18091 of the Revenue and Taxation Code is amended to read:

18091. If property (hereinafter in this article called "old residence") used by the taxpayer as his principal residence is sold by him after December 31, 1952, and, within a period beginning 18 months prior to the date of such sale and ending 18 months after such date, property (hereinafter in this article called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price (as defined in Section 18092) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

SEC. 3. Section 18093 of the Revenue and Taxation Code is amended to read:

18093. For purposes of this article—

(a) An exchange by the taxpayer of his residence for other property shall be treated as a sale of such residence, and the acquisition of a residence on the exchange of property shall be treated as a purchase of such residence.

(b) A residence any part of which was constructed or reconstructed by the taxpayer shall be treated as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in Section 18091.

(c) If a residence is purchased by the taxpayer before the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him before the date of the sale of the old residence.

(d) If the taxpayer, during the period described in Section 18091, purchases more than one residence which is used by him as his principal residence at some time within 18 months after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence.

(e) In the case of a new residence the construction of which was commenced by the taxpayer before the expiration of 18 months after the date of the sale of the old residence, the period specified in Section 18091, and the 18 months referred to in subsection (d) of this

section, shall be treated as including a period of two years beginning with the date of the sale of the old residence.

SEC. 4. Section 18094 of the Revenue and Taxation Code is amended to read:

18094. The provisions of Section 18091 shall not be applicable with respect to the sale of the taxpayer's residence if within 18 months prior to the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of the provisions of Section 18091 or 17690.1 of the Personal Income Tax Law of 1954.

SEC. 5. Section 18098 of the Revenue and Taxation Code is amended to read:

18098. The running of any period of time specified in Section 18091 or 18093 (other than the 18 months referred to in Section 18093(d)) shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the armed forces of the United States after the date of the sale of the old residence and during an induction period (as defined in Section 17025), except that any such period as so suspended shall not extend beyond the date four years after the date of the sale of the old residence. For the purpose of this section, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SEC. 6. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall be applied in the computation of taxes for taxable years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of this act shall apply in the computation of taxes for taxable years beginning on or after the first day of the calendar year following the effective date.

CHAPTER 222

An act to amend Section 21062 of, and to add Sections 21175 and 21176 to, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 21062 of the Public Resources Code is amended to read:

21062. "Local agency" means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency and a local agency formation commission are local agencies, and neither is a state agency, board, or commission.

SEC. 2. Section 21175 is added to the Public Resources Code, to read:

21175. In the event that a local agency formation commission, acting pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of, or pursuant to Division 1 (commencing with Section 56000) of Title 6 of, the Government Code, has approved a project without complying with this division, such approval is hereby confirmed, validated, and declared legally effective notwithstanding the failure to comply with this division; provided, that such approval shall have occurred prior to February 7, 1975.

SEC. 3. Section 21176 is added to the Public Resources Code, to read:

21176. (a) Section 21175 shall not operate to confirm, validate, or give legal effect to any project, the legality of which was being contested in a judicial proceeding in which proceeding the pleadings, prior to February 7, 1975, alleged facts constituting a cause of action for, or raised the issue of, a violation of this division, and which was pending and undetermined on February 7, 1975.

(b) Section 21175 shall not operate to confirm, validate, or give legal effect to any project which had been determined in any judicial proceeding, on or before the effective date of this section, to be illegal, void, or ineffective because of noncompliance with this division.

SEC. 4. Notwithstanding any other provision of law, any matter initiated pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of, or pursuant to Division 1 (commencing with Section 56000) of Title 6 of, the Government Code, and pending before a local agency formation commission on February 7, 1975, may be continued by such local agency formation commission for such time as may be necessary to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

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

In order to remove ambiguity about the status of various proposals which have been approved by local agency formation commissions and about proposals currently pending before such commissions as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 223

An act to amend Section 1283 of the Health and Safety Code, relating to health facilities.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 1283 of the Health and Safety Code is amended to read:

1283. (a) No health facility shall surrender the physical custody of a minor under 16 years of age to any person unless such surrender is authorized in writing by the child's parent or the person having legal custody of the child.

(b) A health facility shall report to the State Department of Health, on forms supplied by the department, the name and address of any person and, in the case of a person acting as an agent for an organization, the name and address of the organization, into whose physical custody a minor under the age of 16 is surrendered, other than a parent, relative by blood or marriage, or person having legal custody. Such report shall be transmitted to the department within 48 hours of the surrendering of custody. No report to the department is required if a minor under the age of 16 is transferred to another health facility for further care or if such minor comes within Section 600, 601, or 602 of the Welfare and Institutions Code and is released to an agent of a public welfare, probation, or law enforcement agency.

CHAPTER 224

An act to amend Sections 16114, 51064, 51081, 51084, and 51096 of, and to repeal Section 27420 of, the Government Code, to amend Section 33375 of the Health and Safety Code, to amend Section 5780.13 of the Public Resources Code, to amend Sections 130, 215.1, 256, 422, 426, 1825, 2279, 2926, 3448, 5097, 10753.2, 17299.1, 18052.2, 24441, and 24916.2 of, to amend and renumber Section 255.6 of, and to repeal Section 205.7 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 16114 of the Government Code is amended to read:

16114. For the 1971-1972 fiscal year and each fiscal year thereafter, the Controller shall make, or may request the State Board of Equalization to make, such audits of claims relating to business inventories submitted pursuant to Section 16113 as he deems appropriate. There shall be deducted from the payment to the county provided by Section 16115 for the following fiscal year:

(a) The amount claimed which is attributable to the overassessment of inventories; and

(b) The fund allocated pursuant to Section 16115 for inventories which are subsequently found to be misclassified as inventories by the assessor, the Controller, or by the State Board of Equalization.

SEC. 2. Section 27420 of the Government Code is repealed.

SEC. 2.1. Section 51064 of the Government Code is amended to read:

51064. Lands subject to the grant of an open-space easement executed and accepted in accordance with this chapter shall be deemed to be enforceably restricted within the meaning of Section 8 of Article XIII of the Constitution of the State of California.

SEC. 2.2. Section 51081 of the Government Code is amended to read:

51081. The execution and acceptance of a deed or other instrument described in subdivision (d) of Section 51075 shall constitute a dedication to the public of the open-space character of the lands for the term specified. Any such easement and covenant shall run for a term of not less than 10 years. An open-space easement for a term of years shall provide that on the anniversary date of the acceptance of the open-space easement or on such other annual date as specified by the deed or other instrument described in subdivision (d) of Section 51075, a year shall be added automatically to the initial term unless a notice of nonrenewal is given as provided in Section 51091.

SEC. 3. Section 51084 of the Government Code is amended to read:

51084. No grant of an open-space easement shall be accepted by a county or city, unless the governing body, by resolution, finds:

(a) That the preservation of the land as open space is consistent with the general plan of the county or city; and

(b) That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exist:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural

character of the area in which the land is located.

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

The resolution of the governing body shall establish a conclusive presumption that the conditions set forth in subdivisions (a) and (b) have been satisfied.

SEC. 4. Section 51096 of the Government Code is amended to read:

51096. Lands subject to the grant of an open-space easement executed and accepted in accordance with this chapter shall be deemed to be enforceably restricted within the meaning of Section 8 of Article XIII of the Constitution of the State of California.

SEC. 5. Section 33375 of the Health and Safety Code is amended to read:

33375. After the adoption by the legislative body of a redevelopment plan which contains the provision permitted by Section 33670, the clerk of the community shall transmit a copy of the description and statement recorded pursuant to Section 33373, a copy of the ordinance adopting the plan, and a map or plat indicating the boundaries of the project area to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; to the governing body of each of the taxing agencies which levies taxes upon any property in the project area; and to the State Board of Equalization.

Such documents shall be transmitted within 30 days following the adoption of the redevelopment plan. The legal effect of such transmittals shall be as set forth in Section 33674.

SEC. 6. Section 5780.13 of the Public Resources Code is amended to read:

5780.13. On or before the first day of January of any year that an assessment or taxes are to be levied and when the boundaries of any recreation and park district are changed for any reason whatsoever, the tax or assessment levying authority shall comply with the provisions of Sections 54900, 54901 and 54902 of the Government Code.

SEC. 7. Section 130 of the Revenue and Taxation Code is amended to read:

130. (a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) "Documented vessel" means any vessel which is required to have and does have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto, except documented yachts of the United States, or is

registered with, or licensed by, the Department of Motor Vehicles. "Documented vessel" does not include any vessel exempt from taxation under subdivision (*l*) of Section 3 of Article XIII of the Constitution of the State of California.

(c) "Vessel of the United States" means a documented vessel, that is, a vessel registered, enrolled and licensed, or licensed under the laws of the United States, except documented yachts of the United States.

(d) "Port of documentation" means the home port of a vessel as shown in the marine document in force and issued to the owner of such vessel by the Bureau of Customs of the United States or any federal agency successor thereto.

(e) "Marine document" includes registry, enrollment and license, and license.

(f) "In this state" means within the exterior limits of the State of California, and includes all territory within these limits owned by, or ceded to, the United States of America.

(g) "Natural resources" consist of both the living resources of the sea and the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, which are organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(h) "Oceanographic research vessel" means a vessel which the secretary of the department in which the United States Coast Guard is operating, or his successor, finds is an oceanographic research vessel under the laws of the United States.

SEC. 8. Section 205.7 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 215.1 of the Revenue and Taxation Code is amended to read:

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

The exemption provided for in this section shall apply to the property of all organizations meeting the requirements of this section and subdivision (b) of Section 4 of Article XIII of the Constitution of the State of California and subdivisions (1) to (7), inclusive, of Section 214 of this code.

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

SEC. 9.5. Section 255.6 of the Revenue and Taxation Code, as

added by Chapter 1420 of the Statutes of 1974, is amended and renumbered to read:

255.8. In counties having 10 percent or more persons who are Spanish surnamed or Spanish speaking according to the most recent federal decennial census, the notices required to be sent to homeowners by subdivision (b) of Section 255.3 and Section 255.4 and the instructions accompanying the claim form required to be sent to homeowners by subdivision (c) of Section 255.3 shall be in English and Spanish. Notices in Spanish may also be sent or made available in any other county, at the discretion of the county assessor.

SEC. 9.6. Section 256 of the Revenue and Taxation Code is amended to read:

256. The affidavit for church exemption shall show that:

(a) The building and equipment are used solely for religious worship.

(b) The land claimed as exempt is required for the convenient use of the building.

SEC. 10. Section 422 of the Revenue and Taxation Code is amended to read:

422. For the purposes of this article and within the meaning of Section 8 of Article XIII of the Constitution, open-space land is "enforceably restricted" if it is subject to any of the following:

(a) A contract;

(b) An agreement;

(c) A scenic restriction entered into prior to January 1, 1975;

(d) An open-space easement; or

(e) A wildlife habitat contract.

For the purposes of this article no restriction upon the use of land other than those enumerated in this section shall be considered to be an enforceable restriction.

SEC. 10.5. Section 426 of the Revenue and Taxation Code is amended to read:

426. Notwithstanding any provision of Section 423 to the contrary, if either the county or city or the owner of land subject to contract, agreement, scenic restriction, or open-space easement has served notice of nonrenewal as provided in Sections 51091 or 51245 of the Government Code, the board, for purposes of surveys required by Section 1815, and the county assessors shall value such land as provided in this section.

(a) If the owner of land serves notice of nonrenewal or the county or city serves notice of nonrenewal and the owner fails to protest as provided in Section 51091 or 51245 of the Government Code, subdivision (b) shall apply immediately. If the county or city serves notice of nonrenewal and the owner does protest as provided in Sections 51091 or 51245 of the Government Code, subdivision (b) shall apply when less than six years remain until the termination of the period for which the land is enforceably restricted.

(b) Where any of the conditions in subdivision (a) apply, the board or assessor in each year until the termination of the period for

which the land is enforceably restricted shall:

(1) Determine the full cash value of the land as if it were not enforceably restricted;

(2) Determine the value of the land by capitalization of income as provided in Section 423 and without regard to the existence of any of the conditions in subdivision (a);

(3) Subtract the value determined in subdivision (b)(2) by capitalization of income from the full cash value determined in subdivision (b)(1);

(4) Using the rate announced by the board pursuant to subdivision (b)(1) of Section 423, discount the amount obtained in subdivision (b)(3) of this section for the number of years remaining until the termination of the period for which the land is enforceably restricted;

(5) Determine the value of the land by adding the value determined by capitalization of income as provided in subdivision (b)(2) and the value obtained in subdivision (b)(4); and

(6) Apply the ratio prescribed in Section 401 to the value of the land determined in subdivision (b)(5) to obtain its assessed value.

SEC. 11. Section 1825 of the Revenue and Taxation Code is amended to read:

1825. If the statement submitted by the board to any county or city pursuant to Section 1823 requires an increase or decrease in the valuation of property shown on the county's or city's secured roll, the board of supervisors shall adjust the rates of county and district taxes previously levied, or the city council shall adjust the rates of city and district taxes previously levied, so that no greater revenue will be produced for the current fiscal year for county, city and district purposes than was anticipated on the date of such levy. Any adjustment necessitated by a decrease in the valuation of the property may be made irrespective of any tax rate limitation prescribed elsewhere in the law.

A statement of the assessed values and the rates of taxation thus adjusted shall be transmitted by the county auditor or the city clerk to the State Controller and the board within three days after the date of such adjustment.

The board shall use the data to adjust the assessment ratio as found on or before August 23rd pursuant to subdivision (a) of Section 1819.

SEC. 12. Section 2279 of the Revenue and Taxation Code is amended to read:

2279. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter for interest and redemption charges on amounts borrowed pursuant to Section 54902.1 of the Government Code.

SEC. 12.5. Section 2926 of the Revenue and Taxation Code is amended to read:

2926. Such a discharge of a tax collector does not release any person from the payment of any amounts which are due and owing.

If at any future time the aggregate amount of any taxes, penalties,

interest, and any other charges pertaining thereto due and owing by any taxpayer, including the amount involved in such a discharge, exceeds the cost of collection, the tax collector shall collect the amount due and owing, including the amount involved in such discharge.

SEC. 13. Section 3448 of the Revenue and Taxation Code is amended to read:

3448. Where the system of control in the county no longer is operative or is found by the Controller to be inadequate, or where the tax collector fails to comply with the requirements of Section 3446, the authorizations may be rescinded by the Controller 30 days after notice is mailed to the tax collector. Upon rescission of the authorization, the tax collector shall furnish the Controller, in the same form as prescribed under Section 3440, a complete list of all properties sold to the state which remained unredeemed on the effective date of such rescission, and the tax collector shall, from and after the effective date of the rescission, transmit to the Controller all the redemption certificates and notices provided for under Sections 4106 and 4803.

SEC. 13.5. Section 5097 of the Revenue and Taxation Code is amended to read:

5097. No order for a refund under this article shall be made except on a claim:

(a) Verified by the person who paid the tax, his guardian, executor, or administrator.

(b) Filed within four years after making of the payment sought to be refunded or within one year after the mailing of notice as prescribed in Section 2635, whichever is later.

An application for a reduction in an assessment filed pursuant to Section 1603 shall also constitute a sufficient claim for refund under this section if the applicant states in the application that the application is intended to constitute a claim for refund. If the applicant does not so state, he may thereafter and within the period provided in subdivision (b) file a separate claim for refund of taxes extended on the assessment which applicant applied to have reduced pursuant to Section 1607 or Section 1760.

SEC. 14. Section 10753.2 of the Revenue and Taxation Code is amended to read:

10753.2. (a) After determining the California suggested base price, as defined above, of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part, a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred

dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) Except as otherwise provided in subdivision (e), the market value of a vehicle for each registration year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum; provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966, which is required to be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in Section 10753.3.

(d) For the purposes of subdivision (c), a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944, and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar year 1941.

(e) For the purposes of this section, the market value of vehicles which have been previously registered and which, because they are being converted to year-round registration, become subject to registration twice during the 1976 calendar year, shall be deemed to be the same throughout the 1976 calendar year and shall not change until the registration subsequently expires.

SEC. 15. Section 17299.1 of the Revenue and Taxation Code is amended to read:

17299.1. In computing taxable income no deduction shall be allowed for abandonment fees paid under Section 51061 or 51093 of the Government Code.

SEC. 16. Section 18052.2 of the Revenue and Taxation Code is amended to read:

18052.2. Notwithstanding the provisions of Section 18052, no adjustment shall be made for abandonment fees paid in respect of property on which the open space easement is terminated under Section 51061 or 51093 of the Government Code.

SEC 17. Section 24441 of the Revenue and Taxation Code is

amended to read:

24441. In computing net income no deduction shall be allowed for abandonment fees paid under Section 51061 or 51093 of the Government Code.

SEC. 18. Section 24916.2 of the Revenue and Taxation Code is amended to read:

24916.2. Notwithstanding the provisions of Section 24916 no adjustment shall be made for abandonment fees paid in respect of property on which the open-space easement is terminated under Section 51061 or 51093 of the Government Code.

CHAPTER 225

An act to amend Section 1908 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 1908 of the Code of Civil Procedure is amended to read:

1908. (a) The effect of a judgment or final order in an action or special proceeding before a court or judge of this state, or of the United States, having jurisdiction to pronounce the judgment or order, is as follows:

(1) In case of a judgment or order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a decedent, or in respect to the personal, political, or legal condition or relation of a particular person, the judgment or order is conclusive upon the title to the thing, the will, or administration, or the condition or relation of the person.

(2) In other cases, the judgment or order is, in respect to the matter directly adjudged, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing under the same title and in the same capacity, provided they have notice, actual or constructive, of the pendency of the action or proceeding.

(b) A person who is not a party but who controls an action, individually or in cooperation with others, is bound by the adjudications of litigated matters as if he were a party if he has a proprietary or financial interest in the judgment or in the determination of a question of fact or of a question of law with reference to the same subject matter or transaction; if the other party has notice of his participation, the other party is equally bound.

At any time prior to a final judgment, as defined in Section 577, a determination of whether the judgment, verdict upon which it was

entered, or a finding upon which it was entered is to be binding upon a nonparty pursuant to this subdivision or whether such nonparty is entitled to the benefit of this subdivision may, on the noticed motion of any party or any nonparty that may be affected by this subdivision, be made in the court in which the action was tried or in which the action is pending on appeal. If no such motion is made before the judgment becomes final, the determination may be made in a separate action. If appropriate, a judgment may be entered or ordered to be entered pursuant to such determination.

CHAPTER 226

An act to amend Section 11161.5 of, and to add Section 11161.6 to, the Penal Code, relating to child abuse.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975.]

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

SECTION 1. Section 11161.5 of the Penal Code is amended to read:

11161.5. (a) In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any registered nurse when in the employ of a public health agency, school. or school district and when no physician and surgeon, resident, or intern is present, by any superintendent, any supervisor of child welfare and attendance, or any certificated pupil personnel employee of any public or private school system or any principal of any public or private school, by any teacher of any public or private school, by any licensed day care worker, by an administrator of a public or private summer day camp or child care center, or by any social worker, and it appears to the physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, religious practitioner, registered nurse, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, school principal, teacher, licensed day care worker, by an administrator of a public or private summer day camp or child care center or social worker from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, that the minor has been sexually molested, or that any injury prohibited by the terms of Section 273a has been inflicted upon the minor, he shall report such fact by telephone and in writing, within 36 hours, to both the local police authority having jurisdiction and to the juvenile probation department; or, in the alternative, either to the county

welfare department, or to the county health department. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries or molestation.

Whenever it is brought to the attention of a director of a county welfare department or health department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, that a minor has been sexually molested, or that any injury prohibited by the terms of Section 273a has been inflicted upon a minor, he shall file a report without delay with the local police authority having jurisdiction and to the juvenile probation department as provided in this section.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section unless it can be proven that a false report was made with malice.

Copies of all written reports received by the local police authority shall be forwarded to the Department of Justice. If the records of the Department of Justice maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon, sexual molestation of, or infliction of any injury prohibited by the terms of Section 273a upon, the same minor or any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the local reporting agency and the local juvenile probation department shall be immediately notified of the fact.

Reports and other pertinent information received from the department shall be made available to: any licensed physician and surgeon, dentist, resident, intern, podiatrist, chiropractor, or religious practitioner with regard to his patient or client; any director of a county welfare department, school superintendent, supervisor of child welfare and attendance, certificated pupil personnel employee, or school principal having a direct interest in the welfare of the minor; and any probation department, juvenile probation department, or agency offering child protective services.

(b) If the minor is a person specified in Section 600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department pursuant to Section 576.5 of the Welfare and Institutions Code and the report is made to the local police authority having jurisdiction, then the report required by subdivision (a) of this section shall be made to the county welfare department.

SEC. 2. Section 11161.6 is added to the Penal Code, to read:

11161.6. In any case in which a minor is observed by a probation officer and it appears to the probation officer from observation of the minor that the minor has a physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, that the minor has been sexually molested, or that any

injury prohibited by the terms of Section 273a has been inflicted upon the minor, he may report such injury to the agencies designated in Section 11161.5.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section unless it can be proven that a false report was made with malice.

CHAPTER 227

An act to amend Section 71383 of the Government Code, Section 2616 of the Revenue and Taxation Code, Sections 5833 and 19132 of the Streets and Highways Code, and Section 579 of the Welfare and Institutions Code, relating to local agencies.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 71383 of the Government Code is amended to read:

71383. The accounts of each municipal court and justice court shall be audited at least biennially. The county auditor shall supply the State Controller with a certified copy of each such audit. If the accounts of any municipal or justice court are not audited biennially, the State Controller may audit them. If such audit is requested by the board of supervisors the cost of such audit shall be paid from the general fund of the county in which such court is situated.

SEC. 2. Section 2616 of the Revenue and Taxation Code is amended to read:

2616. On or before the fifth day in each month the tax collector shall account to the auditor for all moneys collected during the preceding month. On the same day he shall file with the auditor a statement under oath, showing that all money collected by him has been paid as required by law.

On or before the 25th day of each month, or at greater intervals not exceeding 90 days and on dates approved by the auditor, the tax collector shall file with the auditor a statement under oath, showing an itemized account of all his transactions and receipts since his last settlement, including the amount collected for each fund or district extended on the roll.

In counties using a mechanized management reporting system in reporting information for a uniform four-week period, the board of supervisors, by ordinance, may provide for the duties required by this section to be performed on a corresponding uniform four-week period.

SEC. 3. Section 5833 of the Streets and Highways Code is amended to read:

5833. The board of supervisors of the county in which a maintenance district is formed shall:

(a) Make and enforce all rules and regulations necessary for the administration, operation and government of such district.

(b) Execute all contracts and make all necessary provisions for the maintenance and operation of the district, except that the board of supervisors may authorize a designated county officer to make, execute and administer contracts for the installing, maintaining and servicing a system of lights in accordance with standards adopted by the board of supervisors and in accordance with this chapter.

(c) Appoint and employ all necessary agents, superintendents, engineers and labor for the proper performance of the work.

(d) Perform all other acts necessary or proper to accomplish the purposes of this chapter.

SEC. 4. Section 19132 of the Streets and Highways Code is amended to read:

19132. The governing body shall:

(a) Make all rules, regulations and laws necessary for the administration, operation and maintenance of the highway lighting district.

(b) Supervise and plan a system of highway illumination for the district and decide upon the kind of service most feasible for the district. Nothing in this chapter shall prevent the board of supervisors from installing and maintaining electric lights on highways in the district for the safety of persons using the roads and bridges and from paying for the same out of the road fund of the county or district road fund.

(c) Indicate the placing and installation of all lights and any and all subsequent additional lights, except that the governing body may authorize a designated officer to indicate the placing and installation of lights in accordance with standards adopted by the governing body.

(d) Receive bids, award and make contracts with lighting companies in the name of the district to its very best advantage for the installation and maintenance of the street lighting system or any portion thereof and for servicing the same, except the governing body may authorize a designated officer to make, execute, and administer such contracts in the name of the district in accordance with this chapter.

(e) Determine the number of employees necessary to properly care for and maintain the system. The governing body shall prescribe their duties and fix their compensation. All district employees shall hold their positions at the pleasure of the governing body.

(f) Designate the hours for lighting the district.

(g) Perform all other acts necessary or proper to carry out the provisions of this part.

SEC. 5. Section 579 of the Welfare and Institutions Code is amended to read:

579. For the purpose of handling the reimbursement and other

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payments provided for in this chapter, the probation officer or other county officer designated by the board of supervisors of the county shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers. The auditor of the county shall audit such books and accounts annually, or at least biennially if so ordered by the board of supervisors upon the recommendation of the county auditor, on a fiscal year basis ending June 30 and shall make a report thereon to the judge of the court and to the supervisors of the county prior to the 31st day of the next succeeding month of January.

CHAPTER 228

An act to amend Sections 13163, 13163.2, and 13173 of, and to add Section 13163.3 to, the Education Code, relating to school employees.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Section 13163 of the Education Code is amended to read:

13163. Except where such service is provided by a school district pursuant to Section 13163.3, each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools. Such registration shall authorize the service of the holder as an employee of the county superintendent of schools or of any school district under his jurisdiction in the capacity in which and for the period of time for which the certification or other document is valid.

SEC. 2. Section 13163.2 of the Education Code is amended to read:

13163.2. Except where such service is provided by a school district authorized to register certification documents pursuant to Section 13163.3, each county or city and county board of education may issue temporary certificated for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate

or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission.

SEC. 3. Section 13163.3 is added to the Education Code, to read:

13163.3. A school district which may issue warrants pursuant to Section 21116 may, at its discretion, provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the school district.

SEC. 4. Section 13173 of the Education Code is amended to read:

13173. Except where such service is provided by a school district pursuant to Section 13163.3, each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools.

CHAPTER 229

An act to add Chapter 7 (commencing with Section 71980) to Part 7 of Division 20 of the Water Code, relating to municipal water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1975 Filed with Secretary of State July 5, 1975]

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

SECTION 1. Chapter 7 (commencing with Section 71980) is added to Part 7 of Division 20 of the Water Code, to read:

CHAPTER 7. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE OF REVENUE BONDS

Article 1. Initiation of Proceedings

71980. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this division, and to provide for such bonded indebtedness payable exclusively from the revenues of an enterprise acquired, constructed, improved or financed for the benefit of an area less than all of the district, the board shall, by resolution, declare its intention to form a revenue improvement district and to incur such indebtedness.

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71981. The resolution of intention shall state that the board intends to form a revenue improvement district of a portion of the district which in the opinion of the board will be benefited, and to call an election in such proposed revenue improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of revenue bonds of the district for such revenue improvement district.

71982. The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred and a general description of the enterprise.

(b) The estimated amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That the bonds are to be revenue bonds, and shall be payable exclusively from the revenues of the enterprise within such revenue improvement district and that the bonds are not to be secured by the taxing power of the district.

71983. The resolution of intention shall also state that a general description of the proposed enterprise, together with a map showing the exterior boundaries of the proposed revenue improvement district with relation to the territory immediately contiguous thereto and to the proposed enterprise is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed revenue improvement district.

71984. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed revenue improvement district and the proposed enterprise.

(b) That at the time and place specified in the resolution any person interested including all persons owning property in the district or in the proposed revenue improvement district, will be heard.

71985. Notice of the hearing shall be given by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the district, if there is a newspaper printed and published in the district. Such notice shall also be given by posting a copy of the resolution of intention in six public places within the proposed revenue improvement district at least two weeks before the time fixed for the hearing.

Article 2. Hearing and Changes

71986. Except as otherwise provided in this article, the board shall proceed with the hearing, conduct the hearing, make changes to the enterprise or the estimated amount of the proposed debt and hold hearings on the changes pursuant to Sections 71880 to 71883, inclusive.

Article 3. Formation of Revenue Improvement District

71987. At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to form the proposed revenue improvement district and to incur the bonded indebtedness. If so, the resolution shall state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The estimated amount of the proposed debt.

(c) That the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the revenue improvement district.

(d) That such portion of the district set forth on the map shall thereupon be formed and be known as "Revenue Improvement District No. _____ of _____ Municipal Water District."

71988. The determinations made in the resolution of formation shall be final and conclusive.

71989. After the formation of the revenue improvement district pursuant to this chapter, all proceedings for the purpose of a revenue bond election by the revenue improvement district shall be limited, and shall apply only to the revenue improvement district.

71990. Except as otherwise provided by this chapter, after the formation of the improvement district pursuant to this chapter, the improvement district shall be a local agency for the purposes of the Revenue Bond Law of 1941 and the terms defined in the Revenue Bond Law of 1941 shall have the meaning therein set forth unless the context requires a different meaning.

Article 4. Calling of Revenue Bond Election

71991. After the board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded indebtedness, the board shall, by a further resolution, call a special election in the revenue improvement district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of revenue bonds of the district for the revenue improvement district. The election shall be held and the votes canvassed pursuant to law for municipal water district elections.

71992. The resolution calling the revenue bond election shall be adopted, contain the statement, be published and provide for issuance of the revenue bonds in accordance with Article 3 (commencing with Section 54380 of the Government Code) of the Revenue Bond Law of 1941, except as otherwise required by law and this chapter, and, in addition, the resolution shall state:

(a) That the board deems it necessary to incur the bonded indebtedness.

(b) The revenue improvement district to be benefited by the bonded indebtedness, as set forth in the resolution of formation of

the revenue improvement district, and that a map showing the exterior boundaries of the revenue improvement district is on file with the secretary, which map shall govern for all details as to the extent of the revenue improvement district.

(c) That the votes of a majority of all voters voting on the proposition are required to authorize the issuance of the revenue bond.

71993. If the issuance of the revenue bonds is authorized at the election, the board shall provide for their issuance, sale, authentication, form and redemption in the manner provided in the Revenue Bond Law of 1941.

71994. It is the intent of the Legislature that the provisions of this article shall be in addition to, and not exclusive of, the powers and duties of the revenue improvement district as a local agency under the Revenue Bond Law of 1941, except that where this chapter is inconsistent with the Revenue Bond Law of 1941, the Revenue Bond Law of 1941 is controlling. The municipal water district may do any act for or on behalf of the revenue improvement district authorized by law and the Revenue Bond Law of 1941 not inconsistent with the provisions of this chapter or in derogation of the security of the bondholders.

Article 5. Advance of Funds

71995. The board may advance general funds of the district to accomplish the purposes of a revenue improvement district formed pursuant to this chapter.

71996. The board may repay the district for any advance of funds from the proceeds of the sale of revenue bonds authorized for the purposes of the improvement district.

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

Some municipal water districts urgently need the authority to incur revenue bonded indebtedness to acquire, construct, complete or repair facilities in order to meet water quality treatment standards for water suppliers imposed by law on the district and to provide repayment of such revenue bonded indebtedness by the persons or property benefited thereby. It is necessary, therefore, that the provisions of this act go into immediate effect.

CHAPTER 230

An act to amend Section 6 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), relating to the Vallejo Sanitation and Flood Control District.

[Approved by Governor July 7, 1975. Filed with Secretary of State July 8, 1975.]

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

SECTION 1. Section 6 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session) is amended to read:

Sec. 6. Compensation, organization and meetings of trustees. Each trustee of the district shall receive and be paid as compensation for each meeting of the board of trustees attended by him, whether regular or special, such sum as shall be established by resolution of the board of trustees, not to exceed the sum of fifty dollars ($50); provided, however, that he shall not be so paid for any meetings in excess of three in any one month, nor more than one hundred fifty dollars ($150) in any one month, as such compensation. The trustees shall elect one of their number as president of the board, one as vice president, and one as secretary, but none of said officers shall receive any additional compensation for their services as such. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records and papers of the district must be kept and shall be open to inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be called and held on written order of any two trustees and 24 hours written notice to any trustee not joining in the order. The order must specify the business for which the special meeting is called and no other business shall be transacted thereat. The county treasurer shall be the treasurer of the district.

CHAPTER 231

An act to amend Section 31521 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 7, 1975. Filed with Secretary of State July 8, 1975.]

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

SECTION 1. Section 31521 of the Government Code is amended to read:

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of nine members, the fourth, fifth, sixth, eighth, and ninth members and in counties having a board of investments under Section 31520.2, the fifth, sixth and seventh members of such board of investment, shall receive compensation at a rate of not more than one hundred dollars ($100) a meeting for not more than three meetings per month together with actual and necessary expenses for all members of the board.

CHAPTER 232

An act to amend Section 4179.3 of the Health and Safety Code, relating to garbage and refuse disposal districts.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 4179.3 of the Health and Safety Code is amended to read:

4179.3. Members of the district board may be reimbursed for their actual and necessary expenses incurred in the performance of official business of the district as approved by the district board.

Members of the district board may also receive not more than fifty dollars ($50) per diem for each day of actual attendance at the meetings of the board, such per diem to be established by order of the board and entered upon its minutes. No member of the district board shall, however, receive more than one hundred dollars ($100) per diem in any calendar month. In addition to any other compensation received pursuant to this section, the chairman of the district board and the secretary of the district board if the secretary is a member of such board shall each receive monthly compensation as established by the district board.

CHAPTER 233

An act to amend Sections 20013 and 20036 of, and to repeal Sections 20021.7, 20207, 20207.1, 20365, 20391, 20498.5, and 20654.5, of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 20013 of the Government Code is amended to read:

20013. (a) "Member" means any person included in the membership of this system, and includes state members and local members.

(b) "State member" includes:

(1) State miscellaneous members.

(2) University members.

(3) Patrol members.

(4) State safety members.

(5) State industrial members.

(c) "Local member" includes:

(1) Local miscellaneous members.

(2) Local safety members.

(3) School members.

SEC. 2. Section 20021.7 of the Government Code is repealed.

SEC. 3. Section 20036 of the Government Code is amended to read:

20036. "Benefit" means the retirement allowance, basic death benefit, limited death benefit, special death benefit, any monthly allowance for survivors of a member or retired person, the insurance benefit or refund of accumulated contributions.

SEC. 4. Section 20207 of the Government Code is repealed.

SEC. 5. Section 20207.1 of the Government Code is repealed.

SEC. 6. Section 20365 of the Government Code is repealed.

SEC. 7. Section 20391 of the Government Code is repealed.

SEC. 8. Section 20498.5 of the Government Code is repealed.

SEC. 9. Section 20654.5 of the Government Code is repealed.

CHAPTER 234

An act to amend Sections 20982, 21258.1, 21339, 21363, and 21365.5 of, and to repeal Sections 20017.7, 21200.2, 21252.11, 21292.1, 21292.2, and 21292.25 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975.]

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

SECTION 1. Section 20017.7 of the Government Code is repealed.

SEC. 2. Section 20982 of the Government Code is amended to read:

20982. Every local safety member, other than one subject to

Section 21252.01, shall be retired on the first day of the calendar month succeeding that in which he attains age 65.

SEC. 3. Section 21200.2 of the Government Code is repealed.

SEC. 4. Section 21252.11 of the Government Code is repealed.

SEC. 5. Section 21258.1 of the Government Code is amended to read:

21258.1. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

(b) If a member entitled to credit for prior service retires on or after July 1, 1971, and after attaining the compulsory age for service retirement applicable to him, or if a member is entitled to be credited with 20 years of continuous state service and retires after attaining age 60, and his retirement allowance is less than one thousand two hundred dollars ($1,200) per year and less than his final compensation, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one thousand two hundred dollars ($1,200) per year, or his final compensation, whichever is less.

If a member to whom this section applies is employed by more than one employer, his aggregate retirement allowances shall be taken into account irrespective of the employer.

SEC. 6. Section 21292.1 of the Government Code is repealed.

SEC. 7. Section 21292.2 of the Government Code is repealed.

SEC. 8. Section 21292.25 of the Government Code is repealed.

SEC. 9. Section 21339 of the Government Code is amended to read:

21339. A member who elected to receive optional settlement 2, optional settlement 3, or optional settlement 4, involving life contingency of the beneficiary, and whose designated beneficiary was his spouse, may, if his spouse predeceases him and he remarries, elect to have the actuarial equivalent as of the date of election of the allowance payable for the remainder of his lifetime under the optional settlement previously chosen applied to a lesser allowance during his remaining lifetime under one of the optional settlements specified in this article and name his spouse as beneficiary. Such election must be within 12 months following remarriage. In the case of such a member whose remarriage occurred prior to the effective date of this section, such election must be made within 12 months after the effective date of this section.

SEC. 10. Section 21363 of the Government Code is amended to read:

21363. The special death benefit is payable if the deceased was a patrol, state safety, state industrial or local safety member, if his death was industrial and if there is a survivor who qualifies under subdivision (b) of Section 21364. The Workers' Compensation Appeals Board, using the same procedures as in workers' compensation hearings, shall in disputed cases determine whether

the death of a member was industrial.

SEC. 11. Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with five or more years of state service and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a surviving husband of a female member as long as he lives or until remarriage; or

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person, or such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "surviving husband" means a husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

On and after the operative date of the amendment to this section at the 1971 Regular Session, this section shall apply to all contracting agencies and to the employees of such agencies with respect to deaths occurring after such operative date, whether or not such agencies have previously elected to be subject to this section.

CHAPTER 235

An act to amend Section 13481.05 of the Education Code, relating to certificated employees.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 13481.05 of the Education Code is amended to read·

13481.05. The governing board of each district in consultation with the faculty shall adopt rules and regulations establishing the specific procedures for the evaluation of its contract and regular employees on an individual basis and setting forth reasonable but specific standards which it expects its certificated employees to meet in the performance of their duties. Such procedures and standards shall be uniform for all contract employees of the district with similar general duties and responsibilities and shall be uniform for all regular employees of the district with similar general duties and responsibilities.

CHAPTER 236

An act to add Section 15809 to the Education Code and to repeal Chapter 977 of the Statutes of 1974, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Experience has shown that schools which are located in rural or other remote areas are less susceptible to vandalism occurring after school hours and during vacations if there are occupied residences situated nearby. It is the intent of the Legislature in enacting this measure to afford school districts an economical means of encouraging some degree of citizen surveillance over school property during those times when the school is not actually in use. The Legislature finds and declares that the authority afforded school districts by this act serves a public purpose by encouraging citizen surveillance over school property, thus reducing the likelihood of vandalism.

SEC. 2. Section 15809 is added to the Education Code, to read:

15809. The governing board of a school district may construct a mobilehome site on the grounds of any school or schools maintained by the district, including all necessary appurtenances and fixtures, and may pay the cost of utilities, insurance, and necessary services, for the purpose of enabling a responsible person or persons to install and occupy a mobilehome on such site. Such person or persons, who need not be classified as employees of the district, shall, in return for being permitted to install and occupy a mobilehome on the school site on terms and conditions acceptable to the governing board, agree to maintain any surveillance over the school grounds as the school district governing board requires, and to report to school authorities illegal or suspicious activities that are observed.

SEC. 3. Chapter 977 of the Statutes of 1974 is repealed.

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

In order that the inadvertent ineffectiveness of Chapter 977 of the Statutes of 1974, arising out of the application of Section 9609 of the Government Code to Chapters 547 and 977 of the Statutes of 1974, may be rectified and that school districts may take the steps authorized by this act to protect school property as soon as possible during the 1974–75 school year, it is necessary that this act take effect immediately.

CHAPTER 237

An act to amend Sections 70130 and 73781 of the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 70130 of the Government Code is amended to read:

70130. (a) In a county with a population of over 205,000 and not over 225,000 as determined by the 1970 federal decennial census, within which there is located a facility of the Department of Corrections of the State of California, each full-time official reporter shall receive a salary recommended by the superior court and approved by the board of supervisors.

Any appointee to an official reporter position shall be compensated at the first step and advance to each higher step upon completion of each year of service. Upon the recommendation of the superior court and approval of the board of supervisors, official reporters may be employed at or may be granted a special step increase to any step within the salary range on the basis of experience or qualifications.

(b) The compensation for each official reporter pro tempore shall be the equivalent of the daily wage of the first step in the salary range for full-time official reporters for each day he actually is on duty under order of the court.

(c) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

(d) Until such time as the salaries of full-time official reporters and official reporters pro tempore are approved by the board of supervisors pursuant to subdivision (a), such reporters shall receive the salaries in effect immediately prior to the effective date of the amendments to this section enacted by the Legislature at its 1975–76 Regular Session.

SEC. 2. Section 73781 of the Government Code is amended to read:

73781. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive a salary recommended by the municipal court and approved by the board of supervisors.

Any appointee shall be compensated at the first step and advance to each higher step upon completion of each year of service. Upon the recommendation of the municipal court and approval of the board of supervisors, official reporters may be employed at or may be granted a special step increase to any step within the salary range on the basis of experience or qualifications.

(b) In addition to the compensation provided in this article, each full-time reporter of the municipal court shall be entitled to, and shall

receive, the same vacations, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

(c) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at a per diem rate as fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Marin, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

(d) Until such time as the salaries of full-time official reporters are approved by the board of supervisors pursuant to subdivision (a), such reporters shall receive the salaries in effect immediately prior to the effective date of the amendments to this section enacted by the Legislature at its 1975–76 Regular Session.

(e) Any change in the salaries in effect immediately prior to the effective date of the amendments to this section enacted by the Legislature at its 1975–76 Regular Session shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

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

In order for Marin County to employ competent official court reporters and official court reporters pro tempore in the municipal and superior courts on a competitive basis with other counties, it is necessary that this act take effect immediately.

CHAPTER 238

An act to repeal Sections 61 and 62 of the Elections Code and to amend the heading of Article 1 (commencing with Section 23700) of Chapter 5 of Division 1 of Title 3 of, to amend Sections 23700, 23701, 23712, 23723, 23724, and 34450 of, to add Sections 23713, 23714, 34463, 34464, and 34465 to, and to repeal Sections 23713 and 34463 of, the

Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 61 of the Elections Code is repealed.

SEC. 2. Section 62 of the Elections Code is repealed.

SEC. 3. The heading of Article 1 (commencing with Section 23700) of Chapter 5 of Division 1 of Title 3 of the Government Code is amended to read:

Article 1. Enacting a Charter

SEC. 4. Section 23700 of the Government Code is amended to read:

23700. Counties may enact charters or revise existing charters according to the provisions of this chapter.

SEC. 5. Section 23701 of the Government Code is amended to read:

23701. Proceedings to enact or revise a charter may be initiated by ordinance, adopted by a majority vote of the members of the governing body of each county. The ordinance shall declare that the public interest requires the election of a charter commission composed of 15 qualified electors of the county, to be elected by the qualified electors of the county, at a general or special election. Proceedings to enact or revise a charter may also be initiated by a petition of qualified electors of the county as provided in this chapter.

SEC. 6. Section 23712 of the Government Code is amended to read:

23712. If the electors, voting at a general or special election, shall vote in favor of the charter proposed or revised by a charter commission or the governing body of a county, it shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to the provisions of Section 23713.

SEC. 7. Section 23713 of the Government Code is repealed.

SEC. 8. Section 23713 is added to the Government Code, to read:

23713. Three copies of the complete text of a charter proposal or of any revised, amended or repealed section ratified by the electors of a county shall be certified and authenticated by the chairman and clerk of the governing body and attested by the county clerk, setting forth the submission of the charter to the electors of the county, and its ratification by them. One copy shall be recorded in the office of the recorder of the county and then shall be filed in the office of the county clerk.

The county clerk shall submit the second copy to the Secretary of

State with the following:

(a) Certified copies of all publications and notices required of the county by this chapter or by the laws of this state in connection with an election to propose or revise a county charter.

(b) Certified copies of any arguments for or against the charter proposal or revision which were mailed to voters pursuant to Section 3783 of the Elections Code.

(c) A certified abstract of the vote at the election at which the charter proposal or revision was approved by the voters.

SEC. 9. Section 23714 is added to the Government Code, to read:

23714. A charter proposal or revision ratified by the voters of a county and submitted to the Secretary of State in compliance with the provisions of this chapter shall be accepted and filed by the Secretary of State. The charter shall be published in the statutes in a charter chapter series under the designation "Statutes of _____ (year), Charter Chapter _____." Under the chapter number, the date of the ratification election and the date of filing with the Secretary of State shall be indicated.

A charter accepted and filed by the Secretary of State shall be the charter of such county and shall become the organic law thereof relative to the matters provided therein, and supersede any existing charter, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter.

SEC. 10. Section 23723 of the Government Code is amended to read:

23723. If the majority of electors voting, at a general or special election, shall vote in favor of the proposed amendment or amendments or in favor of charter repeal, the amendment or amendments or charter repeal shall be deemed to be ratified but shall not take effect until accepted and filed by the Secretary of State pursuant to the provisions of Section 23724.

SEC. 11. Section 23724 of the Government Code is amended to read:

23724. Two copies of the amendment or amendments shall be authenticated, certified, recorded, submitted, filed and published in the same manner as provided in Sections 23713 and 23714 for the charter, and with like force and effect.

SEC. 12. Section 34450 of the Government Code is amended to read:

34450. Any city or city and county may enact or revise a charter for its own government according to the provisions of this article.

SEC. 13. Section 34463 of the Government Code is repealed.

SEC. 14. Section 34463 is added to the Government Code, to read:

34463. If the electors vote in favor of the charter proposal, revision, amendment, or repeal, it shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to the provisions of Section 34464.

SEC. 15. Section 34464 is added to the Government Code, to

read:

34464. Three copies of the complete text of a charter proposal or of any revised, amended or repealed section ratified by the electors of a city or city and county shall be certified and authenticated by the chairman and clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the electors of the city, and its ratification by them. One copy shall be filed with the recorder of the county in which the city is located, and one in the archives of the city. In the case of a city and county, one copy shall be filed with the recorder thereof, and one in the archives of such city and county.

The third copy shall be submitted to the Secretary of State with the following:

(a) Certified copies of all publications and notices required of the city by this chapter or by the laws of this state in connection with an election to propose, revise, amend or repeal a city charter.

(b) Certified copies of any arguments for or against the charter proposal, revision, amendment or repeal which were mailed to voters pursuant to Section 5012 of the Elections Code.

(c) A certified abstract of the vote at the election at which the charter proposal, revision, amendment, or repeal was approved by the voters.

SEC. 16. Section 34465 is added to the Government Code, to read:

34465. A charter proposal, revision, amendment, or repeal by the electors of a city or city and county and submitted to the Secretary of State in compliance with the provisions of this chapter shall be accepted and filed by the Secretary of State. The charter proposal, revision, amendment, or repeal shall be published in the statutes in a charter chapter series under the designation "Statutes of _____(year), Charter Chapter _____." Under the chapter number, the date of the ratification election and the date of filing with the Secretary of State shall be indicated.

After a charter proposal, revision, amendment, or repeal is accepted and filed by the Secretary of State, the courts shall take judicial notice thereof.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to implement the amendments to subdivision (a) of Section 3 of Article XI of the California Constitution adopted by the voters as Proposition 2 at the November 1974 general election, it is necessary that this act go into immediate effect.

CHAPTER 239

An act to amend Sections 22850, 22852, 22853, and 22854 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 22850 of the Vehicle Code is amended to read:

22850. Whenever an officer or employee removes a vehicle from a highway, or from public or private property, unless otherwise provided, he shall take the vehicle to the nearest garage or other place of safety or to a garage designated or maintained by the governmental agency of which the officer or employee is a member, where the vehicle shall be placed in storage.

At the time of such removal, the officer or employee shall determine the amount of mileage on the vehicle.

SEC. 2. Section 22852 of the Vehicle Code is amended to read:

22852. Whenever an officer or employee removes a vehicle from a highway, or from public or private property, and stores it under this chapter, and the officer or employee knows or is able to ascertain from the registration records in the vehicle or from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner thereof, the officer or employee shall immediately give or cause to be given notice in writing to such registered and legal owner of the fact of such removal, the grounds therefor and of the place to which such vehicle has been removed. In the event the vehicle is stored in a public garage a copy of the notice shall be given to the proprietor of the garage.

The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal.

SEC. 3. Section 22853 of the Vehicle Code is amended to read:

22853. Whenever an officer or employee removing a vehicle from a highway, or from public or private property, for storage under this chapter does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in Section 22852 and in the event the vehicle is not returned to the owner within a period of 120 hours, the officer or employee shall immediately send or cause to be sent written report of such removal by mail to the Department of Justice at Sacramento and shall file a copy of the notice with the proprietor of any public garage in which the vehicle may be stored. The report shall be made on a form furnished by such department and shall include a complete description of the vehicle, the date, time and place from which removed, the amount of mileage on the vehicle at the time of removal, the grounds for removal and the name of the

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garage or place where the vehicle is stored.

SEC. 4. Section 22854 of the Vehicle Code is amended to read:

22854. The Department of Justice upon receiving notice under Section 22853 of the removal of a vehicle from a highway, or from public or private property, shall notify the registered and legal owner in writing at the addresses of such persons as shown by the records of the Department of Motor Vehicles, if the vehicle is registered in this state, of the removal of such vehicle, and give the name of the officer reporting such removal, the grounds upon which the removal was authorized and the location of the vehicle. If the vehicle is not registered in this state, the department shall make reasonable effort to notify the legal or registered owner of the removal and location of the vehicle. The notice to the registered or legal owner shall list the amount of mileage on the vehicle at the time of removal.

CHAPTER 240

An act to amend Section 35250 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 8, 1975. Filed with Secretary of State July 8, 1975]

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

SECTION 1. Section 35250 of the Vehicle Code is amended to read:

35250. No vehicle shall exceed a height of 13 feet and 6 inches measured from the surface upon which the vehicle stands, except as follows:

(a) The boom or mast of a forklift truck may not exceed a height of 14 feet.

(b) A double-deck bus may not exceed a height of 14 feet, 3 inches. Any double-deck bus which exceeds a height of 13 feet, 6 inches shall only be operated on those highways where such operation is deemed to be safe by the entity operating the bus.

CHAPTER 241

An act making an appropriation to the State Board of Control to pay claims against the state. and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1975 Filed with Secretary of State July 8, 1975]

01101 28 11 380 615

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

SECTION 1. The sum of seven hundred eighty-two thousand seven hundred ninety-six dollars ($782,796) is hereby appropriated from the following funds to the State Board of Control to pay claims against the state:

General Fund	$597,274.00
Transportation Tax Fund	
Motor Vehicle Account	863.00
Motor Vehicle Fuel Account	22,974.00
Motor Vehicle License Fee Account	165.00
State Transportation Fund	
Motor Vehicle Account	3,139.00
State Highway Account	20,517.00
Architecture Revolving Fund	6,889.00
Fish and Game Preservation Fund	649.00
San Francisco-Oakland Bay Bridge Toll Revenue Fund	61.00
Special Deposit Fund—Motor Vehicle Financial Responsibility Account	440.00
Unemployment Administration Fund	579.00
Unemployment Compensation Disability Fund	649.00
Unemployment Insurance Fund	312.00
Health Care Deposit Fund	93,051.00
Water Resources Revolving Fund	1,354.00
Fair and Exposition Fund	6,065.00
Osteopathic Examiners Contingent Fund	27,815.00
Total	$782,796.00

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

In order to settle claims against the state and end hardship to claimants as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 242

An act to amend Section 21082 of the Public Resources Code, relating to environmental quality.

[Approved by Governor July 7, 1975. Filed with Secretary of State July 8, 1975]

0 1268 28 11 405 620

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

SECTION 1. Section 21082 of the Public Resources Code is amended to read:

21082. All public agencies shall adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports pursuant to this division. A school district, or any other district, whose boundaries are coterminous with a city, county, or city and county, may utilize the objectives, criteria, and procedures of the city, county, or city and county, as may be applicable, in which case, the school district or other district need not adopt objectives, criteria, and procedures of its own. The objectives, criteria, and procedures shall be consistent with the provisions of this division and with the guidelines adopted by the Secretary of the Resources Agency pursuant to Section 21083. Such objectives, criteria, and procedures shall be adopted by each public agency no later than 60 days after the Secretary of the Resources Agency has adopted guidelines pursuant to Section 21083.

CHAPTER 243

An act to amend Sections 17666.2, 17667, 17671, 17801, 17851, 17951, and 17970 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a community college district which qualifies under subdivision (b), for each community college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11475 and 11501, subject to the provisions of Section 17611, by one thousand twenty dollars ($1,020) for the 1973–74 fiscal year, by one thousand eighty dollars ($1,080) for the 1974–75 fiscal year, by one thousand one hundred forty-three dollars ($1,143) for the 1975–76 fiscal year, by one thousand two hundred nine dollars ($1,209) for the 1976–77 fiscal year, and by an amount cumulatively increased by sixty-six dollars ($66) for each succeeding fiscal year thereafter, unless revised by the Legislature prior to July 1, 1977.

(b) For each community college district which has an average daily attendance of less than 1,001 and qualifies as a necessary small community college district as defined in Section 17666.3, the

Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

Average daily attendance	Minimum number of full-time certificated employees	Amount to be computed in each fiscal year 1973-74	1974-75	1975-76	1976-77
1- 150	12	$274,000	$290,000	$307,000	$325,000
151- 200	15	357,000	378,000	400,000	423,000
201- 300	18	440,000	466,000	493,000	522,000
301- 400	21	523,000	554,000	586,000	620,000
401- 500	24	606,000	642,000	679,000	718,000
501- 600	27	689,000	730,000	772,000	817,000
601- 700	30	771,000	816,000	864,000	914,000
701- 800	33	854,000	904,000	957,000	1,012,000
801- 900	36	937,000	992,000	1,050,000	1,111,000
901-1,000	39	1,020,000	1,080,000	1,143,000	1,209,000

(c) For purposes of this section and Section 17851, the average daily attendance of a community college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11475 and 11501, except that there shall be excluded from the computation the attendance of all students deemed "nonresident" as defined in Section 22813.

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

(d) For fiscal year 1977-78 and subsequent years, he shall make adjustments in the foundation program amounts pursuant to subdivision (b) proportionate to the foundation program determined pursuant to subdivision (a).

SEC. 2. Section 17667 of the Education Code is amended to read:

17667. (a) Except as provided in subdivision (b), each computation required by this article (commencing at Section 17651) for high school and community college districts shall be made after excluding from the average daily attendance for the fiscal year the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state penal institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

(b) The attendance of an inmate, except an adult as defined in Section 5756, attending a community college class or program pursuant to Section 2690 of the Penal Code shall not be excluded pursuant to this section.

SEC. 3. Section 17671 of the Education Code is amended to read:

17671. For school districts which are eligible, commencing with the 1967–1968 fiscal year, under the standards prescribed by this article, the Superintendent of Public Instruction shall compute increases in the applicable foundation program or programs as follows:

(a) He shall increase the foundation program computed for a district under Sections 17655.5, 17656, and 17660 by twenty dollars ($20) per pupil in average daily attendance.

(b) He shall increase the foundation program computed for a district under Sections 17664, 17665 and 17665.5 by twenty dollars ($20) per pupil in average daily attendance, excluding the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state penal institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

SEC. 4. Section 17801 of the Education Code is amended to read:

17801. The Superintendent of Public Instruction shall allow to each high school district one hundred twenty-five dollars ($125) for each unit of average daily attendance in the district during the fiscal year as computed under Sections 11403, 11452, and 11501, subject to the provisions of Section 17610, but not less than two thousand four hundred dollars ($2,400) shall be allowed to any high school district, to be known as basic state aid.

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

SEC. 5. Section 17851 of the Education Code is amended to read:

17851. The Superintendent of Public Instruction shall allow to each community college district one hundred twenty-five dollars ($125) for each unit of average daily attendance in grades 13 and 14.

Average daily attendance for the purpose of this section shall be computed under Sections 11475 and 11501, subject to the provisions of Sections 17611 and 17666.2.

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

SEC. 6. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred eighty-six dollars ($386) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per

unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred fifty-six dollars ($556) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per unit of average daily attendance exclusive of adults. The allowance for each unit of average daily attendance attached to a community college shall be increased by 7 percent for the 1974–75, 1975–76, and 1976–77 fiscal years and by 6 percent for the 1977–78 fiscal year, and fiscal years thereafter, unless revised by the Legislature prior to July 1, 1977.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state penal institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

SEC. 7. Section 17970 of the Education Code is amended to read:

17970. For each fiscal year, the Superintendent of Public Instruction shall allow to each community college district for each unit of average daily attendance of pupils not residing in the district and not residing in any district maintaining a community college, one hundred twenty-five dollars ($125) as basic state aid.

There shall be excluded from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 5756, and of inmates of any state penal institution for adults or of any city, county, or city and county jail, road camp, or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

SEC. 8. Notwithstanding any other provision of law, payments of state apportionments from the State School Fund to any school district or community college district for adult education classes offered by the district for resident patients of a state hospital during the 1972–73, 1973–74, 1974–75, and 1975–76 fiscal years are hereby ratified, validated, and confirmed, and declared to be legally effective for all purposes.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

In order that school districts which provide adult education classes for patients residing in state hospitals may receive state funding for the cost of providing such instruction during the 1974–75 and 1975–76 fiscal years, as is provided for in this act, it is necessary that this act take effect immediately.

CHAPTER 244

An act to amend Sections 365 and 544 of, and to add Sections 365.1, 443.1, 443.2, 544.1, 544.2 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. Section 365 of the Streets and Highways Code is amended to read:

365. Route 65 is from:

(a) Route 99 near Bakersfield to Route 198 near Exeter.

(b) Route 198 near Exeter to Route 104 on a route along the easterly side of the San Joaquin Valley, which route may include all or portions of any existing state highway route.

(c) The Sacramento-Placer county line to Route 80 near Roseville.

(d) Route 80 near Roseville to Route 70 near Marysville.

(e) Route 70 near Marysville to Route 99 in or near Yuba City.

SEC. 1.5. Section 365.1 is added to the Streets and Highways Code, to read:

365.1. The department and the State Transportation Board shall cooperate with the County of Sacramento and the Sacramento Regional Area Planning Commission in the transportation corridor study conducted by the county and the commission on the adopted route for Route 65. Such cooperation by the state shall be limited to furnishing existing available data.

The department shall not, prior to July 1, 1976, or such later date as adopted by the California Highway Commission, dispose of any real property acquired for the construction of Route 65 as a freeway from Route 50 to the Sacramento-Placer county line, except for such real property which, as mutually agreed by the department and the county, is not required for any transportation purpose. If, at such a date, the transportation corridor study indicates the other real property is required for any transportation purpose, the department shall not dispose of the real property prior to January 1, 1977.

SEC. 2. Section 443.1 is added to the Streets and Highways Code, to read:

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443.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include Route 143.

SEC. 3. Section 443.2 is added to the Streets and Highways Code, to read:

443.2. The department and the State Transportation Board shall cooperate with the County of Sacramento and the Sacramento Regional Area Planning Commission in the transportation corridor study conducted by the county and the commission on the adopted route for Route 143. Such cooperation by the state shall be limited to furnishing existing available data.

The department shall not, prior to July 1, 1976, or such later date as adopted by the California Highway Commission, dispose of any real property acquired for the construction of Route 143 as a freeway from Route 50 to Route 244, except for such real property which, as mutually agreed by the department and the county, is not required for any transportation purpose. If, at such a date, the transportation corridor study indicates the other real property is required for any transportation purpose, the department shall not dispose of the real property prior to January 1, 1977.

SEC. 4. Section 544 of the Streets and Highways Code is amended to read:

544. Route 244 is from Route 80 near Watt Avenue to Fair Oaks Boulevard near San Juan Avenue.

SEC. 5. Section 544.1 is added to the Streets and Highways Code, to read:

544.1. Notwithstanding Section 253.1, the California freeway and expressway system shall not include that portion of Route 244 from Auburn Boulevard to Fair Oaks Boulevard near San Juan Avenue.

SEC. 6. Section 544.2 is added to the Streets and Highways Code, to read:

544.2. The department and the State Transportation Board shall cooperate with the County of Sacramento and the Sacramento Regional Area Planning Commission in the transportation corridor study conducted by the county and the commission on the adopted route for Route 244. Such cooperation by the state shall be limited to furnishing existing available data.

The department shall not, prior to July 1, 1976, or such later date as adopted by the California Highway Commission, dispose of any real property acquired for the construction of Route 244 as a freeway from Auburn Boulevard to Fair Oaks Boulevard, except for such real property which, as mutually agreed by the department and the county, is not required for any transportation purpose. If, at such a date, the transportation corridor study indicates that the other real property is required for any transportation purpose, the department shall not dispose of the real property prior to January 1, 1977.

CHAPTER 245

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

[Approved by Governor July 9, 1975. Filed with Secretary of State July 9, 1975]

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

SECTION 1. The Legislature finds and declares that the unique situation with regard to the use of federal funds in the Monrovia Unified School District requires special treatment with respect to the requirements prescribed by Section 17503 of the Education Code, regarding the percentage of the current expense of education, which must be expended in each fiscal year for the salaries of classroom teachers. For this reason, a general act cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 2. Notwithstanding Section 17503 of the Education Code, all amounts apportioned to the Monrovia Unified School District from the State School Fund for the 1974–75 fiscal year shall be allowed and disbursed to the district and shall be available for district expenditure even if less than 55 percent of the district's current expense of education in the 1973–74 fiscal year was expended for the salaries of classroom teachers if the district undertakes the action specified in Section 3 of this act.

SEC. 3. Section 2 of this act shall apply to the Monrovia Unified School District if the district undertakes to comply with Section 17503 of the Education Code. If the district chooses to comply, it shall make a report to the county superintendent of schools regarding the steps taken by the district to ensure that the district will meet the requirements of Section 17503 of the Education Code. The report shall be made by November 1, 1975.

The county superintendent of schools shall forward the report to the Superintendent of Public Instruction, together with any recommendation the county superintendent may choose to make, by January 1, 1976.

The Superintendent of Public Instruction shall report to the Legislature on the district's report and the county superintendent's recommendations, if any, by February 1, 1976.

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

In order to permit this act to be operative in the 1974–75 fiscal year, and so facilitate the orderly administration of the financial affairs of the Monrovia Unified School District, it is necessary that this act take effect immediately.

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CHAPTER 246

An act to add Sections 9124 and 9125 to the Government Code, relating to the State Capitol, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975.]

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

SECTION 1. Section 9124 is added to the Government Code, to read:

9124. (a) The Joint Rules Committee shall cause the restoration or rehabilitation of the west wing of the State Capitol so as to insure future use of the building in a manner befitting its historical significance.

(b) All work of restoration or rehabilitation shall be administered and supervised by the Department of General Services and subject to review by the State Public Works Board pursuant to agreement with the Joint Rules Committee. For all such services of administration and supervision, the Department of General Services shall receive consideration not to exceed 2.7 percent of the total cost of restoration or rehabilitation.

(c) Notwithstanding any other provisions of law, all work performed pursuant to this section shall be exempt from the provisions of the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2, Government Code), provided, however, that all work shall be subject to competitive bidding except where determined to be impractical or unfeasible by joint action of the State Architect, the State Public Works Board and the Joint Rules Committee. All work performed pursuant to this section shall also be exempt from the provisions of the Environmental Quality Act of 1970 (Division 13 (commencing with Section 21000), Public Resources Code). The architect and contractor shall, however, be selected on the basis of their qualifications and experience in the restoration and reconstruction of historic buildings.

SEC. 2. Section 9125 is added to the Government Code, to read:

9125. (a) The Department of General Services shall cause the permanent relocating of the State Treasurer's office in State Office Building No. 1 in Sacramento, and any necessary reconstruction and remodeling in connection therewith.

(b) Notwithstanding any other provisions of law, all work performed pursuant to this section shall be exempt from the provisions of the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2, Government Code) and from the provisions of the Environmental Quality Act of 1970 (Division 13 (commencing with Section 21000), Public Resources

Code).

SEC. 3. The sum of forty-three million two hundred fifty thousand dollars ($43,250,000) is hereby appropriated for the purposes specified in Sections 9124 and 9125 of the Government Code, to be available without regard to fiscal years, as follows:

(a) Forty-two million dollars ($42,000,000) payable from the Capitol Improvement Fund to the Contingent Funds of the Assembly and Senate, for purposes of restoration or rehabilitation of the west wing of the State Capitol as provided in Section 9124 of the Government Code.

(b) One million dollars ($1,000,000) payable from the General Fund and two hundred fifty thousand dollars ($250,000) payable from Item 98.1, Budget Act of 1974 (Chapter 375, Statutes of 1974), to the Department of General Services for the costs incurred in causing the permanent relocating of the State Treasurer's office in State Office Building No. 1 in Sacramento, and for any necessary reconstruction and remodeling in connection therewith, as provided in Section 9125 of the Government Code.

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

The west wing of the State Capitol has been determined by the State Architect to be structurally unsafe for occupation and use, and is in immediate need of restoration or rehabilitation so that it may safely continue to serve state government and the people of the state. In order to most expeditiously restore or rehabilitate the west wing of the State Capitol so as to insure its future use in a manner befitting its great historical significance, and in order that work on the much needed permanent relocating of the State Treasurer's office may begin at the earliest possible time, this act should go into effect immediately.

CHAPTER 247

An act authorizing the transfer of real property by the state, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. The Director of General Services shall transfer to the 51st District Agricultural Association the following described real property: That certain parcel of land containing approximately 9 acres, which is located in the City of Los Angeles, and lies west of Lindley Avenue and south of Devonshire Street, said parcel being

more particularly described in deed dated August 12, 1957, recorded on December 5, 1957, in Book 56191, at page 120, Official Records, County of Los Angeles, State of California.

If the district sells such property, it shall not permanently invest the proceeds from such a sale, except for the purpose of acquiring land for use as a permanent fairgrounds site for the San Fernando Valley Fair; provided, however, the district may invest such proceeds on a short-term basis, including the deposit of such proceeds in a savings and loan or commercial bank.

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

In order that the 51st District Agricultural Association may properly commence its operations during the 1975 calendar year, it is necessary that the property described in this act be transferred to it as soon as possible. To that end it is essential that the provisions of this act become effective immediately.

CHAPTER 248

An act to amend Sections 11357, 11360, 11363, 11364, 11365, 11550, and 11590 of, and to add Sections 11006.5 and 11361.5 to, the Health and Safety Code, and to amend Section 853.6 of the Penal Code, relating to controlled substances.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. Section 11006.5 is added to the Health and Safety Code, to read:

11006.5. "Concentrated cannabis" means the separated resin, whether crude or purified, obtained from marijuana.

SEC. 2. Section 11357 of the Health and Safety Code is amended to read:

11357. (a) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment, or shall be punished by imprisonment in the state prison for a period of not less than one year or more than five years.

(b) Except as authorized by law, every person who possesses not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100).

Notwithstanding other provisions of law, if such person has been previously convicted three or more times of an offense described in this subdivision during the two-year period immediately preceding the date of commission of the violation to be charged, the previous convictions shall also be charged in the accusatory pleading and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, the provisions of Sections 1000.1 and 1000.2 of the Penal Code shall be applicable to him, and the court shall divert and refer him for education, treatment, or rehabilitation, without a court hearing or determination or the concurrence of the district attorney, to an appropriate community program which will accept him. If the person is so diverted and referred he shall not be subject to the fine specified in this subdivision. If no community program will accept him, the person shall be subject to the fine specified in this subdivision. In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.

(c) Except as authorized by law, every person who possesses more than one avoirdupois ounce of marijuana, other than concentrated cannabis, shall be punished by imprisonment in the county jail for a period of not more than six months or by a fine of not more than five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 3. Section 11360 of the Health and Safety Code is amended to read:

11360. (a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than three years in the state prison.

If such person has been previously convicted once of any offense described in subdivision (b), the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted two or more times of any offense described in subdivision (b), the previous convictions

shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

(b) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (a) of this section:

(1) Any felony offense described in Section 11378, 11379, or 11380.

(2) Any felony offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (10), (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any felony offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

(c) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars ($100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.

SEC. 4. Section 11361.5 is added to the Health and Safety Code, to read:

11361.5. (a) Records of any court of this state, state agency, or local public agency pertaining to the arrest or conviction of any person for a violation of subdivision (b) or (c) of Section 11357 or subdivision (c) of Section 11360, shall not be kept beyond two years from the date of such a conviction, or from the date of the arrest if there was no conviction. It shall be the duty of each court and public agency having custody of such records to provide for the timely destruction thereof in accordance with the provisions of this subdivision. The requirements of this subdivision shall not apply to records of any conviction occurring prior to January 1, 1976, or records of any arrest not followed by a conviction occurring prior to such date.

(b) Any person convicted of a violation of Section 11357 or a statutory predecessor thereof, or arrested but not convicted for a violation of Section 11357 or a statutory predecessor thereof, may petition the superior court for the county in which the conviction or

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arrest occurred for an order directing the destruction of records pertaining to such arrest or conviction. If the court, after a hearing to determine the facts, finds that such an arrest or conviction occurred, it shall, subject to payment of the costs of destruction by the petitioner, order each court of this state, state agency, and local public agency having records pertaining to the arrest or conviction to destroy all records thereof in the possession of the court or agency within such reasonable time as the court in its order shall determine. However, in no event shall the petitioner be required to pay more than fifty dollars ($50) for the aggregate costs of destruction. Moneys submitted by the petitioner for the costs of destruction of such records shall be remitted by the court to the agencies and courts destroying such records to reimburse the cost thereof. Upon the expiration of such reasonable time as the court in its order shall determine, the order of the court shall be destroyed.

This subdivision shall be applicable only to arrests and convictions occurring prior to January 1, 1976.

(c) Destruction of records required by this section shall be accomplished by actual physical destruction of the document constituting such a record and any copies or photographic records thereof. However, if actual physical destruction of a record would necessarily effect the destruction of other records, the agency charged with the destruction thereof may comply with the requirements of this section by permanently obliterating such record.

(d) No public agency shall alter, amend, assess, condition, deny, limit, postpone, qualify, revoke, surcharge, or suspend any certificate, franchise, incident, interest, license, opportunity, permit, privilege, right, or title of any person because of an arrest or conviction for a violation of Section 11357 or 11360, or because of the facts or events leading to such an arrest or conviction, on or after the date the records of such arrest or conviction are required to be destroyed by subdivision (a) or pursuant to an order of the court authorized by subdivision (b). As used in this subdivision, "public agency" includes, but is not limited to, any state, county, city and county, city, public or constitutional corporation or entity, district, local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency thereof.

SEC. 5. Section 11363 of the Health and Safety Code is amended to read:

11363. (a) Every person who plants, cultivates, harvests, dries, or processes any plant of the genus Lophophora, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not more than 10 years.

(b) If such person has been previously convicted of any offense described in subdivision (c), the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if

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admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years.

(c) Any previous conviction of any of the following offenses, or of an offense under the laws of another state or of the United States which, if committed in this state, would have been punishable as such an offense, shall be charged pursuant to subdivision (b) of this section:

(1) Any offense described in Section 11378, 11379, or 11380.

(2) Any offense described in this division involving a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055.

(3) Any offense described in this division involving a narcotic drug classified in Schedule III, IV, or V.

(4) Any offense described in this division involving marijuana, except a misdemeanor.

SEC. 6. Section 11364 of the Health and Safety Code is amended to read:

11364. It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

SEC. 7. Section 11365 of the Health and Safety Code is amended to read:

11365. It is unlawful to visit or to be in any room or place where any controlled substances which are specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or which are narcotic drugs classified in Schedule III, IV, or V, are being unlawfully smoked or used with knowledge that such activity is occurring.

SEC. 8. Section 11550 of the Health and Safety Code is amended to read:

11550. No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b) or (c) of Section 11054, specified in paragraph (11), (12), or (17) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or (2) which is a narcotic drug classified in Schedule III, IV, or V, excepting when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and

shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

SEC. 9. Section 11590 of the Health and Safety Code is amended to read:

11590. (a) Any person who, on or after the effective date of this section, is convicted in the State of California of any offense defined in Section 11350, 11351, 11352, 11353, 11354, 11355, 11357, 11358, 11359, 11360, 11361, 11363, 11366, 11368, or 11550, or any person who is, on or after such date, discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is, on or after such date, convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(b) Any person who, on or after the effective date of this section is convicted in any federal court of any offense which, if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in subdivision (a) shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

(c) This section does not apply to a conviction of a misdemeanor under Section 11357 or 11360.

SEC. 10. Section 853.6 of the Penal Code is amended to read:

853.6. (a) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a magistrate, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court.

(b) Unless waived by the person, the time specified in the notice to appear must be at least five (5) days after arrest.

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(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case, unless the defendant has been charged with violation of Section 374b or 374e of this code or of Section 11357, 11360, or 13002 of the Health and Safety Code, or a violation punishable under Section 5008.7 of the Public Resources Code, and he has previously been convicted of a violation of such section or punishable under such section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer shall indicate on the notice to appear whether he desires the arrested person to be booked as defined in subdivision 21 of Section 7 of this code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(h) A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person pursuant to Section 836 or in

which he has taken custody of a person pursuant to Section 847.

(i) If the arrested person is not released pursuant to the provisions of this chapter prior to being booked by the arresting agency, then at the time of booking the arresting officer, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose shall make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this chapter. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record, and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this chapter.

(j) Whenever any person is arrested by a peace officer for a misdemeanor, other than an offense described in subdivision (b) of Section 11357 or subdivision (c) of Section 11360 of the Health and Safety Code, and is not released with a written notice to appear in court pursuant to this chapter, the arresting officer shall indicate, on a form to be established by his employing law enforcement agency, whether or not each of the following was a reason for such nonrelease:

(1) The person arrested was so intoxicated that he could have been a danger to himself or to others.

(2) The person arrested required medical examination or medical care or was otherwise unable to care for his own safety.

(3) The person was arrested for one or more of the offenses listed in Section 40302 of the Vehicle Code.

(4) There were one or more outstanding arrest warrants for the person.

(5) The person could not provide satisfactory evidence of personal identification.

(6) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by immediate release of the person arrested.

(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.

(9) Any other reason. If the person arrested was not released for one or more of the reasons specified in paragraphs (1) to (8), inclusive, the arresting officer shall specifically state on the form the reason for the nonrelease.

Such form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him from custody before trial.

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SEC. 11. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 12. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act, because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 249

An act to amend Section 65854 of, and to add Section 65854.5 to the Government Code, relating to local planning, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. Section 65854 of the Government Code is amended to read:

65854. The planning commission shall hold a public hearing on any such ordinance or amendment. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation, published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

(c) In prezoning, if the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the area to be prezoned, or if there is none, it shall be posted in at least three public places in the area to be prezoned.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary

or desirable.

In addition to notice by publication the county or city shall give notice by first class mail to any person who has filed a written request therefor with the planning commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. The county or city may impose a reasonable fee on persons requesting such notice for the purpose of recovering the cost of such mailing.

Any hearing may be continued from time to time.

SEC. 2. Section 65854.5 is added to the Government Code, to read:

65854.5. (a) In addition to the notice required by Section 65854, a county or city shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed zoning change.

(b) In the event that the number of owners to whom notice would be sent pursuant to subdivision (a) is greater than 1,000, a county or a city may, as an alternative to the notice required by subdivision (a), provide notice pursuant to this subdivision. Such notice shall be given at least 10 days prior to the hearing by either of the following procedures: (i) by placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed ordinance or amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or (ii) by placing an insert with any generalized mailing sent by the county or city to property owners in the area affected by the proposed ordinance or amendment, such as billings for county or city services.

Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

Any display advertisement published pursuant to this subdivision satisfies the publication requirements of Section 65854.

(c) Failure to receive the notice required by this section shall not invalidate the ordinance or amendment.

(d) This section shall not apply to a proposed zoning ordinance or to an amendment to an existing zoning ordinance which does not affect the permitted uses of real property within a county or a city.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order to facilitate the application of this act to zoning changes presently being proposed, or to be proposed within a short time, and thereby to prevent the incurring of substantial unnecessary expenditure by local government, it is necessary that this act take immediate effect.

CHAPTER 250

An act to amend Sections 8824 and 8825 of the Elections Code, relating to county central committees.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

SECTION 1. Section 8824 of the Elections Code is amended to read:

8824. In each county the nominee of this party for State Senator or the incumbent State Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house, and the nominee of this party for Representative in Congress, and any person elected at a special election to fill a vacancy in the House of Representatives, shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives, shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

SEC. 2. Section 8825 of the Elections Code is amended to read:

8825. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he resides:

(a) Governor
(b) Lieutenant Governor
(c) Secretary of State
(d) Controller
(e) Treasurer
(f) Attorney General
(g) Member of the State Board of Equalization
(h) United States Senator from California

His rights and privileges shall be the same as those prescribed for other ex officio members in Section 8824.

CHAPTER 251

An act to amend Section 31629 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975.]

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

SECTION 1. Section 31629 of the Government Code is amended to read:

31629. If a former member does not file proper application for the return of his accumulated contributions within five years after date of such notice to him, such accumulated contributions shall be deposited in and become a part of the current pension reserve fund, and thereafter the fund shall not be liable to such member for any portion of his accumulated contributions.

However, notwithstanding the fact that such an application has not been filed, the board of retirement may, in its sound discretion authorize the return of any deposit account 90 days after the 90-day notice referred to in Section 31628, provided that the former employee had less than five years' service credit with the county.

No return of any deposit account may be made by mail pursuant to this section unless the letter provided for in Section 31628 was receipted for by the former member and the signed receipt is in the possession of the board of retirement or the county treasurer.

The amendment of this section enacted during the 1975–76 Regular Session shall be effective with respect to persons first becoming members of a retirement system on and after January 1, 1976.

CHAPTER 252

An act to amend Section 27361.7 of, and to repeal Section 27361.8 of, the Government Code, relating to recordation of documents.

[Approved by Governor July 9, 1975 Filed with Secretary of State July 9, 1975]

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

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SECTION 1. Section 27361.7 of the Government Code is amended to read:

27361.7. Whenever the text of a document presented for record may be made out but is not sufficiently legible to reproduce a readable photographic record, the recorder may require the person presenting it for record to substitute a legible original document or to prepare a legible copy of the first document by handwriting or typewriting and attach the same to the original as a part of the document for making the permanent photographic record. The handwritten or typewritten legible copy shall be certified by the party creating the copy under penalty of perjury as being a true copy of the original.

SEC. 2. Section 27361.8 of the Government Code is repealed.

CHAPTER 253

An act to amend Section 14999.10 of the Government Code, relating to economic development.

[Became law without Governor's signature July 10, 1975 Filed with Secretary of State July 10, 1975]

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

SECTION 1. Section 14999.10 of the Government Code is amended to read:

14999.10. This article shall remain in effect until June 30, 1977, and on that date is repealed, unless a later enacted statute, which is chaptered on or before June 30, 1977, deletes or extends such date.

CHAPTER 254

An act relating to criminal trials, and making an appropriation therefor.

[Became law without Governor's signature July 10, 1975 Filed with Secretary of State July 10, 1975]

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

SECTION 1. The sum of three hundred forty-three thousand one hundred thirty-seven dollars and ninety-eight cents ($343,137.98) is hereby appropriated from the General Fund to the Director of Finance for allocation and disbursement to Marin County pursuant to Chapter 3 (commencing with Section 15200) of Part 6 of Division 3 of Title 2 of the Government Code and Section 4700.2 of the Penal Code.

CHAPTER 255

An act relating to Fresno Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 10, 1975
Filed with Secretary of State July 10, 1975]

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

SECTION 1. The governing board of the Fresno Unified School District is hereby authorized to have levied and collected for the 1975–76 school year a tax which is otherwise in excess of the prescribed maximum tax rate of the district. Such tax shall be at a rate as will produce the amount necessary to effect compliance with applicable building requirements, as set forth in the Education Code and Titles 8, 19, and 21 of the California Administrative Code, in the conversion of the United States Post Office and Courthouse Building, located in the Fresno Civic Center, to a school administration building to serve the Fresno Unified School District.

The increase provided by this section shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district.

The tax rate increase provided by this section shall be excluded in computing the school district's revenue limit.

SEC. 2. A unique situation exists wherein the Fresno Unified School District has available to it a surplus federal building which can be converted to a school administrative building at considerable savings to the district when compared to new building construction costs.

Therefore, the Legislature finds and declares that this act addresses itself to a unique situation which may not be made the subject of a general statute within the meaning of Section 16 of Article IV of the Constitution.

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

In order that the Fresno Unified School District may be assured sufficient revenues for the 1975–76 school year to enable it to proceed with the conversion of a surplus federal building to a school administration building, it is necessary that this act take effect immediately.

CHAPTER 256

An act to amend Section 15503.5 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 10, 1975
Filed with Secretary of State July 10, 1975]

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

SECTION 1. Section 15503.5 of the Education Code is amended to read:

15503.5. "School building" as used in this article excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes, into which pupils are not required to enter, and off-campus buildings utilized by adult schools or community colleges for voluntary adult education courses or registered apprentice courses.

"School building" as used in this article excludes any building owned or occupied by a unified school district, high school district, or a county superintendent of schools, and which on January 1, 1975, and continuously since then, was used exclusively for adult education purposes.

If any building so excluded was not constructed in accordance with Article 4 (commencing with Section 15451) of this chapter and was not repaired, reconstructed, or replaced in accordance with this article, there shall be posted in a conspicuous place on such building a public notice stating that such building does not meet the structural standards imposed by law for earthquake safety.

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

In order that the law may be clarified at the earliest possible time so that buildings that are owned by a school district as well as those leased by a district which are used exclusively for adult education classes are not required to meet the so-called "Field Act" requirements regarding earthquake safety standards, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 257

An act to amend Sections 18203, 18205, 18208, 18615, 18669.2, 18814, 18970, 18985 and 18995 of, and to add Sections 18203.1, 18610.5, 18614.1, 18826 and 18980.1 to, and to repeal Section 18610.5 of, the Financial Code, relating to industrial loan companies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1975. Filed with
Secretary of State July 10, 1975]

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

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

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

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

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

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

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

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

(d) If incorporated or commencing business on or after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session, the capital stock shall not be less than seven hundred fifty thousand dollars ($750,000).

(e) The capital stock required by subdivision (d) and the paid-in surplus required by Section 18208 shall apply if the commissioner finds any of the following:

(i) An industrial loan company desires to change or has changed its place of business to a city with a population larger than the city from which the change is to be made or was made.

(ii) An industrial loan company opens an additional branch office or place of business in a city with a population larger than the city in which it is operating at the time business is commenced at the new branch office or place of business.

The provisions of Section 18206 shall be applicable to this subdivision.

(f) The provisions of subdivision (e) shall be applicable only to an industrial loan company that changes its place of business or opens an additional branch office or place of business on or after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session and when the city to which the change of place of business occurs or in which the additional branch office or place of business is opened has a population of 500,000 or more inhabitants.

The provisions of Section 18206 shall be applicable to this subdivision.

SEC. 2. Section 18203.1 is added to the Financial Code, to read:

18203.1. Notwithstanding the provisions of Section 18203, when the commissioner makes a finding that there has been a change of ownership of 50 percent or more of an industrial loan company's stock, the capital stock of any corporation incorporated under this division shall be in accordance with the following:

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

(1) Seventy-five thousand dollars ($75,000) when the corporation is transacting business in any city having a population of less than 50,000 inhabitants.

(2) One hundred fifty thousand dollars ($150,000) when the corporation is transacting business in any city having 50,000 or more inhabitants.

(b) If incorporated or commencing business after September 18, 1959, but before November 23, 1970, the capital stock shall not be less than four hundred fifty thousand dollars ($450,000).

(c) If incorporated or commencing business on or after November 23, 1970, the capital stock shall not be less than seven hundred fifty thousand dollars ($750,000).

The provisions of this section shall not be applicable when the actual or contemplated change of ownership is to the transferor's ancestors, descendants or spouse, or any custodian or trustee for the account of the transferor or the transferor's ancestors, descendants, or spouse, or to a transferee by a trustee or custodian for the account of the transferee or the transferee's ancestors, descendants or spouse.

SEC. 3. Section 18205 of the Financial Code is amended to read:

18205. (a) Any company which commenced business on or before November 22, 1970, which opens an additional branch office or place of business shall have capital stock required by Section 18203, or 18203.1, or three hundred thousand dollars ($300,000), whichever is greater, plus additional capital stock of fifty thousand dollars ($50,000) for each branch office opened on or after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session plus twenty-five thousand dollars ($25,000) for each branch office opened before the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session.

(b) Any company which commenced business on or after November 23, 1970, which opens an additional branch office or place of business shall have capital stock required by Section 18203, or 18203.1, or five hundred thousand dollars ($500,000), whichever is greater, plus additional capital stock of fifty thousand dollars ($50,000) for each branch office opened on or after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session plus twenty-five thousand dollars ($25,000) for each branch office opened before the effective date of the amendments made to this section during the 1975–76 Regular

Legislative Session.

(c) Any company which commenced business on or after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session, which opens an additional branch office or place of business shall have capital stock of seven hundred fifty thousand dollars ($750,000) plus additional capital stock of fifty thousand dollars ($50,000) for each branch office.

(d) In addition to the capital stock required by subdivision (a) or (b), an industrial loan company shall have minimum unimpaired paid-in surplus or other surplus in an amount at least equal to 50 percent of the amount of minimum capital stock required by subdivision (a) or (b), except that paid-in surplus or other surplus shall not be required for any additional branch office or place of business opened after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session.

SEC. 4. Section 18208 of the Financial Code is amended to read:

18208. Before the commissioner issues a certificate of authorization to operate an industrial loan company, there must be paid in cash for the benefit of the corporation, a minimum of seven hundred fifty thousand dollars ($750,000) for capital stock required by subdivision (d) of Section 18203 and a minimum paid-in surplus or reserve of five hundred thousand dollars ($500,000).

SEC. 5. Section 18610.5 of the Financial Code is repealed.

SEC. 6. Section 18610.5 is added to the Financial Code, to read:

18610.5. Each industrial loan company which has issued and which has outstanding investment certificates shall:

(a) Post in a conspicuous and prominent place in each business location a condensed statement of its financial condition, and

(b) Furnish to a person prior to such person's investment in an investment certificate a copy of its latest condensed statement of its financial condition. Each year a copy of the condensed statement shall be furnished by mail or hand delivered to each investment certificate holder.

(c) Maintain and have available for public inspection a copy of its latest audited financial statement required by Section 18610(a) in each of its business locations. Any person shall, upon request, be permitted to inspect the statement during regular business hours.

(d) The statement required by subdivisions (a) and (b) shall set forth such information and be in such form as may be required by the commissioner.

SEC. 7. Section 18614.1 is added to the Financial Code, to read:

18614.1. Notwithstanding the provisions of Section 18614, an industrial loan company shall in no event:

(a) Have outstanding at any time during its first 12 months of operation as an industrial loan company under this division, its investment certificates in an aggregate sum in excess of three (3) times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company to be not available for cash dividends (pursuant to Section 18614).

(b) After 12 months of operation as an industrial loan company under this division and during the next 24 months of said operation, said industrial loan company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment sum which in no event shall exceed six (6) times the aggregate amount of its paid-up and unimpaired capital and such of its unimpaired surplus as is declared by a bylaw of the company to be not available for cash dividends (pursuant to Section 18614).

(c) After 36 months of operation as an industrial loan company under this division, said company may file an application with the commissioner seeking authority to increase the aggregate sum of its investment certificates which it may have outstanding up to the maximum sum permitted by Section 18614.

(d) Whenever the commissioner deems it reasonable and necessary or advisable for the protection of the public he may at any time by order authorize said industrial loan company to have its investment certificates outstanding in either a lesser aggregate sum than the maximum aggregate amounts permitted by subdivisions (a), (b), or (c), or none at all.

(e) The request for authority filed with the commissioner pursuant to subdivisions (b) and (c) shall be set forth in an application in such form and containing such information as the commissioner may require.

(f) The commissioner shall by rule or regulation set forth the criteria that must be met before an industrial loan company can be granted authority to increase the aggregate sum of its outstanding investment certificates.

(g) If the commissioner does not within sixty (60) days of filing an application grant a request by an industrial loan company operating under this division, for authority to increase the aggregate sum of its outstanding investment certificates to the requested amount, or issues an order pursuant to subdivision (d) said company may file with the commissioner its written request for hearing in accordance with the provisions of subdivisions (d) and (e) of Section 18813.

(h) Subdivisions (a), (b), and (c) shall not be applicable to industrial loan companies that were incorporated and had commenced business on or before January 1, 1975. The commissioner's regulation titled Certificate Ratio for New Industrial Loan Companies, as it existed on the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session shall be applicable to all industrial loan companies that were incorporated and had commenced business on or before January 1, 1975.

SEC. 8. Section 18615 of the Financial Code is amended to read:

18615. (a) An industrial loan company that commenced business after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session may declare a cash dividend upon its capital stock only if the company has minimum

unimpaired capital of seven hundred fifty thousand dollars ($750,000) plus fifty thousand dollars ($50,000) for each additional branch office and minimum unimpaired paid-in surplus of five hundred thousand dollars ($500,000).

(b) An industrial loan company that commenced business before the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session may declare a cash dividend upon its capital stock only if the company has minimum unimpaired capital required by Section 18203 or 18203.1 and Section 18205 plus minimum unimpaired paid-in surplus or other surplus at least equal to 50 percent of the amount of the minimum capital stock required by Section 18203 or 18203.1 and 18205, except that paid-in surplus or other surplus shall not be required for any additional branch office or place of business opened after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session.

(c) If an industrial loan company is required by Section 18203, 18203.1 or 18205 to increase its capital stock, the industrial loan company may declare a cash dividend upon its capital stock only if the company has minimum unimpaired capital stock required by Section 18203, 18203.1 or 18205 plus minimum unimpaired paid-in surplus or other surplus at least equal to 50 percent of the amount of the minimum capital stock required by Section 18203, 18203.1 or 18205, except that paid-in surplus or other surplus shall not be required for any additional branch office or place of business opened after the effective date of the amendments made to this section during the 1975–76 Regular Legislative Session.

SEC. 9. Section 18669.2 of the Financial Code is amended to read:

18669.2. The provisions of subdivisions (b) and (c) of Section 18200.2, subdivision (a) of Section 18200.3, and subdivision (a) of Section 18422, and of Sections 18203, 18203.1, 18205, 18207, 18208, 18209, 18211, 18211.1, 18405, 18405.1, 18405.2, 18405.3, 18406.1, 18406.2, 18406.3, 18407, 18408, 18412, 18413, 18613, 18615, 18623, 18624, 18627, 18650, 18652, 18653, 18654, 18655, 18657, 18658, 18660.1, 18660.5, 18667, 18668.2, 18668.3, 18670, 18671, 18672, 18675, 18676, 18677, 18678, 18681, 18682, 18683, 18684, 18814(b), and 18826 shall not apply to a mortgage banker or to any loan made by a mortgage banker.

SEC. 10. Section 18814 of the Financial Code is amended to read:

18814. (a) If it appears to the commissioner that any company has violated or failed to comply with the provisions of its articles of incorporation, or with any law of this state, the commissioner may by written order addressed to such company, direct that company to discontinue such violation and to comply with the law.

(b) Whenever it appears from the report of any company or the commissioner has reason to conclude, that the capital of any company is impaired or reduced below the amount required by this division, the commissioner shall by written order addressed to such company, direct that company to make good the alleged deficiency

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or impairment of capital. If the company fails to make good the alleged deficiency or impairment of capital, the commissioner may forthwith take possession of the property and business of the industrial loan company pursuant to Section 18818; if the company fails to make good the alleged deficiency or impairment of capital within 60 days of the date of the order, the commissioner shall take possession of the industrial loan company pursuant to Section 18818. The capital of an industrial loan company is impaired when the minimum amount of capital required by Sections 18203 or 18203.1 and 18205 is reduced by a net deficit balance in the company's surplus account.

SEC. 11. Section 18826 is added to the Financial Code, to read:

18826. No person may acquire 10 percent or more of an industrial loan company's capital stock through purchase, foreclosure pursuant to a pledge or hypothecation, or other devices without the written consent of the commissioner.

SEC. 12. Section 18970 of the Financial Code is amended to read:

18970. Guaranty Corporation shall establish and maintain a guarantee fund as follows:

(a) Each new member shall pay fifty thousand dollars ($50,000) to the guarantee fund to become a member.

(b) If the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18981) on March 15 of any year hereafter is less than 1½ percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18610, then on or before May 1 of that year Guaranty Corporation shall levy an assessment. Each member shall be assessed an amount equal to fifteen-hundredths of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18610.

(c) Whenever the total amount in the fund (less any then unpaid demand made by the commissioner pursuant to Section 18981) on March 15 of any year hereafter is in excess of 1½ percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by Section 18610, Guaranty Corporation shall then refund to its members an amount equal to such excesses. Each member that has paid assessments in an amount equal to 1½ percent of its total outstanding thrift obligations shall receive a part of the refund in proportion to the total aggregate assessment contributions the member has made to Guaranty Corporation. Payments currently due and payable pursuant to Section 18997 shall be paid before any refund is made pursuant to this subdivision.

(d) Notwithstanding the provisions of subdivisions (b) and (c), each member that has not paid assessments in an amount equal to 1½ percent of its total outstanding thrift obligations as shown on the most recent independent audit report required by Section 18610 shall continue to be assessed an amount equal to fifteen-hundredths

of 1 percent of its outstanding thrift obligations as shown on its most recent independent audit report required by Section 18610.

(e) Notwithstanding the provisions of subdivision (c), Guaranty Corporation shall withhold any refund to members during any period when a member is in the process of liquidation by the commissioner, and it shall further assess members during any calendar year in which the fund has been reduced by a demand of the commissioner provided the aggregate assessments during the year do not exceed the amount provided in subdivision (b).

SEC. 13. Section 18980.1 is added to the Financial Code, to read:

18980.1. (a) When the property and business of a member is being liquidated the commissioner may direct Guaranty Corporation to pay and Guaranty Corporation shall pay any deficiency up to ten thousand dollars ($10,000) of each thrift obligation specified in Section 18964 as estimated by the commissioner. The commissioner's estimate shall be based upon an examination and evaluation of the company's loans, receivables, and other assets. Payments by Guaranty Corporation shall be made ratably to such thriftholders in accordance with the directions of the commissioner.

(b) When any thrift obligation of ten thousand dollars ($10,000) or less is paid in full, or that portion of any thrift obligation in excess of ten thousand dollars ($10,000) is paid up to ten thousand dollars ($10,000), pursuant to subdivision (a), Guaranty Corporation shall be assigned all rights, title, and interest to each individual thrift obligation up to the amount paid by Guaranty Corporation to each individual thriftholder. In the event that a thrift obligation is in excess of ten thousand dollars ($10,000), is a thrift obligation specified in Section 18964, and Guaranty Corporation has paid the deficiency in full up to ten thousand dollars ($10,000), Guaranty Corporation shall first receive ratable liquidation proceeds up to the amount of any deficiency paid by Guaranty Corporation to a thriftholder prior to any payment of liquidation proceeds to the thriftholder whose account was in excess of ten thousand dollars ($10,000) so that in these circumstances all liquidation proceeds after payment of the deficiency by Guaranty Corporation will first go to Guaranty Corporation for the amount of its assigned claim before any payment is made to such thriftholder.

(c) For purposes of this section the term "deficiency" is defined as that amount of an individual thriftholder's thrift obligation of ten thousand dollars ($10,000) or less which an industrial loan company cannot honor due to insolvency or any other reason and which Guaranty Corporation is directed to pay by the commissioner pursuant to subdivision (a) of this section.

SEC. 14. Section 18985 of the Financial Code is amended to read:

18985. (a) Guaranty Corporation shall have authority to submit reports and make recommendations to the commissioner regarding the financial condition of any member. Such reports and recommendations shall not be public documents. There shall be no liability on the part of, and no cause of action of any nature shall arise

against, Guaranty Corporation or its members, directors, officers, employees or agents, or the commissioner or his authorized representatives, for any statements made by them in any reports or recommendations made hereunder

(b) In order to permit Guaranty Corporation to fulfill its obligations under subdivision (a), upon the written request of Guaranty Corporation the commissioner may furnish to Guaranty Corporation a copy of unaudited financial statements filed by an industrial loan company pursuant to subdivision (b) or (e) of Section 18610 and a copy of the commissioner's analysis of an industrial loan company's receivables. There shall be no liability on the part of, and no cause of action of any nature shall arise against the State of California, the commissioner or members of his staff or his authorized representatives, for the release of any information furnished to Guaranty Corporation pursuant to this subdivision. Such financial statements and analysis furnished pursuant to this subdivision shall not be public documents, and the information continued therein shall be privileged and confidential to Guaranty Corporation for its sole use in carrying out its statutory functions.

(c) Guaranty Corporation, in order to fulfill its obligations under subdivision (a), may appoint an independent certified public accountant or public accountant to prepare an audit report containing audited financial statements, together with such other information as Guaranty Corporation, in good faith, requires regarding the financial condition of any member, or, upon notification to a member company of a possible impairment of capital of such member company and after notice to the commissioner, Guaranty Corporation may appoint an investigative committee or hire a specialized employee to investigate the operations of the member company. Costs and expenses for said audit report or special investigation report shall be paid by Guaranty Corporation.

(d) Guaranty Corporation, any member of Guaranty Corporation, an agent of Guaranty Corporation or of its members, or any person who uses any information obtained under subdivision (b) or (c) of this section for any purpose not authorized by subdivision (a) is guilty of a misdemeanor.

SEC. 15. Section 18995 of the Financial Code is amended to read:

18995. No person shall advertise, print, display, publish, distribute or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner any statement or representation with regard to its membership in Thrift Guaranty Corporation of California or that any of its thrift obligations are in any manner guaranteed unless the amount of the guarantee fund is in excess of one-half of 1 percent of the total outstanding thrift obligations of all members as shown on the most recent independent audit reports required by subdivision (a) of Section 18610 and without first obtaining the written approval of the commissioner. All such advertising shall include the following statement: "Accounts

protected up to a maximum of ten thousand dollars ($10,000) by Thrift Guaranty Corporation of California only as provided in the California Financial Code."

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is anticipated that the fund guaranteeing thrift obligations, after initial payments to thriftholders arising out of the insolvency of an existing company, will be depleted. In order to prohibit advertising of the guarantee fund until such fund reaches an acceptable amount, to establish other controls for existing industrial loan companies, and to increase capitalization requirements and establish thrift to capital ratios for prospective new companies, it is necessary that the act take effect immediately.

CHAPTER 258

An act to amend Sections 15516 and 19700.605 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 10, 1975.
Filed with Secretary of State July 10, 1975.]

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

SECTION 1. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article, and no school building which has never met the requirements of Article 4 (commencing with Section 15451) of this chapter, shall be used as a school building for elementary and secondary school or community college purposes after June 30. 1975, except as permitted by Article 6 (commencing with Section 15551) of this chapter, unless the governing board of the school district has requested and obtained from the State Allocation Board authority for use of such building for a specific period beyond such date. Prior to requesting such authority, the governing board shall adopt a resolution declaring the board's intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement. The State Allocation Board shall not authorize any school district to use such a building beyond June 30, 1975, unless it has first determined that the school district has already proceeded with a plan of total repair, reconstruction or replacement in a timely manner and a contract has been let for any phase of, and work commenced on, such

project. In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

SEC. 2. Section 19700.605 of the Education Code is amended to read:

19700.605. Notwithstanding the provisions of Section 19700.60, apportionments under this article from the proceeds of bonds remaining from the authorization provided in the State School Building Aid Bond Law of 1966 may be made for the purposes of (1) reconstructing or replacing existing substandard school buildings or high school dormitories that present a potential threat to the safety of schoolchildren and which were not previously constructed or reconstructed in accordance with the requirements of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 or which if previously reconstructed to comply with the provisions of said Article 4, no longer meet the standards of structural safety prescribed under the authority of Article 4 in effect on April 10, 1933, or (2) reconstructing or replacing existing structures utilized by a school district as school buildings originally designed to house the United States Cavalry and used as World War II prisoner-of-war camp structures or an existing structure utilized by a school district as a school building which was originally designed as a mess facility for the United States Army Air Corp without regard to conditional or provisional structural approvals received by the district with respect to such buildings prior to the enactment of Chapter 500 of the Statutes of 1972.

Apportionments for the reconstruction or replacement of a dormitory shall only be made when the use and occupancy of the dormitory will be by resident pupils of the district who are in attendance at the high school of the district and when in the judgment of the board such pupils cannot be reasonably expected to travel by vehicle to the school on a daily basis.

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

In order to enable school districts to use certain educational facilities during the 1975–76 school year it is necessary that this act take effect immediately.

CHAPTER 259

An act relating to school taxes, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975]

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

SECTION 1. Notwithstanding Section 7456 of the Education Code, or any other provision of law, the county superintendent of schools of a county of the 31st class may certify to the county board of supervisors the amount of a tax required to be levied and collected within the county in the 1975–76 fiscal year in order to reimburse school districts for advances made by them during the 1974–75 fiscal year for regional occupational program services because the required tax was not levied in that fiscal year due to an oversight. The board of supervisors shall levy and collect such tax.

The amount of the tax shall be sufficient to make all of the reimbursements required, shall be in addition to any other tax collected for purposes of Section 7456 within the county during the 1975–76 fiscal year, but shall not exceed the maximum rate specified in Section 7456 of the Education Code.

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

Because of an administrative oversight, no tax for the purchase of regional occupational program services was levied and collected in the 1974–75 fiscal year in Placer County. The amount of the deficit was made up by the use of part of the reserves of the participating school districts. In order to permit the county to levy and collect the tax in the 1975–76 fiscal year, and so reimburse the school districts for the advances made by them, it is necessary that this act take effect immediately.

CHAPTER 260

An act to amend Section 56440 of, and to add Sections 56252.1 and 56443.1 to, the Government Code, relating to cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975]

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

SECTION 1. Section 56252.1 is added to the Government Code, to read:

56252.1. In any order approving a proposal for a reorganization which includes annexation of inhabited territory to a city when the assessed value of land within such territory proposed to be annexed equals one-half, or more, of that within the city, as shown by the last

equalized assessment rolls, or the number of registered voters of the territory equals one-half, or more, of the number of registered voters within the city, as shown by the county registration of voters, the commission shall require that an election called upon the question of confirming such reorganization shall also be called, held, and conducted within the territory of the city to which territory is proposed to be annexed.

SEC. 2. Section 56440 of the Government Code is amended to read:

56440. In any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall call and provide for an election to be held and conducted:

(a) Within the entire territory of each district ordered to be formed, dissolved or consolidated;

(b) Within the entire territory of each district and city, where such district has been ordered merged with or established as a subsidiary district of such city; and

(c) Within any territory ordered annexed to or detached from a district; and

(d) Subject to compliance with any commission order pursuant to Section 56252.1, both within the territory proposed to be reorganized and within the territory of any city to which territory is proposed to be annexed.

SEC. 3. Section 56443.1 is added to the Government Code, to read:

56443.1. In addition to the vote required by subdivision (a) of Section 56443, in all instances where Sections 56252.1 and 56440 are applicable, the question of reorganization shall also be favored by a majority of the votes cast within the territory of any city to which territory is proposed to be annexed.

SEC. 4. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

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

Reorganization proceedings which include an annexation of inhabited territory to a city are in process and the reorganization proposal will be submitted to the voters at an election in November 1975. In order that the voters of the affected city may participate in such election, it is necessary that this act take effect immediately.

CHAPTER 261

An act to amend and renumber Section 20905.6, as added by Chapter 1460 of the Statutes of 1974, of, and to add Section 20905.95 to, the Education Code, relating to school districts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975.]

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

SECTION 1. Section 20905.6 of the Education Code is amended and renumbered to read:

20905.9. (a) The revenue limit of a school district is increased or decreased by the amount computed pursuant to this section.

(b) The county superintendent of schools shall ascertain the amount of district contributions which was paid from local taxes pursuant to Section 6871 in the 1972–73 fiscal year.

(c) He shall ascertain the amount of district contributions which is to be paid from local taxes pursuant to Section 6871 in the then current fiscal year.

(d) If the amount determined pursuant to subdivision (c) is greater than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be increased by an amount equal to the difference.

(e) If the amount determined pursuant to subdivision (c) is less than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be decreased by an amount equal to the difference.

(f) If the amount determined in both subdivisions (b) and (c) is the same, there is no change in the revenue limit computed pursuant to this section.

SEC. 2. Section 20905.95 is added to the Education Code, to read:

20905.95. (a) The revenue limit of a school district is increased or decreased by the amount computed pursuant to this section.

(b) The county superintendent of schools shall ascertain the amount of district contributions which was paid from local taxes pursuant to Sections 25601.1, 25851.1, and 26501.1 in the 1972–73 fiscal year.

(c) He shall ascertain the amount of district contributions which is to be paid from local taxes pursuant to Sections 25601.1, 25851.1, and 26501.1 in the then current fiscal year.

(d) If the amount determined pursuant to subdivision (c) is greater than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be increased by an amount equal to the difference.

(e) If the amount determined pursuant to subdivision (c) is less

than that determined pursuant to subdivision (b), the revenue limit for the following fiscal year shall be decreased by an amount equal to the difference.

(f) If the amount determined in both subdivisions (b) and (c) is the same, there is no change in the revenue limit computed pursuant to this section.

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

In order to permit this act to be operative for the entire 1975–76 fiscal year, and so facilitate the orderly computation of school district revenue limits, it is necessary that this act take effect immediately.

CHAPTER 262

An act relating to bilingual education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975. Filed with Secretary of State July 11, 1975]

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

SECTION 1. The Legislature finds that the demonstration bilingual education program conducted in the San Francisco Unified School District pursuant to Chapter 1521 of the Statutes of 1971 is a pioneer effort providing national leadership in bilingual education, educational benefits to the participating pupils, valuable information on educational techniques for limited-English-speaking pupils and the development of curriculum which is used in other school districts in California and the nation.

SEC. 2. The demonstration program in bilingual education conducted in the San Francisco Unified School District pursuant to Section 7 of Chapter 1521 of the Statutes of 1971 may continue until June 30, 1977. The Superintendent of Public Instruction shall submit a report to the Legislature, including an evaluation of the effectiveness of the demonstration program.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction the sum of one hundred eighty-six thousand nine hundred dollars ($186,900) for the purposes of the study program for limited-English-speaking pupils conducted in the San Francisco Unified School District pursuant to Sections 3 to 15, inclusive, of Chapter 1521 of the Statutes of 1971, in accordance with the following schedule:

(a) For the 1975–76 fiscal year $89,000

(b) For the 1976–77 fiscal year $97,900

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

In order to permit the study program for limited-English-speaking pupils to continue without interruptions and so permit its orderly and effective operation, it is necessary that this act take effect immediately.

CHAPTER 263

An act to amend Section 16477 of the Public Utilities Code, relating to public utility districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975]

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

SECTION 1. Section 16477 of the Public Utilities Code, as added by Chapter 301 of the Statutes of 1973, is amended to read:

16477. The Board of Directors of the Tahoe City Public Utility District, the Board of Directors of the South Tahoe Public Utility District, and the Board of Directors of the North Tahoe Public Utility District shall each have the authority to fix and collect an annual standby charge for sewage service on all lands within the district under its jurisdiction, in such amount as the board shall specify, provided that such standby charge for sewage service shall not exceed ten dollars ($10) per acre for parcels in excess of one acre or twenty dollars ($20) per parcel for parcels less than one acre.

The standby charge authorized by this section shall be imposed initially only after a public hearing thereon. In the event that the board of directors proposes to impose such a standby charge, they shall call a public hearing on the proposal and shall give notice thereof as provided in Government Code Section 6062a. Such a charge may be levied in subsequent years without the requirement of a hearing, provided that a hearing shall be required in any year in which the board of directors proposes to alter the rate of such charge.

The Legislature hereby finds and declares that this section, applicable only to the Tahoe City Public Utility District, the South Tahoe Public Utility District, and the North Tahoe Public Utility District is necessary because of the unique and special water management, pollution, and sewage disposal problems of the Lake Tahoe Basin

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

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

In order that the South Tahoe Public Utility District may properly fund a program of sewage treatment and exportation of effluent from the Lake Tahoe Basin, it is necessary that this act become effective immediately.

CHAPTER 264

An act to amend Sections 25930 and 25932 of, and to add Section 25809 to, the Water Code, relating to irrigation districts.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975]

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

SECTION 1. Section 25809 is added to the Water Code, to read:

25809. A district may make an additional reasonable charge for processing or reprocessing an invalid check or other instrument used to pay an assessment or service charged owed to the district. The reasonable charge shall be for cost of such processing or reprocessing of the invalid check or instrument. If the charge for processing becomes delinquent, the charge may become a lien against the land on which the assessment was made or to which the service was rendered, as provided in Section 25806.

SEC. 2. Section 25930 of the Water Code is amended to read:

25930. Assessments or any other charge owed to the district shall be paid in lawful money of the United States. A reasonable additional charge may be made for processing or reprocessing an invalid check or other invalid instrument as provided in Section 25809.

SEC. 3. Section 25932 of the Water Code, is amended to read:

25932. The collector shall give to the person making the payment, one of the following:

(a) A receipt which specifies when applicable, (1) the amount of the assessment or charge, (2) the amount paid, and (3) the description of the property assessed.

(b) A statement or bill for the assessment or charge owed the district, with a stub or a copy of the bill which specifies when applicable (1) the amount of the assessment or charge, or if the assessment or charge is payable in more than one payment, the amount due with each payment; (2) a description of the property assessed; and (3) instructions that a receipt will be supplied only upon request since the stub or copy of the bill and the canceled check for payment constitute a receipt.

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CHAPTER 265

An act to repeal Section 4846 of, and to add Sections 4846, 4846.1, and 4846.2 to, the Business and Professions Code, relating to the veterinary medicine.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975]

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

SECTION 1. Section 4846 of the Business and Professions Code is repealed.

SEC. 2. Section 4846 is added to the Business and Professions Code, to read:

4846. Applications for a license shall be upon a form furnished by the board and, in addition, shall be accompanied by a diploma from a veterinary college recognized by the board.

SEC. 3. Section 4846.1 is added to the Business and Professions Code, to read:

4846.1. If the veterinary college from which an applicant is graduated is not recognized by the board, the board shall have the authority to determine the qualifications of such graduates and to review the quality of the educational experience attained by them in an unrecognized veterinary college. The board shall have the authority to adopt rules and regulations to implement this provision.

SEC. 4. Section 4846.2 is added to the Business and Professions Code, to read:

4846.2. If the board finds in evaluating the graduate described in Section 4846.1 that such applicant is deficient in qualification or in the quality of his educational experience the board may require such applicant to fulfill such other remedial or other requirements as the board, by regulation, may prescribe.

CHAPTER 266

An act to amend Sections 117ha, 117j, and 916, and to repeal Sections 117*l* and 117*ll* of the Code of Civil Procedure, relating to courts.

[Approved by Governor July 10, 1975 Filed with Secretary of State July 11, 1975.]

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

SECTION 1. Section 117ha of the Code of Civil Procedure is amended to read:

117ha. No attachment or garnishment shall issue from the small claims court. Execution may issue in the manner prescribed in Title

9 (commencing with Section 681) of Part 2, and the judgment may be enforced in the manner provided in Section 1174. However, enforcement of the judgment is automatically stayed, without the filing of a bond by the defendant, until the expiration of time for appeal and, if an appeal is taken, until the appeal is determined.

SEC. 2. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior court upon the filing of any document or paper by the plaintiff in a small claims action.

On appeal the action shall be tried anew. The practice and procedure on appeal and the time and manner in which records on appeal shall be made up and filed shall be prescribed in rules adopted by the Judicial Council.

SEC. 3. Section 117*l* of the Code of Civil Procedure is repealed.

SEC. 4. Section 117*ll* of the Code of Civil Procedure is repealed.

SEC. 5. Section 916 of the Code of Civil Procedure is amended to read:

916. (a) Except as provided in Sections 917.1 through 917.9 and in Section 117ha, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.

(b) A stay of proceedings shall release from levy property which has been levied upon under execution issued upon such judgment.

(c) When there is a stay of proceedings other than the enforcement of the judgment, the trial court shall have jurisdiction of proceedings related to the enforcement of the judgment as well as any other matter embraced in the action and not affected by the judgment or order appealed from.

CHAPTER 267

An act to add Sections 1626.5, 2149, and 2525.17 to, and Article 3.5 (commencing with Section 2150) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to acupuncture, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1975 Filed with Secretary of State July 12, 1975]

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

SECTION 1. Section 1626.5 is added to the Business and Professions Code, to read:

1626.5. (a) A licensed dentist, or group of dentists, or dental corporation shall not share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

(b) A licensed dentist shall not employ more than one person to perform acupuncture services.

(c) A group of dentists or a dental corporation shall not employ more than one person to perform acupuncture services for every 20 dentists in such group or corporation.

SEC. 2. Section 2149 is added to the Business and Professions Code, to read:

2149 (a) A licensed physician, or group of physicians, or medical corporation shall not share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

(b) A licensed physician shall not employ more than one person to perform acupuncture services.

(c) A group of physicians or a medical corporation shall not employ more than one person to perform acupuncture services for every 20 physicians in such group or corporation.

SEC. 3. Article 3.5 (commencing with Section 2150) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 3.5. Acupuncture

2150. The Legislature hereby finds and declares that the practice of acupuncture is a theory and method for treatment of illness and disability and for strengthening and invigorating the body and as such affects the public health, safety and welfare and therefore there is a necessity that individuals practicing acupuncture be subject to regulation and control.

2150.3. As used in this article, unless the context otherwise requires:

(a) "Committee" means the Acupuncture Advisory Committee.

(b) "Board" means the Board of Medical Examiners of the State of California.

(c) "Person" means any individual, organization or corporate body except that only individuals can be certified under this article.

(d) An "acupuncturist" is a person who practices acupuncture.

(e) "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of

certain diseases or dysfunctions of the body.

2150.7. The Governor shall appoint a seven-member Acupuncture Advisory Committee to advise the board on implementing the provisions of this article.

2151. Five members of the committee shall be acupuncturists with 10 years' experience in acupuncture and not possessed of a physicians' and surgeons' certificate and two members of the committee shall be acupuncturists with two years' experience in acupuncture and possessing a physicians' and surgeons' certificate.

2151.9. The Board of Medical Examiners shall administer the provisions of this article and may adopt such rules and regulations as may be necessary to effectuate the provisions of this article.

2152. The board shall issue a certificate to practice acupuncture to any person who makes application to the board and meets the following requirements:

(a) Is 18 years of age or over.

(b) Furnishes satisfactory testimonials of good moral character.

(c) Furnishes satisfactory evidence of completion of a course in acupuncture which shall be approved by the board or furnishes satisfactory evidence of two years' experience in performing acupuncture.

(d) Successfully passes an examination administered by the board which tests the applicant's ability, competency, and knowledge of the practice of acupuncture.

2153. In addition, a certificate shall be issued to any applicant who has produced reasonable proof that he has performed acupuncture for at least five years, or for at least three years and has practiced acupuncture in affiliation with a program operating pursuant to Section 2145.1. Whether an applicant has produced reasonable proof shall be determined by the Board of Medical Examiners. Such applications shall be processed as expeditiously as possible, and shall be given priority over applicants under Section 2152.

An applicant issued a certificate pursuant to this section may be required to comply with the requirements of Section 2152 when such requirements are established by the board. The requirement or nonrequirement of compliance shall be based upon the competency of the applicant, as determined by the board, in accordance with uniform rules, standards, or requirements established by the board.

The furnishing of information by an applicant pursuant to this section or Section 2152 shall not constitute a waiver of the protection of the Fifth Amendment to the United States Constitution. The practice of acupuncture prior to the effective date of this article shall not be grounds to disqualify an applicant for a certificate pursuant to this section or Section 2152.

2153.1. The board shall report to the Legislature no later than one year after the appointment of the committee and on the 30th day of January each year thereafter on the nature and extent of the standards, tests, and experience requirements adopted pursuant to

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this article, as well as statistical information relating to the total number of individuals certified under this article to that date and the number certified within the preceding year. Such report shall also include recommendations for legislation if the board considers legislation to be necessary.

2153.2. The board shall have the authority to investigate and to evaluate each and every applicant applying for a certificate to practice acupuncture and to make final determination of the admission of the applicant to the examination, or for the issuance of a certificate, in conformance with the provisions and qualifications required by this article.

2154. Any person who practices acupuncture or holds himself out as practicing acupuncture, unless he possesses an acupuncturists' certificate as provided for in this article, is guilty of a misdemeanor. Whenever any person other than a certified acupuncturist has engaged in an act or practice which constitutes an offense against this article, a superior court of a county on application of the board may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The board may commence action in such superior court under the provisions of this section on its own motion.

2155. Acupuncture may not be performed on a person without a prior diagnosis or referral from a licensed physician and surgeon, a licensed dentist, a licensed podiatrist, or licensed chiropractor. The referral need only be for acupuncture treatment and need not be to a particular certificate holder. The acupuncture performed shall be appropriate to the diagnosis.

At the completion of treatment, the acupuncturist shall report to the diagnosing or referring physician, dentist, podiatrist, or chiropractor, upon forms prescribed by the board, the nature and effect of the treatment.

2156. No licensed dentist, or group of dentists, or dental corporation, shall share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

2157. No licensed physician, or group of physicians, or medical corporation, shall share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

2157.1. No licensed podiatrist, or group of podiatrists, or podiatric corporation, shall share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

2157.2. No licensed chiropractor, or group of chiropractors, or chiropractic corporation, shall share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

2157.3. The provisions of this article shall not supersede the

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activities of persons involved in research pursuant to Section 2145.1.

2157.4. The board may refuse to issue a certificate, or may suspend or revoke the certificate of any certified individual if he has been guilty of unprofessional conduct, which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include actions corresponding to those enumerated in Section 17867.

2157.5. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order a certificate be suspended or revoked, or may decline to issue a certificate when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the acquisition, information or indictment.

2158. The board shall report to the State Controller at the beginning of each month for the month preceding the amount and source of all revenue received by it pursuant to this article, and shall pay the entire amount thereof to the State Treasurer for deposit in the Acupuncturists Fund, which fund is hereby created and is continuously appropriated to carry out the purposes of this chapter.

2158.1. The board shall keep such records as will reasonably insure that funds expended in the administration of the certification program shall bear a reasonable relation to the revenue derived from each category.

2158.2. The amount of the fees prescribed by the provisions of this article is that fixed by the following schedule:

(1) The application fee and renewal fee shall be fixed by the board in an amount which does not exceed one hundred fifty dollars ($150) but is sufficient to support the functions of the board which relate to the functions authorized by this article.

(2) The delinquency fee shall be ten dollars ($10).

(3) The reexamination fee shall be fixed by the board in an amount which does not exceed seventy-five dollars ($75).

2158.3. The board shall employ whatever personnel is necessary for the administration of this article.

2158.4. Certificates issued pursuant to this article shall expire on December 31st of each even-numbered year, if not renewed.

2158.5. To renew an unexpired certificate, the holder, on or before December 31st of each odd-numbered year, shall apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this article.

2158.6. Except as provided in Section 2158.7, a certificate which has expired may be renewed at any time within two years after its expiration on filing of application for renewal on a form prescribed

by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is not renewed within 30 days after its expiration, the certified individual, as a condition precedent to renewal, shall also pay the prescribed delinquency fee. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid or, on the date on which the delinquency fee is paid, whichever occurs last. If so renewed, the certificate shall continue in effect through the expiration date provided in Section 2158.4, after the effective date of the renewal, when it shall expire and become invalid if it is not again renewed.

2158.7. A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the certified individual, while the certificate remains suspended, and until it is reinstated, to engage in the certificated activity, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended. A certificate revoked on disciplinary grounds is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the certificated individual, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any accrued at the time of its revocation.

2158.8. A person who fails to renew his certificate within five years after its expiration may not renew it, and it may not be restored, reissued or reinstated thereafter, but such person may apply for and obtain a new certificate if he meets the requirements of this article.

2159. Nothing in the article shall be construed to prevent the practice of acupuncture by a holder of a physicians' and surgeons' certificate, by a licensed dentist, or by a licensed podiatrist, within the scope of their respective licenses.

SEC. 4. Section 2525.17 is added to the Business and Professions Code, to read:

2525.17. (a) A licensed podiatrist, or group of podiatrists, or podiatric corporation shall not share in any fee charged by a person for performing acupuncture or receive anything of value from or on behalf of such acupuncturist for any referral or diagnosis.

(b) A licensed podiatrist shall not employ more than one person to perform acupuncture services.

(c) A group of podiatrists or a podiatric corporation shall not employ more than one person to perform acupuncture services for every 20 podiatrists in such group or corporation.

SEC. 5. Any prosecution, which is pending against any person who would qualify to practice acupuncture pursuant to this act, for the unlawful practice of medicine involving the use of acupuncture shall be dismissed in the interests of justice. Any conviction of such person for such acts, which is pending on appeal, shall be remanded

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to the trial court, the verdict withdrawn, and a judgment of acquittal entered.

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

There is a growing interest in acupuncture and a substantial amount of practice of acupuncture and yet there is no statute protecting the public from incompetent practitioners. Furthermore, the public is not being protected from other practices which are prescribed in this statute. The promising possibilities of acupuncture make it imperative that it be practiced as extensively as possible, as soon as possible, with adequate protection of the public.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 268

An act to add Section 53224 to the Government Code, relating to pension trusts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1975. Filed with Secretary of State July 12, 1975]

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

SECTION 1. Section 53224 is added to the Government Code, to read:

53224. The legislative body of a local agency which establishes a pension trust plan pursuant to the provisions of this article may contribute to a plan which is established pursuant to the Federal Employee Retirement Income Security Act of 1974.

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

In order that irreparable damage to public employee benefits will not be incurred in jurisdictions which have already agreed to make contributions pursuant to the new Federal Employee Retirement Income Security Act of 1974, this act must take effect immediately.

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CHAPTER 269

An act relating to the San Jose Regional Vocational Center, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1975 Filed with Secretary of State July 12, 1975]

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

SECTION 1. The Legislature finds that the San Jose Regional Vocational Center is comprised of six school districts in the south bay area, and it provides vocational training in areas of social and economic need. The Legislature further finds that existing facilities of the San Jose Regional Vocational Center have proven to be inadequate and in an effort to raise funds for the construction of additional facilities, the participating school districts have levied a permissive override tax to meet the cost of such construction. The Legislature finds that the school districts are in their second of three years of levying the tax and have already collected over one million five hundred thousand dollars ($1,500,000), and inflation dictates that construction should be begun at the earliest possible time in order to obtain suitable additional facilities. The Legislature intends, therefore, in enacting this act to make available the necessary funds for the immediate expansion of existing school facilities provided by the San Jose Regional Vocational Center. The Legislature intends, however, that such funds shall be paid back in full with interest as provided by this act so that the taxpayers of this state shall not be required to pay for the support of the additional facilities.

SEC. 2. Not to exceed two million dollars ($2,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974 shall be expended pursuant to this act. The funds shall be allocated by the State Allocation Board to the San Jose Regional Vocational Center for capital improvements. Said funds shall be available for allocation to the San Jose Regional Vocational Center after the effective date of this act and until not later than June 30, 1976.

SEC. 3. Not later than June 30, 1977, all amounts allocated and disbursed to the San Jose Regional Vocational Center pursuant to this act shall be fully repaid to the state by the San Jose Regional Vocational Center, with interest at a rate determined by the State Allocation Board. The San Jose Unified School District shall be principally liable for the amount allocated to the San Jose Regional Vocational Center pursuant to this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into

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immediate effect. The facts constituting such necessity are:

In order that the San Jose Regional Vocational Center shall be able to commence construction of additional school facilities at the earliest possible time and minimize the impact of monetary inflation on the overall cost of the construction, it is essential that this act take effect immediately.

CHAPTER 270

An act to add Section 20527.8 to the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1975 Filed with Secretary of State July 12, 1975.]

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

SECTION 1. Section 20527.8 is added to the Water Code, to read:

20527.8. Notwithstanding Section 20527, or any other provision of law, in the Cordua Irrigation District every owner of land within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. Each voter shall be entitled to cast one vote for each one hundred dollars ($100) of assessed valuation of land to which he has title. The last equalized county assessment role is conclusive evidence of ownership and of the value of the land so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(a) Is appointed under the laws of this state.

(b) Is entitled to the possession of the estate's real property.

(c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise. Before a legal representative votes at a district election, he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy. The appointment of a proxy shall be as provided in Section 35005.

Notwithstanding Section 21100 or any other provision of law, any voter as defined in this section is eligible to be a member of the Board

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of Directors of the Cordua Irrigation District or to serve as an elective officer of the district.

SEC. 2. The provisions of this act are necessary because a substantial portion of the land in the Cordua Irrigation District is owned by persons not resident within the district and the owners, and not the resident nonowners, are primarily concerned with the affairs and support of the district. This problem is not common to all districts formed under the Irrigation District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary for the solution of problems existing in the Cordua Irrigation District.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

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

In order to insure that the provisions of this act will be applicable to the next district election within the Cordua Irrigation District and that those persons affected by the activities of the district will be given a voice in the affairs of the district, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 271

An act to add Section 4107.2 to the Government Code, relating to public works contracts.

[Approved by Governor July 10, 1975. Filed with Secretary of State July 12, 1975]

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

SECTION 1. Section 4107.2 is added to the Government Code, to read:

4107.2. No subcontractor listed by a prime contractor under Section 4104 as furnishing and installing carpeting, shall voluntarily sublet his subcontract with respect to any portion of the labor to be performed unless he specified the subcontractor in his bid for such subcontract to the prime contractor.

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CHAPTER 272

An act to amend Section 5871 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor July 12, 1975 Filed with Secretary of State July 12, 1975]

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

SECTION 1. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and, the installation of storm and sanitary drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, the installation of storm and sanitary sewer drainage facilities, water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service, parkway trees, and street lighting facilities, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," "water mains," "pipes," "conduits," "tunnels," "hydrants," and "other necessary works and appliances for providing water service," "parkway trees," and "street lighting facilities;" and "superintendent of streets" includes any other person or persons who may be designated by the legislative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "abutting" in the case of property adjoining an alley improvement.

In the case of street lighting, in determining how much of the front footage of a block has been improved, front footage of property benefiting from existing installations may be included regardless of

the side of the street on which the installation has been constructed.

CHAPTER 273

An act to amend Section 39295.6 of the Health and Safety Code, relating to air pollution.

[Approved by Governor July 12, 1975. Filed with Secretary of State July 12, 1975]

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

SECTION 1. Section 39295.6 of the Health and Safety Code is amended to read:

39295.6. (a) "Agricultural burning," as used in this chapter, means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, or range improvement, or used in the improvement of land for wildlife and game habitat.

(b) "Agricultural burning," as used in this chapter, also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (a) of this section. Section 39297.3 shall not apply to such burning.

CHAPTER 274

An act to amend Section 13336.5 of the Education Code, relating to school certificated employees, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 13, 1975 Filed with Secretary of State July 14, 1975]

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

SECTION 1. Section 13336.5 of the Education Code is amended to read:

13336.5. Any employee classified as a substitute or temporary employee, who serves during one school year for at least 75 percent of the number of days the regular schools of the district were maintained in such school year and has performed the duties normally required of a certificated employee of the school district, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.

Any such employee shall be reemployed for the following school year to fill any vacant positions in the school district for which the employee is certified and qualified to serve.

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For purposes of this section, "qualified to serve" shall be defined to mean the possession of an appropriate credential plus completion of appropriate academic preparation or experience in the subject matter in which the vacant position occurs.

For purposes of this section, "vacant position" means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave.

Any employee classified as a substitute or temporary employee who has rendered the service required to qualify under this section but who has not been reemployed due to a lack of a vacant position shall be reemployed as a substitute or temporary employee for the following school year.

In any district in which appointments are made from eligible lists established by examination, special eligible lists shall be established at the end of each school year which consist of the names of those employees who met the requirements of this section. Such lists shall be in rank order based on the final scores established by examination. Such lists shall be valid for at least two school years. Offers for appointments to probationary status during the ensuing school year shall be made from such special eligible lists established by examination; provided, however, permanent or probationary employees terminated during the preceding 39 months pursuant to Section 13447, shall be given priority in employment over persons on such special eligible lists.

Those employees classified as substitutes, and who are employed to serve in an on-call status to replace absent regular employees on a day-to-day basis shall not be entitled to the benefits of this section.

Permanent and probationary employees subjected to a reduction in force pursuant to Section 13447 shall, during the period of preferred right to reappointment, have prior rights to any vacant position in which they are qualified to serve superior to those rights hereunder afforded to temporary and substitute personnel who have become probationary employees pursuant to the provisions of this section.

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

In order to permit this act to become operative at the beginning of the 1975–76 school year, and so facilitate its orderly administration, it is necessary that this act take effect immediately.

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CHAPTER 275

An act to amend Section 15516 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 13, 1975
Filed with Secretary of State July 14, 1975]

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

SECTION 1. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article, and no school building which has never met the requirements of Article 4 (commencing with Section 15451) of this chapter, shall be used as a school building for elementary and secondary school or community college purposes after June 30, 1975, except as permitted by Article 6 (commencing with Section 15551) of this chapter, unless the governing board of the school district has requested and obtained from the State Allocation Board authority for use of such building for a specific period beyond such date. Prior to requesting such authority, the governing board shall adopt a resolution declaring the board's intention to utilize the building as a school building after June 30, 1975, pending its repair, reconstruction, or replacement. The State Allocation Board shall not authorize any school district to use such a building beyond June 30, 1975, unless it has first determined that the school district has already proceeded with a plan of total repair, reconstruction or replacement in a timely manner and a contract has been let for any phase of, and work commenced on, such project. In no event shall the State Allocation Board authorize the use of such unsafe facilities for a period extending beyond the completion of the replacement facilities or beyond June 30, 1977, whichever occurs first.

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

In order to enable school districts to use certain educational facilities during the 1975–76 school year, it is necessary that this act take effect immediately.

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CHAPTER 276

An act to add Section 1309 to the Education Code and to add Section 23544 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature July 14, 1975
Filed with Secretary of State July 14, 1975]

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

SECTION 1. Section 1309 is added to the Education Code, to read:

1309. The governing board of a district may by resolution limit campaign expenditures or contributions in elections to district offices.

SEC. 2. Section 23544 is added to the Elections Code, to read:

23544. A governing body of a district may by resolution limit campaign expenditures or contributions in elections to district offices.

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

In order to authorize local agencies to limit campaign expenditures or contributions in elections to agency offices scheduled in 1975, it is necessary that this act go into immediate effect at the earliest possible time.

CHAPTER 277

An act to amend Sections 10953, 17301, 17951, 20450, 20905, and 20905.5 of, to add Sections 17668.2 and 17669 to, and to add Article 7.5 (commencing with Section 17945) to Chapter 3 of Division 14 of, and to repeal Section 10955 of, the Education Code, relating to school finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1975 Filed with
Secretary of State August 14, 1975]

I am approving SB 220 and reducing the appropriation in Section 11 of the bill from $446 47 to $440 68 per pupil in average daily attendance during the preceding fiscal year in order to increase the Foundation Program for elementary and high schools by $84 per ADA (rather than $91) in 1975–76

I have signed SB 220 because the schools, like many today, are hard pressed by inflation and an uncertain economy The amount is less than many would desire but reflects my commitment to apportion scarce public dollars as fairly as possible The halcyon days of rapid and painless growth in this state are over

Californians have been generous with their schools In the last 25 years there has been a 1300 per cent increase in State spending for public education Per student this

represents an increase twice that of the Consumer Price Index

Education is, and will continue to be, our State's highest priority, but in the months ahead as we look for increased educational spending, we should also look to renewed educational reform Toward that end, I offer the following points for public discussion

1. Basic learning skills

Recent test scores indicate that our students in the higher grades are falling behind in reading and math skills. In view of our limited tax dollars, greater attention must be focused on survival skills that enable people to think clearly and cope with the growing complexity of our society

Testing should serve not merely as a means of sorting out people in accordance with a hypothetical norm, but rather insure that students can actually do things such as fill out an employment form, balance a check book, or read a newspaper editorial.

2 Flexibility and local control

The most obvious need is a reduction in the distance between the decision-maker and the decision If parents and teachers must go to Sacramento or their district office in order to change significant policies and teaching techniques then the result is too often inertia and no change. The role of the state and the school districts should be re-examined so that the authority at the site of instruction is maximized. The state and district offices ought to be supportive forces not inhibitory ones

The voluminous State Education Code with its mandated minutia should be compressed as much as possible State laws should encourage, not stifle, local diversity

3 Revise the Master Plan

Education must be viewed as a totality The colleges are doing many things that could better be done in high school.

The Master Plan for Higher Education served us well during the era of growth But with declining enrollment and scarce dollars, priorities must be set at all levels of education A re-working of the Master Plan is now in order Such a review must encompass an examination of adult education. Life-long learning for all is a lofty ideal but it can't take precedence over the more basic mission of equipping people with essential skills For courses of low priority, self-support should be considered.

4 Fiscal reforms

State aid is distributed in accordance with formulas that in many cases no longer serve today's reality

In addition to over-hauling the system of adult education, serious examination is required of summer school and regional occupational programs Too often these programs are expanded to capture state dollars rather than meet educational needs on a priority basis

We should also review salary incentives that now encourage teachers to leave the classroom or take endless courses of dubious value

5 Equal educational funding

Senate Bill 220 does not bring us any closer to meeting the *Serrano* mandate Yet very soon we will have to minimize the disparities that exist among school districts and adopt a fair system of funding I would like to see this done over a fixed period of time without huge outlays of new money. This can be accomplished only if we begin now and work together

With this reduction, I approve Senate Bill 220

EDMUND G BROWN JR , Governor

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

SECTION 1. Section 10953 of the Education Code is amended to read:

10953. (a) The total days of attendance of a pupil upon the schools and classes maintained by a school district, or schools or

classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum schooldays during the fiscal year less the sum of his absences.

(b) The absence of a pupil from school or class shall not be deemed an absence in computing the attendance of a pupil if such absence was:

(1) Due to his illness, or

(2) Due to quarantine under the direction of a county or city health officer, or

(3) For the purpose of having medical, dental, or optometrical services rendered, or

(4) For the purpose of attending the funeral services of a member of his immediate family, so long as such absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside California, or

(5) For the purpose of jury duty in the manner provided for by law.

"Immediate family," as used in this subdivision, has the same meaning as that set forth in the last sentence of Section 13651.4 except that references therein to "employee" shall be deemed to be references to "pupil."

The provisions of this subdivision shall not apply in the case of pupils attending summer school, adult schools, and classes, or regional occupational centers and programs other than pupils concurrently enrolled in a regular high school program and a regional occupational center or program.

(c) The total days of attendance of a student in a regular full-time day community college during the fiscal year shall be the number of days actually taught for not less than the minimum college days during the fiscal year.

SEC. 2. Section 10955 of the Education Code is repealed.

SEC. 3. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to that portion of the State School Fund restricted for elementary and high school purposes, hereinafter called Section A of the State School Fund such sums, in addition to the sums accruing from other sources, as shall provide in Section A of the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, of one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to Section A of the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual

computed apportionments from Section A of the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, two hundred thirteen dollars and ninety-six cents ($213.96) for the fiscal year 1974–75 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, less the amount, if any, by which seventy-nine cents ($0.79) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all elementary, high, and unified school districts and to all county superintendents of schools in the state exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to Section A of the State School Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to Section A of the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from Section A of the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 and 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to Section A of the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to Section A of the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 (commencing with Section 17300), 2 (commencing with Section 17351), and 3 (commencing with Section 17401) of this chapter, in Sections 11256 and 17251, and in Chapter 3 (commencing with Section 17601) of this division.

(e) Commencing with the 1974–75 fiscal year, the unit amounts under subdivisions (a) and (b) of this section shall be considered to be cumulatively increased or decreased, as the case may be, by an

amount equal to the percentage increase or decrease of the statewide ratio of assessed valuation per unit of kindergarten through grade 12 statewide average daily attendance, excluding defined adults, using in such ratios the data for the preceding year compared with the second preceding year.

For the 1974–75 fiscal year, each elementary and high school foundation program shall be increased by sixty dollars ($60) except that if the percentage increase of the statewide ratio of assessed valuation per unit of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) is less than seven, the sixty dollars ($60) shall be reduced proportionately, but to no less than fifty dollars ($50).

The Superintendent of Public Instruction shall prepare a report for the Legislature, to be submitted by December 1, 1976, which shall show the most current trends in costs for school districts, equalization of school district expenditures per average daily attendance, equalizations of property taxation for schools, adequacy levels in expenditures per average daily attendance, school enrollment, assessed valuations, assessed valuation per average daily attendance, and general cost changes in the state for the purpose of giving the Legislature information that the Legislature may use to enact new provisions about increases or decreases in the foundation programs for public school support.

(f) The amounts transferred pursuant to this section shall include the amounts required to be transferred by Section 16130 of the Government Code, exclusive of the amounts required to be transferred pursuant to Section 16130 of the Government Code for the educational need factor and the Early Childhood Educational Program (Chapter 1147, Statutes of 1972).

SEC. 4. Section 17668.2 is added to the Education Code, to read:

17668.2. For the 1975–76 fiscal year and fiscal years thereafter, the Superintendent of Public Instruction shall make adjustments in the small school foundation program amounts specified in Section 17654.5, subdivision (a) of Section 17655.5, and subdivision (a) of Section 17664, proportionate to the corresponding foundation program changes for other schools.

SEC. 5. Section 17669 is added to the Education Code, to read:

17669. (a) For the 1975–76 fiscal year, each elementary and high school foundation program shall be increased by an amount up to ninety-one dollars ($91) but not less than eighty-four dollars ($84) as determined by the Superintendent of Public Instruction except that if the percentage increase of the statewide ratio of assessed valuation per unit of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) of Section 17301 is less than seven, the amount shall be reduced proportionately, but to no less than seventy-four dollars ($74).

(b) For the 1976–77 fiscal year, each elementary and high school foundation program shall be increased by sixty-six dollars ($66) except that if the percentage increase of the statewide ratio of

assessed valuation per unit of average daily attendance in kindergarten and grades 1 to 12, inclusive, determined in subdivision (e) of Section 17301 is less than seven, the sixty-six dollars ($66) shall be reduced proportionately, but to no less than fifty-six dollars ($56).

(c) For the 1977–78 fiscal year and fiscal years thereafter, and if the Legislature does not provide otherwise, the increase in elementary and high school foundation programs shall be 6 percent times an amount which is determined as follows: (1) multiply the unit elementary school foundation program for unified districts which have an elementary average daily attendance of 901 or more by the elementary foundation program units of average daily attendance of unified districts with 901 or more elementary average daily attendance, plus (2) multiply the unit high school foundation program for unified districts which have a high school average daily attendance of 301 or more, by the average daily attendance of unified school districts with 301 or more high school average daily attendance, and (3) divide the result by the sum of the average daily attendance in unified districts with 901 or more elementary average daily attendance plus the average daily attendance in unified districts with 301 or more high school average daily attendance.

SEC. 5.7. Article 7.5 (commencing with Section 17945) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 7.5. Summer School Adjustment

17945. The foundation program for each unit of average daily attendance during the 1976–77 fiscal year, and years thereafter, for pupils enrolled in summer schools shall be determined as follows:

(a) For elementary school pupils enrolled in summer schools the foundation program shall be 80 percent of the foundation program level provided by Article 2 (commencing with Section 17651), 2.1 (commencing with Section 17671), and Article 2.5 (commencing with Section 17680) of this chapter for elementary school average daily attendance.

(b) For high school pupils enrolled in summer schools, the foundation program shall be 80 percent of the foundation program level provided by Article 2 (commencing with Section 17651), Article 2.1 (commencing with Section 17671), and Article 2.5 (commencing with Section 17680) of this chapter for high school average daily attendance.

SEC. 6. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be four hundred thirteen dollars ($413) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per unit of average daily attendance exclusive of adults.

For fiscal year 1975–76, the foundation program for adults, as defined in Section 5756, in high schools shall be increased by twenty-nine dollars ($29). For fiscal year 1976–77, the foundation program for adults, as defined, in high schools shall be increased by thirty-one dollars ($31). For each subsequent fiscal year, the foundation program for adults, as defined, in high schools for the previous fiscal year shall be increased by 6 percent.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred fifty-six dollars ($556) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district, as modified pursuant to Section 17262, per unit of average daily attendance exclusive of adults. The allowance for each unit of average daily attendance attached to a community college shall be increased by 7 percent for the 1974–75, 1975–76, and 1976–77 fiscal years and by 6 percent for the 1977–78 fiscal year, and fiscal years thereafter, unless revised by the Legislature prior to July 1, 1977.

The foundation programs provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults; unless the inmate is attending a community college class or program pursuant to Section 2690 of the Penal Code, in which case such attendance shall be included.

SEC. 7. Section 20905 of the Education Code is amended to read:

20905. For the 1974–75 fiscal year and each fiscal year thereafter, (a) the maximum general purpose tax rate for each elementary, high, and unified school district in the county shall be computed pursuant to this section by the county superintendent of schools.

(b) The revenue limit per foundation program unit of average daily attendance for the district for the prior fiscal year shall be divided into the appropriate foundation program amount per unit of average daily attendance for the prior year. If the quotient is greater than one, it shall be deemed to be one.

(c) The foundation program amount per unit of average daily attendance used as the dividend in subdivision (b) shall be determined by the Superintendent of Public Instruction pursuant to this subdivision. For elementary school districts, it shall be the foundation program for districts which have an average daily attendance of 901 or more. For high school districts it shall be the foundation program for districts with an average daily attendance of

301 or more. For unified districts, it shall be the sum of (1) the foundation program of elementary districts which have an average daily attendance of 901 or more multiplied by the elementary foundation program units of average daily attendance of unified districts in the second principal apportionment, plus (2) the foundation program for high school districts with an average daily attendance of 301 or more multiplied by the high school foundation program units of average daily attendance of unified districts in the second principal apportionment divided by the sum of the elementary and high school units of average daily attendance of unified districts in the second principal apportionment.

(d) The inflation adjustment shall be based on the increase in the foundation program amount per unit of average daily attendance for the budget year compared with the preceding year.

(e) The amount determined pursuant to subdivision (d) shall be multiplied by the quotient determined pursuant to subdivision (b). The resultant amount shall constitute the revenue limit inflation adjustment of the district per unit of average daily attendance.

(f) The revenue limit inflation adjustment shall be added to the prior year revenue limit per foundation program unit of average daily attendance of the district and the sum multiplied by the estimated foundation program average daily attendance of the budget year. The product shall be the revenue limit of the district for the budget year.

(g) Any district which has a revenue limit computed pursuant to subdivision (f) which is equal to or less than the foundation program computed for the district pursuant to Article 2 (commencing with Section 17651), excluding Section 17668.5, Article 2.1 (commencing with Section 17651), and subdivision (a) of Section 17951 as adjusted pursuant to subdivision (e) of Section 17301 may increase its revenue limit computed pursuant to subdivision (f) to the lesser of the foundation program level of the district or the prior year revenue limit increased by fifteen percent (15%).

For the 1974–75 and 1975–76 fiscal years only, notwithstanding subdivision (g) if, due to changes in federal legislation or administrative policy, the entitlement under Public Law 81-874 is reduced or discontinued and is not replaced by other federal funding, and if a district experiencing such loss has a revenue limit less than the foundation program, it shall be allowed to increase the revenue limit by an amount equal to the difference between the Public Law 81-874 income per foundation program average daily attendance of the prior year and the estimated Public Law 81-874 income per unit of foundation program average daily attendance of the budget year, if any, multiplied by the estimated foundation program average daily attendance of the budget year. Such increased revenue limit shall not exceed the foundation program of the budget year.

(h) From the amount computed pursuant to subdivision (f) or (g), there shall be subtracted the basic state aid and state

equalization aid to be received for the budget year, areawide aid to be received for the budget year, and the amount of income to be received from the equalization offset tax pursuant to Section 17263.1.

(i) The amount determined pursuant to subdivision (h) shall be (1) adjusted as provided in subdivision (d) of Section 10805 and (2) adjusted sufficiently to allow for the mandated increases for district contributions for the State Teachers' Retirement System as required by Section 14100. Such adjustment, together with any rate levied in any prior year pursuant to Section 14111, shall not exceed the revenue derived by the tax rate provided in Section 14111. The adjusted amount shall be the local revenue limit of the district for the budget year.

(j) From the amount computed pursuant to subdivision (i), there shall be subtracted the amount of money collected or to be collected as taxes on property on the unsecured roll of the budget year, excluding the amounts collected through the levy of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code, and (2) the income from the prior year's taxes.

(k) For the purposes of this subdivision, the assessed valuation used in computing the maximum tax rate is defined as the total actual assessed valuation, including business inventory and homeowners exemption and exclusive of the assessed valuation increment used to allocate tax receipts to a redevelopment agency pursuant to Article 6 (commencing with Section 33670) of Chapter 6 of Part 1 of Division 24 of the Health and Safety Code.

The amount determined pursuant to subdivision (j) shall be divided by the amount of actual assessed valuation of the district on the secured roll after due allowance for delinquencies, pursuant to Section 20704. The quotient multiplied by 100 shall be the tax rate on each one hundred dollars ($100) of such assessed valuation and shall be the maximum general purpose tax rate which may be levied in the district during the 1973–74 fiscal year, exclusive of taxes provided in Section 1905, 6880.16, 11872, 15517, 15518, 15708, 15709, 16750, 19443, 19619, 19683.5, 19687, 19688, 19695, 19700.3, 20801, 20911, or 22101 of the Education Code, Section 7456 of the Education Code for the purposes prescribed in Section 7453 of the Education Code, but no greater than five cents ($0.05) per one hundred dollars ($100) of assessed valuation, and Section 5302.5 of the Streets and Highways Code. The revenue limit in subdivision (g) notwithstanding, in no case for districts receiving equalization aid, shall the tax rate be reduced below one dollar ($1) on the elementary level or eighty cents ($0.80) on the high school level or one dollar and eighty cents ($1.80) for a unified school district, except that when the district has levied upon it an areawide tax, such areawide tax rate levied shall be

considered first as part of the minimum tax rate limit.

SEC. 8. Section 20450 of the Education Code is amended to read:

20450. (a) The property tax rates that the county superintendent of schools is authorized to levy for special schools and classes shall be determined pursuant to this chapter.

(b) The maximum allowable tax rate for educable mentally retarded and the maximum allowable tax rate for trainable mentally retarded shall be determined for each in the following manner:

(1) The county superintendent shall determine the average expenditure per class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts, pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation on the secured roll of the school districts for which the program is available.

(c) The maximum allowable tax rate for special classes of physically handicapped shall be determined as follows:

(1) The county superintendent shall determine the average expenditure per type of class, exclusive of capital outlay, for the 1972–73 fiscal year;

(2) He shall increase this amount by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the number of classes estimated to be established for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, the local foundation program contribution of the districts pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder determined in paragraph (4), if any, may be raised by a tax rate levied on the assessed valuation on the secured roll of the districts for which the program is available.

(d) The maximum allowable tax rate for each of the physically handicapped programs of remedial instruction including special blind instruction, remedial physical education, and individual instruction shall be determined in the following manner:

(1) The county superintendent of schools shall determine the expenditure per average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, local foundation program contribution of districts pursuant to Section 885.5, and any other local income other than secured roll property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation on the secured roll of the districts for which each program is available.

(e) The maximum tax rate for the juvenile hall program shall be determined in the following manner:

(1) The county superintendent of schools shall determine an expenditure per unit of average daily attendance, excluding capital outlay, for the 1972–73 fiscal year;

(2) He shall increase the amount per average daily attendance by 5 percent;

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of average daily attendance for the 1973–74 fiscal year;

(4) He shall decrease the amount determined in paragraph (3) by the federal aid, all state aid, and local income other than secured roll property tax revenue;

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation on the secured roll of the county.

(f) The maximum tax rate for any program in subdivisions (b) to (e), inclusive, for each fiscal year subsequent to the 1973–74 fiscal year shall be determined by:

(1) Increasing the allowed average expenditure per class or average daily attendance for the prior year by a percentage equal to the percentage increase of foundation programs for unified school districts for the then current fiscal year;

(2) Multiplying the amount determined in paragraph (1) by the estimated number of classes or units of average daily attendance projected for the budget year;

(3) Adjusting the amount determined in paragraph (2) by the appropriate methods prescribed in subdivision (b) to (e), inclusive, but exclusive of the increases made pursuant to paragraph (2) of each of such subdivisions, and by any amount which resulted from over or underestimating the average expenditure per class or average daily attendance for the prior fiscal year; the number of classes pursuant to subdivisions (b) and (c); the number of average daily attendance pursuant to subdivisions (d) and (e); the revenue determined in subdivision (b) (4), (c) (4), (d) (4), and (e) (4), and determining the tax rate pursuant to the appropriate subdivision.

(g) The maximum allowable average expenditure per class or average daily attendance may be increased by a majority vote of the qualified electors of the county at an election which may be ordered by the county board of education. Such a proposition may be voted on only in conjunction with a general countywide election.

SEC. 9. Section 20905.5 of the Education Code is amended to read:

20905.5. A district may add in Sections 20904 and 20905 for purposes of increasing the district's revenue limit for the budget year a portion of its loss in average daily attendance when it is anticipated that the estimated second principal apportionment units of average daily attendance, excluding defined adults and summer school average daily attendance, will be less than those of the preceding year. The number of units of average daily attendance to be added is determined as follows:

(a) When the reduction in average daily attendance is less than 1 percent of the preceding year average daily attendance no adjustment is allowed.

(b) When the reduction in average daily attendance is greater than 1 percent of the preceding year average daily attendance, divide the difference in average daily attendance by 1.33 and add the quotient to the estimated average daily attendance of the budget year.

The amount calculated in subdivision (b) shall be considered an addition to the estimated average daily attendance for purposes of increasing the revenue limit, but shall not be used to compute state apportionments.

This amount of adjustment in estimated units of average daily attendance shall be allowed without requiring a reduction in the revenue limit in the subsequent year which otherwise would be required pursuant to Section 20907, except that to the extent that actual data differs from the estimated unit of average daily attendance used in this section, Section 20907 shall be applicable.

SEC. 10. Notwithstanding any other provision of law to the contrary, for the 1975–76 fiscal year only, school districts receiving equalization aid shall compute their revenue limit inflation adjustment in the following manner:

The quotient determined pursuant to subdivision (b) of Section 20905 shall be multiplied by sixty-three dollars ($63). To that amount shall be added the amount by which the foundation program increase provided under Section 17669 exceeds sixty-three dollars ($63).

The resultant amount shall constitute the revenue limit inflation adjustment of the district per unit of average daily attendance.

SEC. 11. If this act is chaptered after the Budget Act of 1975, in lieu of the amounts specified by subdivisions (a) and (b) of Section 17301 of the Education Code as amended by Section 3 of this act, and in lieu of the amounts appropriated by subdivision (a) of Item 320.1 of the Budget Act of 1975, there is hereby appropriated for transfer by the State Controller during the 1975–76 fiscal year from the General Fund in the State Treasury to Section A of the State School Fund, such sums as needed, in addition to the sums accruing to Section A of the State School Fund from other sources, as shall provide in Section A of State School Fund for apportionment pursuant to Chapter 1 (commencing with Section 17151), Chapter 2

(commencing with Section 17300), and Chapter 3 (commencing with Section 17601), of Division 14 of the Education Code, during the 1975–76 fiscal year, an amount not to exceed four hundred forty-six dollars and forty-seven cents ($446.47) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction.

Except with respect to paragraph (6) of subdivision (b), this section is not intended to supersede subdivisions (b) to (h), inclusive, of Item 320.1 of the Budget Act of 1975.

The amount specified in paragraph (6) of subdivision (b) of Item 320.1 shall be adjusted to the extent necessary to provide for the apportionment of all amounts transferred to Section A of the State School Fund during the 1975–76 fiscal year by this section and otherwise.

It is the intent of the Legislature that first priority for the funds appropriated by this act be for the continuation of existing programs and the maintenance of existing staffing ratios.

SEC. 12. This act shall become operative on July 1, 1975.

SEC. 13. The amendment to Section 10953 of the Education Code made by Section 1 of this act is declaratory of existing law. Any apportionment of state funds heretofore made which was based upon the attendance of pupils, where such attendance was reported in accordance with Section 10953 of the Education Code as amended by Section 1 of this act, is hereby validated and confirmed and no action shall be taken to recover or invalidate all or part of any such apportionment on the ground that the apportionment was based upon pupil attendance reported in accordance with Section 10953 as amended by Section 1 of this act.

SEC. 15. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed additional funds for support of the public schools provided by this act may be made available to the school districts during the 1975–76 fiscal year, and in order that this act will take effect prior to the establishment of the districts' 1975–76 revenue limits, it is essential that this act take effect immediately.

CHAPTER 278

An act to amend Section 12022.5 of the Penal Code, relating to punishment for crimes.

[Approved by Governor August 18, 1975. Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 12022.5 of the Penal Code is amended to read:

12022.5. Any person who uses a firearm in the commission or attempted commission of a robbery, assault with a deadly weapon, murder, assault with intent to commit murder, rape, burglary, or kidnapping, upon conviction of such crime, shall, in addition to the punishment prescribed for the crime of which he has been convicted, be punished by imprisonment in the state prison for a period of not less than five years. Such additional period of imprisonment shall commence upon expiration or other termination of the sentence imposed for the crime of which he is convicted and shall not run concurrently with such sentence.

Upon a second conviction under like circumstances, the additional period of imprisonment shall be for a period of not less than 10 years, and upon a third conviction under like circumstances the additional period of imprisonment shall be for a period of not less than 15 years, such terms of additional imprisonment to run consecutively.

Upon a fourth or subsequent conviction under like circumstances, the defendant may be imprisoned for life or a period of not less than 25 years, in the discretion of the court.

This section shall apply even in those cases where the use of a weapon is an element of the offense.

CHAPTER 279

An act to amend Section 701 of the Education Code, relating to county boards of education.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975.]

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

SECTION 1. Section 701 of the Education Code is amended to read:

701. The board of supervisors may allow to each member of the county board of education as compensation not less than ten dollars ($10) nor more than forty dollars ($40) for each meeting of the board actually attended; provided, that compensation shall not be allowed for more than three meetings in any calendar month. The amount shall be determined by the county board of supervisors or, in a county having a fiscally independent county board of education, by the county board of education. There may also be allowed to each member who uses a privately owned automobile in the discharge of necessary official duties as a member of the county board of education the same amount as allowed any county official in the

performance of his official duties. The mileage rates allowed in this section should be based on the total mileage claimed in a calendar month.

CHAPTER 280

An act to amend Section 35738 of the Health and Safety Code, relating to discrimination.

[Approved by Governor August 18, 1975. Filed with Secretary of State August 18, 1975.]

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

SECTION 1. Section 35738 of the Health and Safety Code is amended to read:

35738. If the commission finds that a respondent has engaged in any unlawful practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such practice and to take one of the following affirmative actions, as, in the judgment of the commission, will effectuate the purpose of this part:

(1) The sale or rental of the housing accommodation to the aggrieved person, if it is still available.

(2) The sale or rental of a like accommodation, if one is available, or the next vacancy in a like accommodation.

(3) The payment of damages to the aggrieved person in an amount not to exceed one thousand dollars ($1,000), if the commission determines that neither of the remedies under (1) or (2) is available.

The commission may require a report of the manner of compliance.

If the commission finds that a respondent has not engaged in any practice which constitutes a violation of this part, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

CHAPTER 281

An act to add Sections 571 and 572 to the Insurance Code, relating to insurance covering real property.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 571 is added to the Insurance Code, to read:

571. Where the insurer has authorized the work and its liability is not in dispute, the direct payment provided for by Section 570 shall be made to the contractor performing the work not later than 30 days after the insurer has actual knowledge that the conditions of subdivisions (a) through (d) of Section 570 have been completed.

SEC. 2. Section 572 is added to the Insurance Code, to read:

572. As used in this article, the term "loss payee" shall include, but not be limited to, any mortgagee of the insured real property.

CHAPTER 282

An act to amend Section 25503 of, and to repeal Section 12602 of, the Education Code, relating to pupils.

[Approved by Governor August 18, 1975. Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 12602 of the Education Code is repealed.

SEC. 2. Section 25503 of the Education Code is amended to read:

25503. The governing board of a community college district maintaining a two-year community college shall admit to the community college any person possessing a high school diploma or the equivalent thereof.

Such governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the president of the community college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board or of the president of the community college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the Board of

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Governors of the California Community Colleges or the chancellor's office pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Chapter 5.5 (commencing with Section 5701) of Division 6, or to any persons attending on a part-time basis only.

CHAPTER 283

An act to amend Sections 36512, 36512.1, and 36512.2 of the Government Code, relating to elections.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 36512 of the Government Code is amended to read:

36512. The city council shall take the action specified by this section to fill any vacancy occurring in the offices provided for in this chapter. If the vacancy is in an appointive office, the council shall fill the vacancy by appointment. If the vacancy is in an elective office, the council shall, within 30 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. Such a special election shall be held on the next regularly established election date not less than 74 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

SEC. 2. Section 36512.1 of the Government Code is amended to read:

36512.1. Notwithstanding the provisions of Section 36512, a city may enact an ordinance requiring that a special election be called immediately to fill every city council vacancy. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 74 days from the call of the special election. A city may also enact an ordinance requiring that a special election be held to fill a city council vacancy when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 74 days from the filing of the petition. However, a governing body which has enacted such an ordinance may also call a special election pursuant to Section 36512 without waiting for the filing of a petition.

SEC. 3. Section 36512.2 of the Government Code is amended to read:

36512.2. Notwithstanding the provisions of Section 36512, a city may enact an ordinance providing that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. Such a special election may be held on the date of the next regularly scheduled election to be held throughout the city not less than 74 days from the call of the special election, unless such an election date falls more than 270 days from the call of the special election, in which case the special election shall be held on the next regularly established election date not less than 74 days from the call of the special election.

CHAPTER 284

An act to amend Section 3 of Chapter 1113 of Statutes of 1973, relating to wine.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 3 of Chapter 1113 of the Statutes of 1973 is amended to read:

Sec. 3. This act shall become operative January 1, 1979.

CHAPTER 285

An act to amend the heading of Chapter 2 (commencing with Section 970) of Part 5 of Division 3.6 of Title 1 of, and to amend Sections 970, 970.2, 970.4, 970.6, 970.8, 971, and 971.2 of, the Government Code, relating to payment of judgments against local public entities.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. The heading of Chapter 2 (commencing with Section 970) of Part 5 of Division 3.6 of Title 1 of the Government Code is amended to read:

CHAPTER 2. PAYMENT OF JUDGMENTS AGAINST LOCAL PUBLIC ENTITIES

SEC. 2. Section 970 of the Government Code is amended to read:

970. As used in this article:

(a) "Fiscal year" means a year beginning on July 1 and ending on June 30 unless the local public entity has adopted a different fiscal year as authorized by law, in which case "fiscal year" means the fiscal year adopted by such local public entity.

(b) "Judgment" means a final judgment against a local public entity which is founded upon tort or inverse condemnation liability.

(c) "Local public entity" includes a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the Regents of the University of California and does not include the state or any office, officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 3. Section 970.2 of the Government Code is amended to read:

970.2. A local public entity shall pay any judgment in the manner provided in this article. A writ of mandate is an appropriate remedy to compel a local public entity to perform any act required by this article.

SEC. 4. Section 970.4 of the Government Code is amended to read:

970.4. The governing body of a local public entity shall pay, to the extent funds are available in the fiscal year in which it becomes final, any judgment, with interest thereon, out of any funds to the credit of the local public entity that are:

(a) Unappropriated for any other purpose unless the use of such funds is restricted by law or contract to other purposes; or

(b) Appropriated for the current fiscal year for the payment of judgments and not previously encumbered.

SEC. 5. Section 970.6 of the Government Code is amended to read:

970.6. (a) Subject to subdivision (b), if a local public entity does not pay a judgment, with interest thereon, during the fiscal year in which it becomes final, the governing body shall pay the judgment, with interest thereon, during the ensuing fiscal year immediately upon the obtaining of sufficient funds for that purpose.

(b) The court which enters the judgment shall order that the governing body pay the judgment, with interest thereon, in not exceeding 10 annual installments if both of the following conditions are satisfied:

(1) The governing body of the local public entity has adopted an ordinance or resolution finding that an unreasonable hardship will result unless the judgment is paid in installments.

(2) The court, after hearing, has found that payment of the

judgment in installments as ordered by the court is necessary to avoid an unreasonable hardship.

(c) Each installment payment shall be of an equal portion of the principal of the judgment. The local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

(d) The authority to pay a judgment in installments as provided in this section is in addition to and not in lieu of any other law permitting local public entities to pay judgments in installments.

SEC. 6. Section 970.8 of the Government Code is amended to read:

970.8. (a) Each local public entity that derives revenue for its maintenance and operation from taxes or assessments or from rates and charges made for services or facilities provided by the local public entity shall in each fiscal year levy taxes or assessments or make rates and charges or both, or otherwise provide funds, in an amount sufficient to pay all judgments in accordance with this article.

(b) If all or any portion of the revenue used for the maintenance and operation of a local public entity (other than an entity created by an agreement described in Section 895) liable for a judgment is derived from appropriations of another local public entity, such other local public entity shall in each fiscal year appropriate funds equal to its pro rata share of an amount sufficient to permit the local public entity liable for the judgment to pay the judgment in accordance with this article. Such amount shall be paid to the local public entity liable for the judgment and shall be used by such entity to satisfy the judgment. The pro rata share of such other local public entity for each judgment is an amount bearing the same proportion to the total amount of the judgment as the revenue derived from such other local public entity for maintenance and operation during the fiscal year in which the cause of action on such judgment accrued bears to the total revenues used for maintenance and operation during such fiscal year of the local public entity liable for the judgment. For this purpose, such other local public entity shall levy taxes or assessments, make rates and charges, or otherwise provide funds, sufficient in amount to raise the amount of the appropriation and payment required by this section.

SEC. 7. Section 971 of the Government Code is amended to read:

971. Any limitation on the amount of taxes, assessments or rates and charges that may be levied or collected by a local public entity, and any limitation on the amount of appropriations and payments that may be made by a local public entity, and any limitation on the amount of liability or indebtedness that may be incurred by a local public entity, contained in any other statute or in any charter or ordinance, is inapplicable to the taxes, assessments, rates and charges or appropriations levied, collected or made pursuant to this article. For the purposes of Section 2271 of the Revenue and Taxation Code, taxes levied pursuant to this article are levied to pay costs mandated

by the courts.

SEC. 8. Section 971.2 of the Government Code is amended to read:

971.2. (a) All judgments for which a local public entity is liable are legal investments for all trust funds, and for the funds of all insurance companies, banks (both commercial and savings) and trust companies, and for every other local public entity within this state, to the same extent as bonds of the local public entity liable for the judgment.

(b) Whenever any money or funds may by law be invested in or loaned upon the security of bonds of a local public entity, such money or funds may be invested in or loaned upon the security of a judgment for which such local public entity is liable; and whenever bonds of a local public entity may be used as security for the faithful performance or execution of any court or private trust or of any other act, a judgment for which such local public entity is liable may be so used.

(c) All judgments for which a local public entity is liable, to the same extent as bonds of such local public entity, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of any local public entity within this state.

CHAPTER 286

An act to amend Section 69944 of the Government Code, relating to court reporters.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 69944 of the Government Code is amended to read:

69944. Until an official reporter of any court or official reporter pro tempore has fully completed and filed all transcriptions of his notes in any case on appeal which he is required by law to transcribe, he is not competent to act as official reporter in any court.

CHAPTER 287

An act to amend Section 99400 of the Public Utilities Code, relating to transportation.

[Approved by Governor August 18, 1975. Filed with Secretary of State August 18, 1975.]

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

SECTION 1. Section 99400 of the Public Utilities Code is amended to read:

99400. Claims may be filed with the transportation planning agency by cities and counties under this article for the following purposes:

(a) Local streets and roads, including facilities provided for the exclusive use by pedestrians and bicycles.

(b) Payments to the National Railroad Passenger Corporation for passenger rail service under Section 403(b) of the Federal Rail Passenger Service Act.

(c) Payments to a common carrier, as defined in Section 211, engaged in the transportation of persons, as defined in Section 208, for public transportation service provided under contract with a county with a population of under 300,000, or a city therein, and conducted pursuant to the jurisdiction and control of the Public Utilities Commission.

(d) Payment to any of the following entities which is under contract with a county which is not located, in whole or in part, within a transit district and which has a population of under 100,000, or a city therein, for transportation services for the elderly, the handicapped, and any other group, as determined by the transportation planning agency, requiring special transportation assistance:

(1) A common carrier, as defined in Section 211, engaged in the transportation of persons, as defined in Section 208.

(2) A nonprofit corporation organized pursuant to Division 2 (commencing with Section 9000) of Title 1 of the Corporations Code.

(3) An operator.

This section shall remain in effect only until January 1, 1979, and as of that date is repealed.

CHAPTER 288

An act to add Sections 5541.1 and 5558.1 to the Public Resources Code, relating to the East Bay Regional Park District.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 5541.1 is added to the Public Resources Code, to read:

5541.1. The East Bay Regional Park District may plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain vehicular recreational areas and trails for the use and

enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for such purposes. The East Bay Regional Park District may cause such vehicular recreational areas and trails to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and otherwise improved.

The Board of Directors of the East Bay Regional Park District shall not interfere with the control of any vehicular recreational area or trail that is existing, owned, or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body.

SEC. 2. Section 5558.1 is added to the Public Resources Code, to read:

5558.1. The Board of Directors of the East Bay Regional Park District shall superintend, control, and make available to all of the inhabitants of the district, subject to its rules and regulations, all vehicular recreational areas and trails belonging to the district or under its control.

The Board of Directors of the East Bay Regional Park District shall regulate, restrain, and control the kind of vehicles, and the time and conditions of travel or parking on such vehicular recreational areas and trails.

CHAPTER 289

An act to amend Section 24004 of the Government Code, relating to county officers.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 24004 of the Government Code is amended to read:

24004. (a) A sheriff, clerk, or constable, or any of their deputies, shall not do any of the following:

(1) Practice law or have as a partner a lawyer or anyone who acts as a lawyer for a collection agency.

(2) Act as a collector or for any collection agency or have as a partner a collector or anyone who acts as a collector for a collection agency in the county where he resides and holds office.

(b) Paragraph (1) of subdivision (a) shall not apply to a reserve or auxiliary deputy sheriff who is admitted to practice law in this

state. However, a reserve or auxiliary deputy sheriff may not represent any person in any matter concerning an event or transaction if the reserve or auxiliary deputy sheriff has performed or knows he will perform any act relating to the event or transaction in performance of his duties as a reserve or auxiliary deputy sheriff.

CHAPTER 290

An act to validate amendments of November 5, 1974, to the Stockton City Charter, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. The Legislature hereby finds and declares that, notwithstanding an inadvertent procedural error regarding public notice which was made in connection with adoption of "Measure A," an amendment to the Stockton City Charter of November 5, 1974, procedural requirements of public notice were nevertheless substantially and adequately complied with prior to the adoption of "Measure A" by the electors of the City of Stockton.

SEC. 2. Based upon the findings and declarations of Section 1 of this act, the Legislature hereby validates the amendment to the Stockton City Charter, adopted by the electors of Stockton on November 5, 1974, and entitled "Measure A."

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

In order that the amendment to the Stockton City Charter may be operative without delay or legal question, it is necessary that this act take effect immediately.

CHAPTER 291

An act to amend Sections 72063 and 72065 of, to repeal Sections 72066, 72067, and 72068 of, and to repeal Article 4 (commencing with Section 72070.1) of Chapter 6, Part 8, Division 20 of, and to add Article 4 (commencing with Section 72066), Article 5 (commencing with Section 72067), Article 6 (commencing with Section 72072), and Article 7 (commencing with Section 72073), to Chapter 6, Part 8, Division 20 of, the Water Code, relating to the Pomona Valley Municipal Water District, and declaring the urgency thereof, to take

effect immediately.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 72063 of the Water Code is amended to read:

72063. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of bonds.

(b) The amount of debt to be incurred by the district, and the initial percentage of the debt service on the debt to be incurred which is to be paid by each improvement district, subject to annual adjustment of such amount pursuant to Water Code Sections 72073 through 72076 hereof.

(c) The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term, which the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

(d) The bonds shall bear interest at a rate or rates not to exceed 8 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters, which measure shall state that the bonds are to be issued and paid for in the manner set forth in this chapter and in the resolution calling the bond election.

(f) The principal of, or interest on, the bonded debt shall be paid from taxes levied and collected in the entire district as provided in Part 9 (commencing with Section 72090) of this division, except to the extent revenues of the district, or revenues raised by the alternative methods provided by this chapter in the improvement districts established pursuant to Article 3 (commencing with Section 72065) of this chapter are sufficient to pay the amount of such principal and interest that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(g) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(h) The designation of precincts and the location of polling places.

SEC. 2. Section 72065 of the Water Code is amended to read:

72065. For the purpose of issuing bonds pursuant to the provisions of this chapter, nine improvement districts, the designations and boundaries of which are described as follows, are hereby established upon the authorization of such bonds by the electorate of such district pursuant to the provisions of this chapter:

CLAREMONT IMPROVEMENT DISTRICT

Beginning at a point in the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the Southwest corner of the Northeast Quarter of Section 21, T.1N.—R.8W. S.B.B.M.; thence Easterly and Southerly along said District boundary to the point of intersection with the most Southerly boundary of the City of Claremont as same existed on July 1, 1974; thence Westerly and Northerly along said corporate boundary to a point of intersection with the center line of Towne Avenue as same existed on July 1, 1974; thence North along said center line to the point of intersection with the center line of Briarcroft Road; thence Westerly along said center line and its Westerly prolongation to its intersection with the center line of the Los Angeles County Flood Control District Thompson Creek Wash Right of Way as same existed on July 1, 1974; thence Northerly along said center line to the point of intersection with the center line of Baseline Road as same existed on July 1, 1974; thence Westerly along said center line of Baseline Road to the point of intersection with the center line of Webb Canyon Road as same existed on July 1, 1974; thence Northerly along the center line of Webb Canyon Road to the point of intersection with the North/South center line of Section 32 T.1N.—R.8W. S.B.B.M.; thence Northerly along said center line of Section 32 and Section 29 T.1N.—R.8W. S.B.B.M. to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 29; thence Easterly along the East/West center line of the said Northeast Quarter of Section 29 to the Easterly line of Section 29; thence North to the point of intersection with the Easterly boundary of the Marshall Canyon Regional Park as same existed on July 1, 1974; thence Northerly and Easterly along said boundary to the point of beginning.

LA VERNE IMPROVEMENT DISTRICT

Beginning at the most Northwesterly corner of the Claremont Improvement District, as described above; thence Southerly and Westerly along the Westerly edge of said Claremont Improvement District to the intersection with the center line of Briarcroft Road as same existed on July 1, 1974; thence Westerly along said center line and its Westerly prolongation to its intersection with the center line of Williams Avenue as same existed on July 1, 1974; thence Southerly along the center line of Williams Avenue to the intersection with the center line of Foothill Boulevard as same existed on July 1, 1974; thence Northwesterly along said center line of Foothill Boulevard to its intersection with the Easterly boundary of the City of La Verne as same existed on July 1, 1974; thence generally Southerly, Westerly, and Northerly along the said corporate city boundary to the center line of Puddingstone Drive as same existed on July 1, 1974; thence Westerly along the center line of Puddingstone Drive to its

intersection with the Easterly boundary of the Los Angeles County Flood Control District Puddingstone Channel Right of Way as same existed on July 1, 1974; thence Northerly along said Right of Way boundary to its intersection with the Southeasterly boundary of the Los Angeles County Flood Control District San Dimas Wash Reservoir site; thence Northerly along said Reservoir site Easterly boundary and its Northeasterly prolongation to the center line of Section 36, T.1N., R.9 W.; thence North along said center line to the Northerly line of said Section 36; thence West along said Northerly line to its intersection with the center line of San Dimas Canyon Road as same existed on July 1, 1974; thence Northerly on the centerline of San Dimas Canyon Road to its point of intersection with the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Easterly along said Northerly boundary to the point of beginning.

SAN DIMAS IMPROVEMENT DISTRICT

Beginning at a point in the Northerly boundary of the Pomona Valley Municipal Water District, said point also being the center of Section 27, T.1N.—R.9W. S.B.B.M.; thence Easterly along said District boundary to the Northwesterly corner of the La Verne Improvement District as described above; thence Southerly along said Westerly La Verne boundary and its Southeasterly prolongation to the Northerly Right of Way of Ganesha Boulevard as same existed on July 1, 1974; thence Southwesterly along said Northerly Right of Way of Ganesha Boulevard to the Northerly Right of Way of U.S. 10 (San Bernardino Freeway) as same existed on July 1, 1974; thence Southwesterly along said Northerly Right of Way to the Westerly boundary of the Rancho San Jose, said point also being the point of intersection with the Northerly prolongation of the Northwesterly property line of the California Polytechnic University (Kellogg Campus); thence Southeasterly along said prolongation to the most Northerly and Westerly corner of the California State Polytechnic University property as same existed on July 1, 1974; thence Southerly and Westerly along the Northwesterly property lines of the California Polytechnic University and Mt. San Antonio Junior College properties to its intersection with the Easterly Right of Way of Grand Avenue as same existed on July 1, 1974; thence Northerly along the Southerly prolongation of the Northwesterly corporate boundary of the City of Walnut as same existed on July 1, 1974; thence continuing Northwesterly and Northeasterly along said corporate boundary to the most Northerly point of the City of Walnut as same existed on July 1, 1974, said point also being the Westerly property line of the Forest Lawn Memorial Park as same existed on July 1, 1974; thence North along said Westerly property line and its prolongation to the intersection with the Northerly Right of Way of U.S. 10 (San Bernardino Freeway) as same existed on July 1, 1974; thence Easterly along said Right of Way to its intersection with the

corporate boundary of the City of San Dimas as same existed on July 1, 1974; thence Northwesterly and Northeasterly along said corporate boundary to its intersection with the Covina corporate boundary as same existed on July 1, 1974; thence Northeasterly, Westerly, and North along said Covina boundary and its Northerly prolongation to the center line of Badillo Street as same existed on July 1, 1974; thence Westerly on the center line of Badillo Street to its intersection with the center line of Banna Avenue as same existed on July 1, 1974; thence North along the center line of Banna Avenue to the center line of Ruddock Street as same existed on July 1, 1974; thence Westerly along the center line of Ruddock Street to the intersection of the center line of Glendora Avenue as same existed on July 1, 1974; thence North on the center line of Glendora Avenue to the Northerly line of the Southern Pacific Railroad Right of Way as same existed on July 1, 1974; thence Southwesterly along said Right of Way to its intersection with the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence generally Northerly, Westerly, and Northerly along the District boundary to its intersection with the center line of Arrow Highway as same existed on July 1, 1974; thence East on the center line of Arrow Highway to its intersection with the corporate boundary of the City of San Dimas as same existed on July 1, 1974; thence generally Northerly, Easterly, and Northerly along said corporate boundary to the point of beginning.

GLENDORA IMPROVEMENT DISTRICT

Beginning at a point on the Northerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center of Section 27, T.1N., R.9W. S.B.B.M; thence Southerly and Westerly along the Westerly boundary of the above mentioned San Dimas Improvement District to the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Northerly and Easterly around said Pomona Valley Municipal Water District's Westerly and Northerly boundary to the point of beginning.

COVINA IMPROVEMENT DISTRICT

Beginning at a point in the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center line of U.S. 10 (San Bernardino Freeway); thence North and East along said District boundary to its point of intersection with the Northerly Right of Way line of the Southern Pacific Railroad as same existed on July 1, 1974; thence Northerly and Southerly along the San Dimas Improvement District boundary as described above to the most Northerly point in the corporate boundary of the City of Walnut as same existed on July 1, 1974; thence Southerly and Westerly along said corporate boundary to the

Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence North along said Westerly boundary to the point of beginning.

POMONA IMPROVEMENT DISTRICT

Beginning at a point on the Easterly boundary of the Pomona Valley Municipal Water District, said point being the most Southeasterly corner of the Claremont Improvement District as herein described above; thence Southerly, Westerly, and Southerly along said Easterly District boundary and the Southerly and Westerly boundary of the City of Pomona to its point of intersection with the Easterly corporate boundary of the City of Walnut as same existed on July 1, 1974; thence Northerly along said corporate boundary to its point of intersection with the Southerly boundary of the San Dimas Improvement district as described above; thence Easterly along said above described Southerly San Dimas, La Verne, and Claremont Improvement District boundaries to the point of beginning.

DIAMOND BAR IMPROVEMENT DISTRICT

Beginning at a point in the Easterly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the intersection of the Southerly corporate boundary of the City of Pomona as same existed on July 1, 1974, with the Los Angeles County boundary; thence Southerly and Westerly along the Easterly and Southerly boundary of the District to its intersection with the center line of the California No. 57 Right of Way (Orange Freeway) as same existed on July 1, 1974; thence Northeasterly along said center line to the Westerly boundary of Sections 32, 29, and 20, T.2S.-R.9W. S.B.B.M.; thence North along said Westerly boundary lines to the North boundary line of Section 20, T.2S.-R.9W. S.B.B.M.; thence East along said North line to the center line of said mentioned California No. 57 Right of Way (Orange Freeway) as same existed on July 1, 1974; thence Northeasterly along said center line to the West boundary of Sections 10 and 3, T.2S.-R.9W. S.B.B.M.; thence North along said Westerly boundary to its intersection with the corporate boundary of the City of Pomona, said line also being a point in the Southerly boundary of Pomona Improvement District as same existed on July 1, 1974; thence Northeasterly and Southeasterly along said Southern boundary of Pomona Improvement District to the point of beginning.

WALNUT IMPROVEMENT DISTRICT

Beginning at the point on the Westerly boundary of the Pomona Valley Municipal Water District, said point also being the intersection of the corporate boundary of the City of Walnut as same

existed on July 1, 1974, and the most Southwesterly point of Covina Improvement District as described above; thence Easterly along the Southerly and Westerly boundaries of the Covina, San Dimas, Pomona, and Diamond Bar Improvement Districts to the point of intersection with the Southerly boundary of the Walnut Valley Water District as same existed on July 1, 1974; thence Westerly and Northerly along the Southerly and Westerly boundary of said Walnut Valley Water District to the point of intersection with the Southerly projection of the center line of Nogales Avenue as same existed on July 1, 1974; thence North on said center line of Nogales Avenue and its Northerly prolongation to its intersection with the Easterly corporate boundary of the City of West Covina as same existed on July 1, 1974; thence Northerly along said Easterly boundary to its intersection with the Westerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974; thence Northerly along said District boundary to the point of beginning.

ROWLAND IMPROVEMENT DISTRICT

Beginning at a point in the Southerly boundary of the Pomona Valley Municipal Water District as same existed on July 1, 1974, said point also being the center line of the California No. 57 Right of Way (Orange Freeway) and the Southwesterly corner of the Diamond Bar Improvement District as described above; thence Westerly, Northerly, and Easterly along said Southwesterly boundary of the Pomona Valley Municipal Water District to the point of intersection with the Walnut Improvement District as described above; thence Southerly along the Westerly boundary of the Walnut and Diamond Bar Improvement Districts to the point of beginning.

SEC. 3. Section 72066 of the Water Code is repealed.

SEC. 4. Section 72067 of the Water Code is repealed.

SEC. 5. Section 72068 of the Water Code is repealed.

SEC. 6. Article 4 (commencing with Section 72070.1) of Chapter 6, Part 8, Division 20, of the Water Code is repealed.

SEC. 7. Article 4 (commencing with Section 72066) is added to Chapter 6 of Part 8 of Division 20 of the Water Code, to read:

Article 4. Definitions

72066. As used in this chapter, the following terms shall have the meaning described in this article:

72066.1. "Board" shall mean the Board of Directors of the Pomona Valley Municipal Water District.

72066.2. "Charges" shall mean charges made for metered water or for minimum charges for services, including customers' charges, service charges, demand charges, and capacity charges, but shall not include charges made for water which is to be resold and delivered through mains or pipes.

72066.3. "Month" shall mean a calendar month.

72066.4. "Person" shall mean any domestic or foreign corporation, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society, individual, municipal corporation, and the state and any political subdivision thereof.

72066.5. "Service user" shall mean any person required to pay a tax imposed under the provisions of this chapter.

72066.6. "Service supplier" shall mean any person required to collect a tax under the provisions of this chapter.

SEC. 8. Article 5 (commencing with Section 72067) is added to Chapter 6 of Part 8 of Division 20 of the Water Code, to read:

Article 5. Powers—Generally

72067. The board may exercise all of its powers and duties in regard to improvement districts established by this chapter in the same manner as to improvement districts otherwise formed under the provisions of this division, in addition to the manner otherwise provided in this chapter.

72068. Any portion of the district, whether contiguous or not to an improvement district established by this chapter, may be annexed to such improvement district in the manner provided in Chapter 1 (commencing with Section 72670) of Part 11 of this division.

72069. Any portion of the district may be excluded from an improvement district established by this chapter in the manner provided in Chapter 5 (commencing with Section 72040) of this part.

72070. The board may advance general funds of the district to accomplish the purposes of an improvement district performed pursuant to this chapter.

72071. The board may repay the district for any advance of funds, together with interest, at a rate not to exceed the interest value of money to the district, from any combination of the following sources:

(a) The proceeds of the sale of bonds authorized for the purposes of the improvement district.

(b) The taxes levied exclusively upon the taxable property in the improvement district.

(c) Revenue derived from any source set forth in Section 72077 hereof.

72071.1. The board may levy an ad valorem property tax in each improvement district established pursuant to Article 3 (commencing with Section 72062) of this chapter, sufficient to pay the share of the maintenance and operation costs of any improvements constructed from the proceeds of bonds authorized pursuant to this chapter, for each such improvement district. The authorization of the bonds by the voters shall constitute authorization of the ad valorem property tax herein provided and no election need be held as provided in Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of the Revenue and Taxation Code.

SEC. 9. Article 6 (commencing with Section 72072) is added to

Chapter 6 of Part 8 of Division 20 of the Water Code, to read:

Article 6. Powers—Utility Tax

72072. In addition to the powers otherwise provided for improvement districts under this division, the board shall have the power to levy a utility tax, as provided by this article, on every person using water within any of the improvement districts established by this chapter or on every person using water within the service area of any retail water purveyor within any such improvement district.

72072.1. Nothing in this article shall be construed as imposing a tax upon any person when the imposition of such tax upon that person would be in violation of the Constitution of the United States or the Constitution of this state.

72072.2. Notwithstanding any other provision of law to the contrary, persons subject to the jurisdiction of the Public Utilities Commission need not obtain an authorization from the commission to comply with the provisions of this article.

72072.3. The board hereby is authorized to impose a tax upon every person using water within any of the improvement districts established by this chapter or on every person using water within the service area of any retail water purveyor within any such improvement district, at the rate and in the manner provided in this article. The tax imposed by this section shall be a percentage of the charges made for such use of water and shall be paid by the person paying for such water.

72072.4. The tax imposed in this article shall be collected from the service user by the service supplier. The amount collected in one month shall be remitted to the board on or before the last day of the following month.

72072.5. The taxes imposed by this article shall be collected, insofar as practicable, at the same time as, and along with, the charges made in accordance with the regular billing practice of the service supplier. If the amount paid by a service user to a service supplier is less than the full amount of the charge and the tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

72072.6. Taxes collected from the service user which are not remitted to the board on or before the due dates provided in this article are delinquent.

72072.7. Interest and penalties for delinquency in remittance of any tax collected by a service supplier and not remitted to the board shall be assessed as follows:

(a) Any service supplier who fails to remit any tax imposed by this article within 30 days after receipt of written notice from the board of such failure shall pay a penalty of 10 percent of the amount of the tax.

(b) If the board determines that the nonpayment of any remittance due under this article is due to fraud, a penalty of 25

percent of the amount of the tax shall be added thereto in addition to the penalty stated in subdivision (a).

(c) In addition to the penalties imposed in this section, any service supplier who fails to remit any tax imposed by this part, shall pay interest at the rate of 1 percent per month, or fraction thereof, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.

72072.8. Failure by a service user to pay any tax imposed by this article shall result in the following interest and penalties on the service user:

(a) Any service user who fails to pay any tax imposed by this article within 90 days of the date of receipt of notice of the amount of tax due from the service supplier shall pay a penalty of 10 percent of the amount of the unpaid tax.

(b) In addition to the penalty imposed in this section, any service user who fails to pay any tax imposed by this article, shall pay interest at the rate of 6 percent per annum, exclusive of penalties, from the date on which the remittance first became delinquent until paid, and a collection charge of five dollars ($5) for each delinquent account.

(c) The penalties, interest, and collection charges imposed by this section shall not be billed or collected by the service supplier, but shall be determined and collected by the board.

72072.9. Any tax required to be paid by a service user under the provisions of this article shall be deemed a debt owed by the service user to the district. Any tax collected from a service user which has not been remitted to the board shall be deemed a debt owed to the district by the person required to collect and remit such tax. Nothing in this article shall impose any obligation upon a service supplier to take any legal action to enforce the collection of the utility users tax imposed by this article. Amounts uncollected by a service supplier shall be referred to the board for collection.

72072.10. The board shall enforce the provisions of this article and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this article. The board shall not prescribe, adopt or enforce any rule or regulation which has the effect, directly or indirectly, of altering the terms and conditions of service of a service supplier serving the general public. Rules and regulations prescribed and adopted by the board shall not be inconsistent with procedures established from time to time by a service supplier serving the general public for the purpose of billing, collecting and accounting for charges in the conduct of its business.

72072.11. Whenever the amount of any tax has been overpaid or paid more than once or had been erroneously or illegally collected or received by the board, it may be refunded, provided that a claim therefor in writing is filed with the board within two years of the date of payment.

72072.12. Notwithstanding the provisions of Section 72072.11, a service supplier may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once,

or erroneously or illegally collected or received when it is established in a manner prescribed by the board that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit.

SEC. 10. Article 7 (commencing with Section 72073) is added to Chapter 6 of Part 8 of Division 20 of the Water Code, to read:

Article 7. Determination of and Alternative Methods of Payment of Debt Service and Costs of Maintenance and Operation

72073. The board annually shall cause to be prepared a written report stating the reasons for and conclusions of the board upon the following, together with any additional information deemed by the board to be relevant to such conclusions:

(a) The amount of the total debt service payable by the district for the following fiscal year on any bonded indebtedness incurred pursuant to this chapter, and the estimated maintenance and operation costs of the improvements for such fiscal year.

(b) The amount of such total debt service and maintenance and operation costs proposed to be raised in each of the improvement districts established under the provisions of this chapter, in accordance with the estimated benefits to be received by the landowners, water users, and inhabitants of each such improvement district during the following fiscal year.

(c) The projected retail water sales within each such improvement district for the following fiscal year, stated by volume and anticipated revenue.

Such report shall be mailed at least 20 days before the hearing provided for in Section 72074 to (1) each retail water purveyor with a service area wholly or partly within the district, and (2) any other interested party having made written request therefor at least 20 days before such hearing.

72074. Annually, prior to approving the annual budget for the district, the board of directors shall hold a public hearing for the purpose of considering the report made pursuant to this article, and to determine the amount of debt service and maintenance and operation costs to be raised in each of the improvement districts established hereby and the method of payment of such amount in each such improvement district.

72075. Notice of the hearing to be held pursuant to Section 72074 shall be given by publishing a copy, pursuant to Section 6066 of the Government Code, at least 15 days prior to the time fixed for the hearing in a newspaper of general circulation within the district, if there is a newspaper of such circulation within the district. Such notice also shall be given by posting a copy in three public places within each of the improvement districts established under this

chapter for at least two weeks before the time fixed for the hearing.

The notice of such hearing shall state the following:

(a) The time and place for the hearing by the board.

(b) The amount of such debt service and maintenance and operation costs proposed to be raised in each improvement district established by this chapter.

(c) That an ad valorem tax will be levied in each improvement district in an amount sufficient to pay the bond debt service and maintenance and operation costs required for the following fiscal year by each improvement district, to the extent that alternative methods of payment are not available for such purpose under the provisions of this chapter.

(d) That at such time and place any person interested will be heard on the questions of such amount of debt service and maintenance and operation costs and the availability of such alternative methods of payment.

72076. At the conclusion of the hearing, the board shall, by resolution, determine the following:

(a) The amount of the total debt service on any bond indebtedness incurred pursuant to this chapter and the amount of the maintenance and operation costs to be paid by each improvement district established hereunder, in accordance with the estimated benefits to be received by the landowners, water users, and inhabitants of each such improvement district.

(b) The method of payment of such debt service and maintenance and operation costs in each such improvement district.

72077. The amount of such debt service and maintenance and operation costs to be raised in each improvement district established under this chapter shall be paid by an ad valorem tax, to the extent that such payment is not paid by one or more of the following alternative methods:

(a) Payment of funds to the district from water revenues or other income of the retail water purveyors within each such improvement district pursuant to a contract therefor, which shall constitute a lien upon such revenues and income. Notwithstanding the foregoing, such payment shall not be used unless and until a declaration of a majority of purveyors, stating their intention to use a specified amount of water service revenues or other income as such an alternative method of payment is filed with the board and there is shown to the satisfaction of the board that the financial condition of such purveyor reasonably will assure such payment. Such payment shall be made to the district on or before the date on which it would have received funds if it levied an ad valorem tax in lieu of such alternative method of payment.

If any such purveyor fails to make any or all of such payment, the amount of such delinquency, plus a penalty of 8 percent per annum, shall be paid by such defaulting purveyor through appropriate proceedings brought by the district.

(b) Collection of the utility tax pursuant to Sections 72072 to

72072.12, inclusive.

(c) Water standby or availability charges in any such improvement district fixed pursuant to Article 2 (commencing with Section 71630) of Chapter 2 of Part 5 of this division.

(d) Water revenues of the district derived from sales of water within each such improvement district pursuant to Article 1 (commencing with Section 71610) of Chapter 2 of Part 5 of this division.

The board shall not use any of such alternative methods of payment if a written protest against such use is filed with the board, prior to the conclusion of the hearing held pursuant to this chapter, by the retail water purveyors within each such improvement district providing the majority of retail water service within such improvement district by volume and number of services.

Notwithstanding the foregoing, if such a written protest is filed, the board may nonetheless use any such alternative means of payment, other than that specified in subdivision (a), upon the affirmative vote of four directors.

SEC. 11. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Facts and circumstances exist in the Pomona Valley Municipal Water District in Los Angeles County, peculiar to that district, which necessitate the special provisions and procedures provided by this act for permitting the creation of a districtwide bond debt for water facilities, while allowing the creation of improvement districts with local options as to the method of servicing such bond debt and paying maintenance and operation costs of such facilities; namely, because of the extreme rapid population growth occurring in some areas of the district without ground water supplies, the general deterioration of quality and quantity of local supplies, the urgent need for increased selective use and protection of local water supplies, the increasing threat to local water supplies through the presence of nitrates, and the extreme diversity of development, water sources, water needs, and types of water purveyors, among other urgent water-related problems. The Pomona Valley Municipal Water District needs to hold an election in 1975 pursuant to this chapter and these amendments must be effective prior thereto. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 292

An act to add Section 21855 to the Food and Agricultural Code, relating to cattle.

[Approved by Governor August 18, 1975 Filed with Secretary of State August 18, 1975]

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

SECTION 1. Section 21855 is added to the Food and Agricultural Code, to read:

21855. Notwithstanding any other provision of law, in any action for the wrongful taking, possessing, harboring, or transporting of cattle, for the driving of cattle off their usual range, or for the killing or slaughter of cattle without the consent of the owner or the person lawfully in possession of such cattle, the detriment caused thereby to the plaintiff shall be four times the value of the cattle at the time of the taking, possessing, harboring, transporting, or driving, or killing or slaughtering thereof, with interest from that time, plus an amount in fair compensation for the time and money properly expended by the plaintiff in pursuit of the cattle.

In a proper case, which shall include the killing or slaughter of cattle, exemplary damages may be awarded to the plaintiff as provided in Section 3340 of the Civil Code.

The commencement of any criminal prosecution for grand theft of cattle shall not preclude or prevent the commencement of any civil action for damages, as specified in this section.

CHAPTER 293

An act to amend Sections 6402, 8708, and 12774 of, and to add Section 11057 to, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1975 Filed with Secretary of State August 19, 1975.]

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

SECTION 1. Section 6402 of the Education Code is amended to read:

6402. Any student authorized to attend a community college as a special part-time student pursuant to Section 6401 shall, nevertheless, be required to attend the high school for the minimum schoolday, except as provided for in Section 11056 or 11057, and to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

SEC. 2. Section 8708 of the Education Code is amended to read:

8708. The governing board of a school district may exempt any pupil enrolled in his last semester or quarter, as the case may be, of the 12th grade who, pursuant to Section 11056 or 11057, is permitted to attend school less than 240 or 180 minutes per day, from attending courses of physical education; provided, however, that such pupil may not be exempted pursuant to this section from attending courses of physical education if such pupil would, after such exemption, attend school for 240 minutes or more per day.

SEC. 3. Section 11057 is added to the Education Code, to read:

11057. Notwithstanding Section 11055, the governing board of any school district may permit a 12th grade student in his last semester or quarter, as the case may be, before graduation, who is enrolled in a work experience education program approved under the provisions of Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6 and who would complete all of the requirements for graduation by attending high school, except courses of physical education, for less than 180 minutes each day, to attend high school for less than a minimum day of 180 minutes, upon the written request of a parent or legal guardian or upon his own request if he is 18 years of age or over. Attendance pursuant to this section shall, for apportionment purposes, be deemed to be attendance for a minimum day of 180 minutes.

SEC. 4. Section 12774 of the Education Code is amended to read:

12774. Except in agricultural and homemaking occupations and approved work experience education programs, no employer shall employ a minor for more than four hours in any day in which such minor is required by law to attend school for 240 minutes or more each schoolday. If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 5. Section 12774 of the Education Code is amended to read:

12774. Except in personnel attendance occupations, as defined in the Industrial Welfare Commission Minimum Wage Order No. 1-74, and school approved work experience and cooperative vocational education programs, no employer shall employ a minor for more than four fours in any day in which such minor is required by law to attend school for 240 minutes or more each schoolday. No employer shall employ any minor under the age of 18 years in any agricultural occupation for more than 20 hours in any schoolweek in which such minor is required by law to attend school for 240 minutes or more each schoolday. Minors 16 and 17 years of age shall not work in any agricultural occupation more than six hours a day they are required to attend school for 240 minutes or more each schoolday. Minors 14 and 15 years of age shall not work in any agricultural occupation more than four hours on a schoolday. Holidays and days school is not in session are not covered by this section. If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the

authority issuing the permit may revoke it.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 436 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 12774 of the Education Code, and this bill is chaptered after Assembly Bill No. 436, that Section 12774 of the Education Code, as amended by Section 4 of this act, shall remain operative until the effective date of Assembly Bill No. 436, and that on the effective date of Assembly Bill No. 436 Section 12774 of the Education Code, as amended by Section 4 of this act, be further amended in the form set forth in Section 5 of this act to incorporate the changes in Section 12774 proposed by Assembly Bill No. 436. Therefore, if this bill and Assembly Bill No. 436 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 436 is chaptered before this bill and amends Section 12774, Section 5 of this act shall become operative on the effective date of Assembly Bill No. 436.

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

Senate Bill No. 1856 of the 1973–74 Regular Session of the Legislature was enacted as Chapter 675 of the Statutes of 1974 and added Sections 8708 and 11056 to the Education Code. Questions have been raised regarding its applications which, unless resolved immediately, may lead to confusion and misinterpretation in the public schools. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 294

An act to add Section 29532.5 to the Government Code, to amend Sections 99233 and 99234 of, to add Sections 99233.7, 99233.8, and 99303 to, and to add Division 11 (commencing with Section 120000) to, the Public Utilities Code, and to amend Sections 199 and 2358 of, and to add Sections 199.1, 199.2, and 199.3 to, the Streets and Highways Code, relating to transportation.

[Approved by Governor August 20, 1975 Filed with Secretary of State August 20, 1975]

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

SECTION 1. Section 29532.5 is added to the Government Code, to read:

29532.5. Notwithstanding Section 29532, any transit development board created by Division 11 (commencing with Section 120000) of the Public Utilities Code shall be designated by the Secretary of the Business and Transportation Agency as the transportation planning

agency for the area under its jurisdiction for purposes of Section 29532.

SEC. 2. Section 99233 of the Public Utilities Code is amended to read:

99233. The fund shall be allocated by the designated transportation planning agency in accordance with the following priorities:

(a) First, there shall be allocated to the county such sums as are necessary for the county to administer this chapter.

(b) Thereafter there shall be allocated to the transportation planning agency such sums as are necessary to administer this chapter.

(c) Thereafter there shall be allocated to the transportation planning agency, if it is statutorily created, or is serving as the California representation to an agency created by interstate compact, such sums as it may approve up to 3 percent of annual revenues for the conduct of the transportation planning process, unless a greater amount is approved by the secretary.

(d) Thereafter allocations may be made to the council of governments pursuant to Section 99233.7.

(e) Thereafter allocations shall be made to the transit development board pursuant to Section 99233.8.

(f) Thereafter there shall be allocated to cities and counties such moneys as are approved by the transportation planning agency for claims presented pursuant to Section 99234.

(g) Thereafter there shall be allocated to operators such moneys as are approved by the transportation planning agency for claims presented pursuant to Article 4 (commencing with Section 99260) of this chapter.

(h) Thereafter there shall be allocated to cities and counties such moneys as are approved by the transportation planning agency for claims presented pursuant to Article 8 (commencing with Section 99400) of this chapter.

SEC. 3. Section 99233.7 is added to the Public Utilities Code, to read:

99233.7. After allocations for the purposes specified in subdivisions (a), (b), and (c) of Section 99233, 1 percent of the remaining money in the fund for the area under the jurisdiction of a transit development board shall be allocated to the council of governments which includes that area for long-term transportation system planning pursuant to Section 120300.

SEC. 4. Section 99233.8 is added to the Public Utilities Code, to read:

99233.8 After allocations for the purposes specified in subdivisions (a), (b), and (c) of Section 99233 and Section 99233.7, up to 10 percent of the remaining moneys for allocation in the area under the jurisdiction of a transit development board shall be allocated to the transit development board created in the county pursuant to Division 11 (commencing with Section 120000) for the

planning and administration of exclusive public mass transit guideways.

SEC. 5. Section 99234 of the Public Utilities Code is amended to read:

99234. (a) After allocations for the purposes specified in subdivisions (a), (b), and (c) of Section 99233 and Sections 99233.7 and 99233.8, 2 percent of the remaining moneys shall be made available to cities and counties for facilities provided for the exclusive use by pedestrians and bicycles, unless the transportation planning agency finds that such moneys could be used to better advantage for the purposes stated in Article 4 (commencing with Section 99260) of this chapter, or for local street and road purposes in those areas where such moneys may be expended for such purposes, in the development of a balanced transportation system.

(b) Claims for such facilities shall be filed in the same manner as are claims filed for the purposes of subdivision (a) of Section 99400.

(c) Such moneys shall be allocated for the construction of such facilities pursuant to a priority list of such facilities prepared by the transportation planning agency for the area within its jurisdiction.

(d) Such moneys may be allocated without respect to Section 99231 and shall not be included in determining the apportionments to a city or county for purposes of subdivisions (g) and (h) of Section 99233.

(e) The transportation planning agency shall review its allocations made pursuant to subdivision (a) of this section within 30 days after receiving a request for such review from any city or county in the area within the jurisdiction of the transportation planning agency.

SEC. 6. Section 99303 is added to the Public Utilities Code, to read:

99303 Not less than 75 percent of the unallocated apportionment, as of June 30, 1975, for the cities, and that portion of the County of San Diego, under the jurisdiction of the San Diego Metropolitan Transit Development Board shall be available to the board for exclusive public mass transit guideway purposes as specified in Article 4 (commencing with Section 120260) of Chapter 4 of Division 11.

SEC. 7. Division 11 (commencing with Section 120000) is added to the Public Utilities Code, to read:

DIVISION 11. TRANSIT DEVELOPMENT BOARDS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

120000 This division shall be known and may be cited as the Mills-Deddeh Transit Development Act.

120001. As used in this division, "board" means a county transit development board created pursuant to Chapter 2 (commencing with Section 120050).

CHAPTER 2. CREATION OF BOARDS

120050. There is hereby created the San Diego Metropolitan Transit Development Board in that portion of the County of San Diego as described in Section 120052 and, if the board assumes the operation of the San Diego Transit Corporation, Section 120054.

The board shall consist of eight members selected as follows:

(a) One member of the County of San Diego Board of Supervisors appointed by the board of supervisors.

(b) The Mayor of the City of San Diego.

(c) Three members of the City Council of the City of San Diego appointed by the city council.

(d) One councilman appointed jointly by the City Councils of the Cities of Chula Vista, Imperial Beach, and National City from their membership.

(e) One councilman appointed jointly by the City Councils of the Cities of El Cajon and La Mesa from their membership.

(f) One member, a resident of the area described in Section 120052 and, if the board assumes the operation of the San Diego Transit Corporation, Section 120054, appointed by the Governor, with the advice and consent of the Senate.

120051. The member of the board of supervisors appointed pursuant to subdivision (a) of Section 120050 shall represent a supervisorial district completely within the area under the jurisdiction of the transit development board as defined in Sections 120052 and 120054, even though the transit development board has not assumed operation of the San Diego Transit Corporation.

120051.5. (a) The County of San Diego Board of Supervisors may appoint an officer of the county, other than a county supervisor, to serve as an alternate member of the transit development board.

(b) The Mayor of the City of San Diego may appoint an officer of the city, other than a city councilman, to serve as an alternate member of the transit development board.

(c) The City Council of the City of San Diego may appoint an officer of the city, other than a city councilman, to serve as an alternate member of the transit development board for any one of the members appointed by the city council to the transit development board.

(d) The city councils specified in subdivisions (d) and (e) of Section 120050 may jointly appoint a city officer, other than a city councilman, of their cities to serve as an alternate member of the transit development board.

(e) The alternate members may not vote on adoption of any plan or annual budget.

120052. The San Diego Metropolitan Transit Development Board shall consist of the following areas:

(a) The Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, National City, and San Diego.

(b) All the unincorporated area of the County of San Diego

surrounded by the cities specified in subdivision (a).

(c) Census tracts 30.02, 31.06, 32.04, 32.05, 100.00, 100.01, 131.01, 132.01, 132.02, 133.04, 133.05, 134.01, 134.02, 135.01, 135.02, 136.01, 136.02, 137.00, 138.00, 139.01, 139.02, 139.03, 140.01, 140.02, 141.00, 142.00, 143.00, 144.00, 145.00, 146.00, 149.00, 152.00, 153.02, 154.01, 154.02, 156.00, 162.02, 164.01, 164.02, and 165.00, as set forth in the 1970 decennial census maps for the State of California on file with the Bureau of the Census, Department of Commerce, Washington, D.C.

120053. The San Diego Metropolitan Transit Development Board may, at any time after the first segment of an areawide guideway system enters revenue service, assume the operation of the San Diego Transit Corporation.

At least one year prior to assuming such operation, the board shall submit its plan for such operation to the Legislature.

120054. If the San Diego Metropolitan Transit Development Board assumes the operation of the San Diego Transit Corporation:

(a) The area of the board shall also include the City of Coronado and census tracts 113.00, 166.01, 166.02, 166.03, 166.04, 167.01, 167.02, 168.01, 170.01, 170.02, and 170.03.

(b) The City Council of the City of Coronado shall participate with the City Councils of the Cities of Chula Vista, Imperial Beach, and National City in jointly appointing a city councilman to the board pursuant to subdivision (d) of Section 120050.

CHAPTER 3. ADMINISTRATION

120100. The board at its first meeting, and thereafter annually at the first meeting in January, shall elect a chairman who shall preside at all meetings, and a vice chairman who shall preside in his absence. In the event of their absence or inability to act, the members present, by an order entered in the minutes, shall select one of their members to act as chairman pro tem, who, while so acting, shall have all of the authority of the chairman.

120101. The board shall establish rules for its proceedings.

120102. A majority of the members of the board shall constitute a quorum for the transaction of business, and all official acts of the board shall require the affirmative vote of a majority of the members of the board.

120103. The acts of the board shall be expressed by motion, resolution, or ordinance.

120104. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

120105. The board shall:

(a) Determine exclusive public mass transit guideways to be acquired and constructed, the means to finance such systems, and whether to operate such systems or to let contracts for such operation.

(b) Adopt an annual budget and fix the compensation of its officers and employees.

(c) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of board officers, the method of appointment of board employees, and methods, procedures, and systems of operation and management of the board. The administrative code shall also provide for, among other things, the appointment of a general manager and the organization of the employees of the board into units for administration, design and construction, planning and operation, property acquisition, and community relations and such other units as the board deems necessary.

(d) Cause a postaudit of the financial transactions and records of the board to be made at least annually by a certified public accountant.

(e) Appoint such advisory commissions as it deems necessary.

(f) Do any and all things necessary to carry out the purposes of this division.

120106. Notice of time and place of the public hearing for the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

120107. Each member of the board, except alternate members appointed pursuant to Section 120051, shall be paid seventy-five dollars ($75) for each day the member attends meetings of the board, and his necessary and reasonable expenses in performing his duties as a board member.

CHAPTER 4. POWERS AND FUNCTIONS

Article 1. Corporate Powers

120200. The board has perpetual succession and may adopt a seal and alter it at its pleasure.

120201. The board may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

120202. All claims for money or damages against the board are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 2. Contracts

120220. The board may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without

limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.

120221. The board may contract with any department or agency of the United States of America, with any public agency, or with any person upon such terms and conditions as the board finds is in its best interest.

120222. Contracts for the purchase of supplies, equipment, and materials in excess of five thousand dollars ($5,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by the vote of two-thirds of the membership of the board.

120223. If, after rejecting bids received under Section 120222, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, the board may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

120224. Contracts for the construction in excess of ten thousand dollars ($10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by the vote of two-thirds of the membership of the board.

120225. The board may insure against any accident or destruction of the system or any part thereof. The board may also provide insurance as provided in Part 6 (commencing with Section 989), Division 3.6, Title 1 of the Government Code.

120226. The board may contract for the services of independent contractors.

120227. The board and the Board of Administration of the Public Employees' Retirement System shall enter into a contract, and the board shall make all of its officers and employees, except members of the board, members of the system.

120228. Subject to Section 120260, the board may enter into joint powers agreements to operate exclusive public mass transit guideways.

Article 3. Property

120240. The board may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within the area under its jurisdiction necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within the area under its jurisdiction necessary to the full or convenient exercise of its powers.

120241. Whenever a portion of a parcel of real property is to be

taken for board purposes and the remainder is to be left in such state or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the board may acquire the whole parcel and may sell the excess portion or exchange it for other property suitable for board purposes.

120242. The board shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The board may take any property necessary or convenient to the exercise of the powers granted in this division, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the board has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this division. The board shall proceed in the name of the board in condemnation proceedings. The board, in exercising such power, shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public agency or utility which is required to be moved to a new location. If property is condemned by the board, the board may take possession and use the property in accordance with the provisions of Section 1243.5 of the Code of Civil Procedure.

120243. The Public Utilities Commission of the state shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the board. No taking or acquisition by the board which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service. The board may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

120244. The board is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to any public agency to construct or maintain roads, highways, or other crossings over any public or private lands.

Article 4. Transit Guideways

120260. The board shall plan and construct exclusive public mass transit guideways in the area under its jurisdiction in conformance with the California Transportation Plan and the regional

transportation plan developed pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

If the board proposes to operate, or let a contract for the operation of, such guideways, it shall submit its plan for such operation or contract to the Legislature at least one year in advance of commencing such operation or letting such contract.

120261. Subject to Section 120260, if the board determines that there is a countywide agency capable of operating exclusive public mass transit guideways, the board shall contract with that agency for such operation.

120262. (a) The Legislature finds that it is in the public interest that the construction of exclusive public mass transit guideways commence as soon as possible so that their operation may also commence as soon as possible. Therefore, in planning and constructing such guideways, the board shall give priority consideration to guideway technology presently available and in use.

(b) Such a guideway system shall be planned in such a manner that it may be constructed, and brought into operation, on an incremental basis so that available fiscal resources may be utilized as early as possible and, if the guideway system is a medium capacity system, it shall be capable of being upgraded to a higher service capacity when necessary.

(c) To the extent feasible, transportation rights-of-way of public entities shall be utilized to minimize the cost of construction.

120263. Priority for guideway development shall be given to meeting the transportation needs of areawide corridors of travel. In the event the transit development board determines that a guideway system intended solely for an activity center is appropriate, the approval of the State Transportation Board shall be necessary prior to the use of funds allocated from the State Highway Account in the State Transportation Fund for such a guideway system.

Article 5. Transportation Planning

120300. The council of governments which includes the area of the board shall be responsible for long-term transportation system planning in such area.

Such planning shall be directed to, among other things:

(a) Identification of corridors of travel.

(b) Definition of the transportation problems of each corridor.

(c) Definition of the transportation goals for each corridor.

(d) Definition of land use goals, with the concurrence of affected local jurisdiction, to be supported by transportation investment decisions in each corridor.

(e) Recommendation of priority corridors for guideway development.

(f) Recommendation of the mix of alternative transportation modes appropriate for deployment in light of transportation needs

and goals for each corridor.

(g) Recommendation of environmental, economic, energy, and social policies that should guide transportation investment decision within corridors.

120301. With respect to the area under its jurisdiction, the board shall be responsible for near-term operational planning directed to:

(a) Determination of the amount of funds available for transportation development.

(b) Selection of appropriate transportation technology.

(c) Determination of capacity for exclusive public mass transit guideway technology.

(d) Determination of operating performance criteria and costs for such guideway system.

(e) Location of routes and access points to the guideway system.

(f) Overall staging of the guideway system.

120302. Notice of the time and place of the public hearing for the adoption of the plan, or amendments thereto, by the board shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The proposed plan, or amendments thereto, as the case may be, shall be available for public inspection at least 15 days prior to the hearing.

Article 6. Transportation Funding

120350. The Legislature finds and declares:

(a) That the near-term programming and budgeting requirements of state and federal law is a cooperative intergovernmental planning process intended to determine the foreseeable capital and operational needs of a multimodal transportation system.

(b) That there is an absence of an adequate forum in which local officials may exercise leadership in multimodal near-term transportation planning and programming.

120351. The board is hereby designated as the designated recipient for purposes of Section 1604 of Title 49 of the United States Code for the area under its jurisdiction. If authorized by federal law and rules and regulations, the Governor may act as a designated recipient with the board.

120352. The board may receive any money pursuant to Section 1604 of Title 49 of the United States Code for mass transit purposes, and reallocate such money for such purposes in accordance with federal law and rules and regulations.

120353. The board shall be responsible for near-term, five-year transportation planning and the development of an annual transportation improvement program. Where required by federal law, the program shall be subject to review by the council of governments which includes the area under the jurisdiction of the board.

120354. With respect to the financing of projects from funds allocated by the California Highway Commission pursuant to Section 2358 of the Streets and Highways Code, the board, in cooperation with the cities under its jurisdiction and the Department of Transportation, shall establish the priority for the financing of such projects in the area under its jurisdiction.

120355. The board shall take all action necessary to obtain the maximum amount of funding available pursuant to Section 1602 of Title 49 of the United States Code. No other public entity in the area under the jurisdiction of the board shall file application for such funds.

Article 7. Public Contributions, Grants, Loans, and Contracts Cooperation

120400. The board may accept contributions, grants, or loans from any public agency or the United States or any department, instrumentality, or agency thereof, for the purpose of financing the planning, acquisition, construction, or operation of exclusive public mass transit guideways, and may enter into contracts and cooperate with, and accept cooperation from, any public agency or the United States, or agency thereof, in the planning, acquisition, construction, or operation of any such guideways in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or any public agency in the planning, acquisition, construction, or operation of any such guideways. The board may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted.

SEC. 8. Section 199 of the Streets and Highways Code is amended to read:

199. Upon the approval of a proposition by the voters of an area pursuant to Section 4 of Article XXVI of the California Constitution, the entity, including, but not limited to, a transit district, responsible for construction of an exclusive public mass transit guideway project in that area may submit the project to the department for inclusion in its resource allocation recommendations. If the project is located within an area under the jurisdiction of a statutorily created regional transportation agency, the project shall be approved by the agency prior to being submitted to the department.

The department shall submit its resource allocation recommendations for that project for the comment and review of the transportation planning agency designated in Section 29532 of the Government Code for the area, except that in the case of a project located within an area under the jurisdiction of a statutorily created regional transportation agency, the project shall be approved by the

agency. In addition, all projects shall be submitted by the department to the State Transportation Board for its approval as being in conformance with the regional transportation plan for that area and the California Transportation Plan, before the department presents its budget recommendations to the commission for funding the project from the State Highway Account under such terms and conditions as the commission and board deem appropriate and subject to the percentage limitation of Section 200.

If, at any time during the resource allocation decision process, the department or commission is unable to achieve an agreement with the entity concerning a transit project, the entity, the department, or the commission may request the Secretary of the Business and Transportation Agency to convene and chair a committee composed of an equal number of members of the board and commission to resolve the disagreement.

The funds set aside pursuant to this section and Section 199.1 shall be deemed expenditures on the state highway system for purposes of Sections 188, 188.8, and 188.9 and shall be separately identified in the budget report submitted to the Legislature pursuant to Sections 143.1 and 143.2.

SEC. 9. Section 199.1 is added to the Streets and Highways Code, to read:

199.1. Upon the approval of a proposition pursuant to Section 4 of Article XXVI of the California Constitution by the voters of San Diego County, the commission shall include in its annual budget, and shall allocate to the transit development board created by Section 120050 of the Public Utilities Code, an amount equal to the maximum authorized under Section 200 for exclusive public mass transit guideway construction purposes.

SEC. 10. Section 199.2 is added to the Streets and Highways Code, to read:

199.2. All funds allocated for exclusive public mass transit guideway construction purposes pursuant to Sections 199 and 199.1 shall be retained in the State Highway Account until such time as such funds are needed for expenditure by the local entities and the transit development board. The department, local entities, and the board shall jointly establish procedures for the orderly implementation of this section.

SEC. 11. Section 199.3 is added to the Streets and Highways Code, to read:

199.3. Commencing on July 1, 1983, the amount budgeted and allocated to the transit development board pursuant to Section 199.1 shall be reduced by an amount equal to the amount, if any, by which the total amount being retained for the board pursuant to Section 199.2 exceeds the total amount allocated to the board during the prior five years pursuant to Section 199.1.

SEC. 12. Section 2358 of the Streets and Highways Code is amended to read:

2358. Funds apportioned to this state pursuant to subsection

(b) (6) of Section 104 of Title 23, United States Code, for federal urban system projects for the 1974–75 fiscal year shall be allocated by the commission. Projects eligible for allocation include fringe parking, state highway projects, local street and highway projects, and public mass transit projects. The State Transportation Board shall review the long-range planning programs for the urban system, and shall review each annual program for conformance with the long-range programs. The funds for federal urban system projects following the 1974–75 fiscal year shall be available, when appropriated by the Legislature, for allocation by the commission for fringe parking projects, state highway projects, local street and highway projects, and public mass transit projects. Such funds shall be subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

For a project located within the area under the jurisdiction of the San Diego Metropolitan Transit Development Board created by Section 120050 of the Public Utilities Code, the commission shall conform to the priority established for that project by the transit development board pursuant to Section 120354 of the Public Utilities Code.

SEC. 13. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 295

An act to amend Sections 18120, 18121, 18122, 18127, 18128, 21263.4, 21330, and 22829 of, and to add Sections 18122.1 and 21263.5 to, the Government Code, relating to state employee compensation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975. Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 18120 of the Government Code is amended to read:

18120. This chapter applies to state officers and employees who are members of the Public Employees' Retirement System or the State Teachers' Retirement System in compensated employment on and after the effective date of this chapter.

This chapter does not apply to state officers and employees who are included in the provisions of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of the Labor Code.

SEC. 2. Section 18121 of the Government Code is amended to read:

18121. As used in this chapter:

(a) "Industrial disability leave" means temporary disability as defined in Divisions 4 (commencing with Section 3201) and 4.5 (commencing with Section 6100) of the Labor Code and includes any period in which the disability is permanent and stationary and the disabled employee is undergoing vocational rehabilitation.

(b) "Full pay" means the gross base salary earnable by the employee and subject to retirement contribution if he had not vacated his position

SEC. 3. Section 18122 of the Government Code is amended to read:

18122. When a state officer or employee is temporarily disabled by illness or injury arising out of and in the course of state employment, he shall become entitled, regardless of his period of service, to receive industrial disability leave and payments, in lieu of worker's compensation temporary disability payments and payments under Section 18102, for a period not exceeding 52 weeks within two years from the first day of disability. Such payments shall be in the amount of the employees full pay less withholding based on his exemptions in effect on the date of his disability for federal income taxes, state income taxes, and social security taxes not to exceed 22 working days of disability subject to Section 18126. Thereafter, the payment shall be two-thirds of full pay. Payments will be additionally adjusted to offset disability benefits, excluding those disability benefits payable from the State Teachers' Retirement System, the employee may receive from other employer-subsidized programs, except that no adjustment will be made for benefits to which the employee's family is entitled up to a maximum of three-quarters of full pay. Contributions to the Public Employees' Retirement System or the State Teachers' Retirement System shall be deducted in the amount based on full pay. Discretionary deductions of the employee including those for coverage under a state health benefits plan in which the employee is enrolled shall continue to be deducted unless canceled by the employee. State employer contribution to the Public Employees' Retirement System and state employer normal retirement contributions to the State Teachers' Retirement System shall be made on the basis of full pay and state contribution pursuant to Sections 22825.1 and 22826 of this code because of the employee's enrollment in a health benefits plan shall continue.

SEC. 4. Section 18122.1 is added to the Government Code, to read:

18122.1. A state officer or employee who is receiving industrial disability leave benefits, shall continue to receive all employee benefits which he would have received had he not incurred disability.

SEC. 5. Section 18127 of the Government Code is amended to read:

18127. Payments shall be contingent on the complete medical certification of the illness or injury including diagnosis and any prognosis of recovery. Further, payments shall be contingent on the employee's agreement to cooperate and participate in a reasonable and appropriate vocational rehabilitation plan when furnished by the state subject to appropriate medical approval as determined by the State Personnel Board or, for employees of the California State University and Colleges, as determined by the Trustees of the California State University and Colleges.

SEC. 6. Section 18128 of the Government Code is amended to read:

18128. The State Personnel Board shall adopt any rules and regulations necessary for the administration of this chapter. The Trustees of the California State University and Colleges shall adopt any rules and regulations necessary for the administration of this chapter for employees of the California State University and Colleges.

SEC. 7. Section 21263.4 of the Government Code is amended to read:

21263.4. Upon the death after the effective date of retirement of a state miscellaneous member none of whose service rendered in state employment has been included in the federal system and whose retirement is effective on or after July 1, 1974, a monthly allowance derived from employer contributions equal to 50 percent of the amount of his retirement allowance as it was at his death and based on service credited to him as a member subject to this section but excluding any portion of the retirement allowance derived from additional contribution of the member shall be paid to the surviving spouse throughout life or until remarriage. If there be no surviving spouse, or upon death or remarriage of such spouse before every child of the deceased member attains the age of 18, such allowance shall be paid to his child or children under such age, collectively, until every such child dies or attains such age; provided that no child shall receive any allowance after marrying or attaining such age. If at the time of the retired person's death there is no surviving spouse or children under age 18, the allowance shall be paid to a parent or collectively to parents of the deceased member dependent upon him for support. If at the effective date of retirement there is a person who will be eligible if such person survives, the member's election of an optional settlement other than optional settlement one shall apply only to a portion of his allowance as provided in Section 21330 with respect to allowances under Section 21263. If at the effective date of his retirement the member has no surviving spouse, eligible children or dependent parents and elected an optional settlement, no allowance under this section shall be paid.

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

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date of his death.

Notwithstanding Section 20019.1 making provisions applicable to state miscellaneous members applicable to school members, this section shall not apply to school members.

Any person whose effective date of retirement was prior to the effective date of amendments to this section at the 1975–76 Regular Session and subsequent to June 30, 1974, and who at retirement elected no optional settlement or optional settlement one, may within 90 days of the effective date of such amendments elect optional settlement one or modify an existing optional settlement one in accordance with such amendments. The Public Employees' Retirement System shall notify all affected individuals within 45 days of the effective date of this chapter.

SEC. 8. Section 21263.5 is added to the Government Code, to read:

21263.5. The provisions of Section 21263.4 shall also apply to any person to whom it would apply except for the fact that some of his state service was included in the federal system if such person, prior to retirement after November 30, 1974, had 25 years of credited service and less than two months of such service had been included in the federal system.

SEC. 9. Section 21330 of the Government Code is amended to read:

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

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

SEC. 10. Section 22829 of the Government Code is amended to read:

22829. From each other fund in the State Treasury, there is appropriated monthly the State's contribution required under Sections 22825, 22825.1, and 22826 for all employees whose compensation is paid from that fund, and in respect to which

employees the State's contribution is not required to be made from the General Fund.

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

In order for industrial disability benefits to be available to all state officers and employees as soon as possible this act must take effect immediately.

CHAPTER 296

An act to add Section 664.5 to the Insurance Code, relating to motor vehicle insurance.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975.]

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

SECTION 1. Section 664.5 is added to the Insurance Code, to read:

664.5. Any insurer who requires periodic physical examinations of an insured as a condition of renewal of a policy shall pay the cost of such physical examinations, except that an insurer shall not pay any cost if it elects to accept the certified written results of an insured's physical examination voluntarily conducted within 12 months preceding the policy expiration or renewal date.

CHAPTER 297

An act to amend Section 2192 of the Business and Professions Code, relating to medicine.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 2192 of the Business and Professions Code is amended to read:

2192. Each applicant shall show by evidence satisfactory to the board that he has successfully completed a medical curriculum extending over a period of at least four academic years in a school or schools located in the United States or Canada and approved by the board, or in a school that is under the charter of a university located in the United States and that is or was, at the time an

applicant seeking a certificate pursuant to this chapter entered the school, an institutional member of the American Association of Medical Colleges approved by the board, and total number of hours of all courses shall consist of a minimum of 4,000 hours. The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Neuroanatomy
Physiology
Psychobiology
Biochemistry
Pathology, bacteriology and immunology
Pharmacology
Preventive medicine
Hygiene and sanitation
Medicine
Pediatrics
Psychiatry
Neurology
Dermatology
Physical medicine
Therapeutics
Tropical medicine
Surgery, including orthopedic surgery
Urology
Ophthalmology
Radiology
Anesthesia
Otolaryngology
Obstetrics and gynecology

The curriculum for all applicants who matriculate on or after September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Neuroanatomy
Physiology
Biochemistry
Pathology, bacteriology and immunology
Pharmacology
Preventive medicine
Radiology, including radiation safety
Medicine
Pediatrics
Psychiatry
Neurology
Dermatology
Physical medicine
Therapeutics
Tropical medicine
Surgery, including orthopedic surgery
Urology
Ophthalmology
Anesthesia
Otolaryngology
Obstetrics and gynecology

Before a physician's and surgeon's license may be issued each applicant must show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for first-year postgraduate studies. At the discretion of the board the written examination provided for in Section 2288 may be taken following completion of his medical course and prior to the granting of a degree by the school; provided,

that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued to him by the school.

CHAPTER 298

An act to amend Sections 911, 938, and 938.2 of, and to add Section 924.4 to, the Penal Code, relating to grand juries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975. Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 911 of the Penal Code is amended to read:

911. The following oath shall be taken by each member of the grand jury: "I will support the Constitution of the United States and of the State of California, and all laws made in pursuance thereof and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. I will keep my own counsel, and that of my fellow grand jurors and of the government, and will not, except when required in the due course of judicial proceedings or authorized by statute, disclose the testimony of any witness examined before the grand jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof; but in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God."

SEC. 2. Section 924.4 is added to the Penal Code, to read:

924.4. Notwithstanding the provisions of Sections 924.1 and 924.2, any grand jury or, if the grand jury is no longer empaneled, the presiding or sole judge of the superior court, may provide the succeeding grand jury with any information or evidence acquired by the grand jury during the course of any investigation conducted by it during its term of service, except any information or evidence which relates to a criminal investigation or which could form part or all of the basis for issuance of an indictment. Transcripts of testimony reported during any session of the grand jury shall be made available to the succeeding grand jury upon its request.

SEC. 3. Section 938 of the Penal Code is amended to read:

938. (a) Whenever criminal causes are being investigated before the grand jury, it shall appoint a competent stenographic reporter.

He shall be sworn and shall report in shorthand the testimony given in such causes and shall transcribe the shorthand in all cases where an indictment is returned or accusation presented.

(b) At the request of the grand jury, the reporter shall also prepare transcripts of any testimony reported during any session of the immediately preceding grand jury.

SEC. 4. Section 938.2 of the Penal Code is amended to read:

938.2. (a) For preparing any transcript in any case pursuant to subdivision (a) of Section 938.1, the stenographic reporter shall draw no salary or fees from the county for preparing such transcript in any case until all such transcripts of testimony in such case so taken by him are written up and delivered. Before making the order for payment to the reporter, the judge of the superior court shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony taken by him, in accordance with subdivision (a) of Section 938 and Section 938.1.

(b) Before making the order for payment to a reporter who has prepared transcripts pursuant to subdivision (b) of Section 938, the judge of the superior court shall require the reporter to show by affidavit or otherwise that he has written up and delivered all testimony requested of him in accordance with that subdivision.

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

Grand juries are presently organized under Section 905.5 of the Penal Code to serve during a fiscal year. Consequently, in order to facilitate the transition to, and functioning of, the grand juries which will commence service on July 1, 1975, and to promote the administration of justice, and to eliminate unnecessary expense otherwise incurred by requiring the grand jury to start anew, it is necessary that this act take effect as soon as possible.

CHAPTER 299

An act to add Article 7.2 (commencing with Section 19699.15) to Chapter 10 of Division 14 of the Education Code, relating to vocational education, and making an appropriation therefor.

[Approved by Governor August 22, 1975. Filed with Secretary of State August 22, 1975]

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

SECTION 1. Article 7.2 (commencing with Section 19699.15) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 7.2. Fontana Occupational and Vocational Center

19699.15. Not to exceed four million one hundred seventy-eight thousand dollars ($4,178,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974 shall be allocated by the State Allocation Board to the Fontana Unified School District for the acquisition of a site and the construction of permanent facilities for a new occupational and vocational center to be located in San Bernardino County. The said funds shall be available for allocation to such school district for a period of not more than four years from the effective date of this article and during such period the district shall apply for such funds as are necessary to accomplish the purposes of this article. Funds may be allocated after such four-year period with respect to contracts executed during such four-year period.

Only Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19563, 19565, 19611, 19618, 19619, 19623, 19623.1, 19626, and 19628 of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the State Allocation Board, requires otherwise.

19699.16. It is the intent of the Legislature in enacting this article to finance the capital expenditures involved in the acquisition of site, construction, equipping, and establishment of an occupational and vocational training center to be maintained by the Fontana Unified School District, to serve an area in great need of occupational preparation. It is the further intent of the Legislature, by this article, to improve the employment opportunities of persons residing in areas of need for such training by providing educational programs of a nature that will serve the social and economic needs of that area. The program provided will also serve to upgrade the cultural and intellectual life, as well as the economic life, of the area to be served.

19699.17. (a) Any amounts allocated and disbursed to the Fontana Unified School District pursuant to this article shall be fully repaid with interest by the district to the state in 20 equal annual payments commencing with the second fiscal year after the date of disbursement to the district. Interest shall be paid at a rate determined by the State Allocation Board. Any such loan shall be repaid by the district from proceeds of a district tax levied in the manner prescribed in Section 7456, but at a rate on each one hundred dollars ($100) of assessed valuation in the district sufficient to make the payments required by the board, notwithstanding the limitations contained in Section 7456.

(b) The tax revenue referred to in subdivision (a) shall be transferred by the County Auditor of San Bernardino County to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

19699.18. Funds shall not be made available for allocation under

this article unless, at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting on a proposition therefor have authorized the governing board to accept, expend, and repay as provided in this article such allocation or apportionment. Such election shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words: "Shall the governing board of the Fontana Unified School District, for the purpose of providing permanent facilities for a new occupational and vocational center, be authorized to accept, expend, and repay an apportionment from the State of California under and subject to the provisions of Article 7.2 (commencing with Section 19699.15) of Chapter 10 of Division 14 of the Education Code, in an amount not to exceed _____ dollars ($_____). Yes ___ No ___."

19699.19. On or before the first day of January of each fiscal year, the State Controller shall determine the annual repayment due.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because the Legislature hereby finds and declares:

(a) It is the intention of the Legislature to encourage local governmental entities to act to solve local problems and to set their own priorities to meet local needs.

(b) This act is intended to provide funding to be utilized by a local entity to acquire a site and facilities to carry out the program specified in this act which meets a local need.

(c) By its action on this act, the Legislature is mandating the allocation, acceptance, and expenditure of funds in order to accommodate the need of a local entity for facilities in which to conduct a unique program beneficial to the persons served by such local entity.

(d) The local entity or entities affected by this act recognize and acknowledge that they shall bear the total costs of carrying out the provisions herein.

CHAPTER 300

An act to amend Section 72602 of the Government Code, relating to municipal courts.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975.]

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

SECTION 1. Section 72602 of the Government Code, as amended by Chapter 1297 of the Statutes of 1974, is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	3
South Bay Municipal Court District	5
Compton Municipal Court District	6
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	3
Santa Monica Municipal Court District	3
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	4
Pomona Municipal Court District	3
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	2
Newhall Municipal Court District	2
Malibu Municipal Court District	1

CHAPTER 301

An act to amend Section 632 of, to add Article 1.5 (commencing with Section 651) to Chapter 7 of Title 8 of Part 2 of, and to repeal Section 610 of, the Code of Civil Procedure, relating to out-of-court views by court or jury.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 610 of the Code of Civil Procedure is repealed.

SEC. 2. Section 632 of the Code of Civil Procedure is amended to read:

632. 1. In superior courts and municipal courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required, except as herein provided.

In superior courts, upon such trial, the court shall announce its intended decision. Within the time after such announcement permitted by rules of the Judicial Council, any party appearing at the trial may request findings. Unless findings are requested, the court shall not be required to make written findings and conclusions.

In municipal courts, findings and conclusions shall be deemed waived unless expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required to make any written findings and conclusions in any case in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed one thousand dollars ($1,000).

In any such trial in the superior or municipal court, findings and conclusions may be waived by consent in writing filed with the clerk or judge, or by oral consent in open court, entered in the minutes, and shall be deemed waived by a party by failure to appear at the trial.

Where findings are required, they shall fairly disclose the court's determination of all issues of fact in the case.

Where findings are required and a finding is supported primarily by evidence obtained at a view as provided in Section 651, the court shall so state in its findings and shall also state its observations at the view supporting such finding. The statements required by this paragraph are not required to be stated in the findings where the court includes such statements in its announcement of intended decision.

The procedure for requesting, preparing, and filing written findings and conclusions and the written judgment of the court shall be in accordance with rules adopted by the Judicial Council. Judgment shall be entered as provided in Section 664.

2. In justice courts, upon trial by the court, no written findings of fact and conclusions shall be required in any case, and judgment shall be entered as provided in Section 664.

SEC. 3. Article 1.5 (commencing with Section 651) is added to Chapter 7 of Title 8 of Part 2 of the Code of Civil Procedure, to read:

Article 1.5. View by Trier of Fact

651. (a) On its own motion or on the motion of a party, where the court finds that such a view would be proper and would aid the trier of fact in its determination of the case, the court may order a view of any of the following:

(1) The property which is the subject of litigation.

(2) The place where any relevant event occurred.

(3) Any object, demonstration, or experiment, a view of which is relevant and admissible in evidence in the case and which cannot with reasonable convenience be viewed in the courtroom.

(b) On such occasion, the entire court, including the judge, jury, if any, court reporter, if any, and any necessary officers, shall proceed to the place, property, object, demonstration, or experiment to be viewed. The court shall be in session throughout the view. At the view, the court may permit testimony of witnesses. The proceedings at the view shall be recorded to the same extent as the proceedings in the courtroom.

CHAPTER 302

An act to add Sections 1953 and 1954 to the Civil Code, relating to landlord and tenant.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 1953 is added to the Civil Code, to read:

1953. (a) Any provision of a lease or rental agreement of a dwelling by which the lessee agrees to modify or waive any of the following rights shall be void as contrary to public policy:

(1) His rights or remedies under Section 1950.5 or 1954.

(2) His right to assert a cause of action against the lessor which may arise in the future.

(3) His right to a notice or hearing required by law.

(4) His procedural rights in litigation in any action involving his rights and obligations as a tenant.

(5) His right to have the landlord exercise a duty of care to prevent personal injury or personal property damage where that duty is imposed by law.

(b) Any provision of a lease or rental agreement of a dwelling by which the lessee agrees to modify or waive a statutory right, where the modification or waiver is not void under subdivision (a) or under Section 1942.1, 1942.5, or 1954, shall be void as contrary to public policy unless the lease or rental agreement is presented to the lessee before he takes actual possession of the premises. This subdivision does not apply to any provisions modifying or waiving a statutory right in agreements renewing leases or rental agreements where the same provision was also contained in the lease or rental agreement which is being renewed.

(c) This section shall apply only to leases and rental agreements executed on or after January 1, 1976.

SEC. 2 Section 1954 is added to the Civil Code, to read:

1954. A landlord may enter the dwelling unit only in the following cases:

(a) In case of emergency.

(b) To make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors.

(c) When the tenant has abandoned or surrendered the premises.

(d) Pursuant to court order.

Except in cases of emergency or when the tenant has abandoned or surrendered the premises, entry may not be made during other than normal business hours unless the tenant consents at the time of entry.

The landlord shall not abuse the right of access or use it to harass the tenant Except in cases of emergency, when the tenant has abandoned or surrendered the premises, or if it is impracticable to do so, the landlord shall give the tenant reasonable notice of his intent to enter and enter only during normal business hours Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary.

CHAPTER 303

An act to amend Section 650 of, and to add Section 654.1 to, the Business and Professions Code, relating to medicine.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 650 of the Business and Professions Code is amended to read:

650. Except as provided in Chapter 2.3 (commencing with Section 1400) of Division 2 of the Health and Safety Code the offer, delivery, receipt or acceptance, by any person licensed under this division of any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or coownership in or with any person to whom such patients, clients or customers are referred is unlawful

Except as provided in Chapter 2 3 (commencing with Section 1400) of Division 2 of the Health and Safety Code and in Section 654.1 it shall not be unlawful for any person licensed under this division to refer a person to any laboratory, pharmacy, clinic, or health care

facility solely because such licensee has a proprietary interest or coownership in such laboratory, pharmacy, clinic, or health care facility; but such referral shall be unlawful if the prosecutor proves that there was no valid medical need for such referral.

"Health care facility" means a hospital, nursing home, medical care facility, or private mental institution licensed by the State Department of Health.

SEC 2 Section 654.1 is added to the Business and Professions Code, to read:

654 1. Persons licensed under Chapter 4 (commencing with Section 1600) of this division or licensed under Chapter 5 (commencing with Section 2000) of this division or licensed under any initiative act referred to in this division relating to osteopaths may not refer patients, clients, or customers to any clinical laboratory licensed under Section 1265 in which the licensee has any membership, proprietary interest, or coownership in any form, or has any profit-sharing arrangement, unless the licensee at the time of making such referral discloses in writing such interest to the patient, client, or customer. Such written disclosure shall indicate that the patient may choose any clinical laboratory for purposes of having any laboratory work or assignment performed.

This section shall not apply to persons who are members of a medical group which contracts to provide medical care to members of a group practice prepayment plan registered under the Knox-Mills Health Plan Act

This section shall not apply to any referral to a clinical laboratory which is owned and operated by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code

This section does not prohibit the acceptance of evaluation specimens for proficiency testing or referral of specimens or such assignment from one clinical laboratory to another clinical laboratory, either licensed or exempt under this chapter, providing the report indicates clearly the laboratory performing the test

"Proprietary interest" does not include ownership of a building where space is leased to a clinical laboratory at the prevailing rate under a straight lease arrangement

SEC 3 Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes

CHAPTER 304

An act to amend Section 1132 of, and to add Chapter 1.5 (commencing with Section 1136) to Title 3 of Part 3 of, the Code of Civil Procedure, relating to judgments

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975.]

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

SECTION 1. Section 1132 of the Code of Civil Procedure is amended to read·

1132. (a) A judgment by confession may be entered without action either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by this chapter. Such judgment may be entered in any court having jurisdiction for like amounts.

(b) When the debt or liability arises out of the sale of goods or services primarily for personal, family, or household use, or a loan or other extension of credit for personal, family or household purposes, or a claim involves a promissory note which is based upon such a sale or loan or other extension of credit, such judgment by confession shall be entered only if an attorney independently representing the defendant signs a certificate that he has examined the proposed judgment and has advised the defendant with respect to the waiver of rights and defenses under the confession of judgment procedure and has advised the defendant to utilize the confession of judgment procedure. The certificate shall be filed with the filing of the statement required by Section 1133.

SEC. 2. Chapter 1.5 (commencing with Section 1136) is added to Title 3 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 1.5. CONFESSION OF JUDGMENT WITHOUT ACTION IN CONSUMER TRANSACTIONS

1136 (a) A judgment by confession may be entered without action either for money due or to become due, or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by Chapter 1 of this title. Such judgment may be entered in any court having jurisdiction for like amounts.

(b) When the debt or liability arises out of the sale of goods or services primarily for personal, family, or household use, or a loan or other extension of credit for personal, family or household purposes, or a claim involves a promissory note which is based upon such a sale or loan or other extension of credit, such judgment by confession shall be entered only if an attorney independently representing the defendant signs a certificate that he has examined the proposed

judgment and has advised the defendant with respect to the waiver of rights and defenses under the confession of judgment procedure and has advised the defendant to utilize the confession of judgment procedure. The certificate shall be filed with the filing of the statement required by Section 1133.

SEC. 3. It is the intent of the Legislature that Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1992 of the 1975–76 Regular Session of the Legislature are both chaptered, in which event Section 1 of this act shall not become operative.

CHAPTER 305

An act to amend Section 22 of the Vallejo Sanitation and Flood Control District Act (Ch. 17, Stats. 1952, 1st Ex. Sess.).

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 22 of the Vallejo Sanitation and Flood Control District Act (Ch. 17, Stats. 1952, 1st Ex. Sess.) is amended to read:

Sec. 22. Revolving Funds. The board of trustees of said district shall have power to create such revolving or other funds, to abolish same, and to make transfers of the funds of said district from any fund to any other as they may deem necessary to effect the provisions of this act (except that no funds shall be transferred from the Interest and Sinking Fund except for the payment of bonds and interest thereon), to make and enforce all needful rules and regulations for the administration and government of said district, to employ in their discretion and fix the compensation of all needful agents and employees to look after the performance of any work or improvement provided for in this act, and to perform all other acts necessary or proper in their discretion to accomplish the purposes of this act

As an alternative procedure to depositing the funds of said district in the county treasury, the board of trustees, by resolution, may designate a bank or banks as a depository of any or all of said district funds. The county treasurer shall be the depository for any or all district funds not designated for deposit in a bank or banks. The question of interest rates given shall not affect the selection of a bank or banks and the charges of any bank or banks selected as a depository shall be a proper expense of the district. If the board of trustees selects a bank or banks as a depository, then it shall appoint a person to act as a finance officer who shall serve at the pleasure of the board and shall fix the amount of and approve a bond for the finance officer. The finance officer may invest any or all district funds

which are deposited in any such designated bank or banks, but the finance officer shall have no authority over the investment of district funds on deposit with the county treasurer. The finance officer may be, but is not required to be, a member of the board or consolidated with the engineering or management office of the district.

Said board of trustees shall have power to do all work and to construct and acquire all improvements necessary, incidental or useful for carrying out any of the purposes of this act, and to acquire either within or without the district by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, public and private corporations, associations, agencies or districts, all lands, rights of way, easements, property or materials, and to make, execute, carry out and enforce all contracts of every character necessary, incidental or useful for carrying out the provisions or purposes of this act; to compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes.

CHAPTER 306

An act to amend Section 25457.1 of the Government Code, relating to counties.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1 Section 25457.1 of the Government Code is amended to read:

25457.1. The board of supervisors of any county may delegate to the county administrative officer or the county executive officer in an equivalent position, the power to enter into and execute on behalf of the county any contracts, which do not involve the expenditure of more than five thousand dollars ($5,000), which relate to purposes previously approved and budgeted by the board of supervisors, subject to ratification of such approval and execution by the board of supervisors. This section shall not apply to:

(a) Matters within the purview of Section 25457.

(b) Contracts for the construction of public improvements

(c) Contracts which must be awarded after public notice and competitive bidding

CHAPTER 307

An act to add Section 18500.6 to the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1 Section 18500.6 is added to the Health and Safety Code, to read:

18500.6. Notwithstanding Section 18500, the owner of a mobilehome who is not a mobilehome park operator and who rents or leases the land upon which the mobilehome is located shall be able to rent, lease, sublease, let out, or hire out for occupancy the mobilehome and the land upon which the mobilehome is located, subject to lawful covenants and conditions of the lease or rental agreement governing the underlying ground upon which the mobilehome is located, without qualifying for or obtaining any permit or license from a state or local governmental agency required or authorized by this part

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CHAPTER 308

An act to amend Section 14837 of the Government Code, relating to small business procurement and contracts.

[Approved by Governor August 22, 1975. Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 14837 of the Government Code is amended to read:

14837. As used in this chapter:

(a) "Department" means the Department of General Services.

(b) "Director" means the Director of General Services.

(c) "Small business" means a business, in which the principal office is located in California, and the officers of such business are domiciled in California, which is independently owned and operated, and which is not dominant in its field of operation.

In addition to the foregoing criteria the director, in making a detailed definition, shall use these criteria, among others:

(1) Numbers of employees.

(2) Dollar volume of business.

The maximum number of employees and the maximum dollar volume which a small business may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and the director may take account of other relevant factors as determined by regulation.

CHAPTER 309

An act to amend Sections 4018.1 and 4019 of the Penal Code, relating to jails, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 4018.1 of the Penal Code is amended to read:

4018 1. For each one-fifth of a month in which a prisoner is confined in or committed to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp, including all days of custody from the date of arrest to the date on which the serving of the sentence commences, under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner is confined in or committed to the county jail, industrial farm, or road camp or any city jail, industrial farm, or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, and when it appears by the record that he has satisfactorily performed labor as assigned by the sheriff, chief of police, or superintendent of an industrial farm or road camp, one day shall be deducted from his period of confinement by order of such sheriff, chief of police, or superintendent. No deduction may be made for any period of confinement within any calendar month which period is less than one-fifth of such month.

SEC. 2. Section 4019 of the Penal Code is amended to read:

4019. For each one-fifth of a month in which a prisoner is confined in or committed to a county jail, industrial farm or road camp or any city jail, industrial farm or road camp, including all days of custody from the date of arrest to the date on which the serving of the sentence commences, under a judgment of imprisonment, or a fine and imprisonment until the fine is paid, or in which a prisoner is confined in or committed to the county jail, industrial farm or road camp, or any city jail, industrial farm or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of sentence, in a criminal action or proceeding, and

when it appears, by the record, that he has satisfactorily complied with the reasonable rules and regulations established by the sheriff, chief of police, or superintendent for the conduct of such prisoners, and that his conduct is reported by the officer in charge of the jail, industrial farm or road camp to have been satisfactory, one day shall be deducted from his period of confinement. No deduction may be made for any period of confinement within any calendar month which period is less than one-fifth of such month.

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

In order to maintain a safe and healthy system of county or city jails, industrial farms, and road camps, it is necessary that this act take effect immediately.

CHAPTER 310

An act to amend Sections 13103 and 13130 of the Education Code, relating to teacher preparation and licensing.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 13103 of the Education Code is amended to read:

13103. As used in this chapter:

(a) "Commission" means the Commission for Teacher Preparation and Licensing.

(b) "Approved institution" means any institution approved by the commission.

(c) "Subject matter examination" means any objective examination approved by the commission as an instrument to measure subject matter knowledge. Successful passage of a subject matter examination or its waiver shall be mandatory for any intern or any applicant for a teaching credential.

(d) "Professional preparation" means either (1) at least nine semester units of professional education courses and one semester of approved full-time student teaching or its equivalent under the supervision of an approved college or university, or (2) an approved internship program of at least one year.

(e) "Fifth year" means a full academic year, or its equivalent, taken at an approved college or university after completion of a baccalaureate program. Institutions of higher education and public schools may be authorized to attest to a teacher's completion of this requirement. Minimum requirements for teaching credentials shall

not include more than the equivalent of one-fifth of a five-year program in, or one year of, professional preparation of which at least one-half will be in student teaching.

(f) "In-service training" means any program of teacher education or preparation offered jointly by a school district and an approved college or university for the purposes of improving or upgrading a teacher's skills, knowledge, or instructional methods which is offered for credit and is approved by the commission.

(g) "Authorization" means the designation appearing on the teaching or service credential identifying the areas of instruction or service which the credential holder is permitted to perform.

(h) "Any grades" and "all grades" means grade 12 or below.

(i) "Rules, regulations, and determinations" means every rule, regulation, order, standard, or determination of general application or the amendment, supplement, or revision of any such rule, regulation, order, standard, or determination adopted by the commission to implement, interpret, or make specific the law enforced and administered by the commission.

SEC. 2. Section 13130 of the Education Code is amended to read:

13130. The minimum requirements for the teaching credential, except designated subjects, are:

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution.

(b) A fifth year of study to be completed within five years from the date of issuance of the preliminary credential.

(c) An approved program of professional preparation.

(d) Passage of a subject matter examination or its waiver as specified in this chapter.

(e) Demonstration of a knowledge of the various methods of teaching reading, to a level deemed adequate by the commission, by successful completion of a program of study approved by the commission or passage of a commission-approved reading examination. This subdivision does not apply to any candidate for a single subject instruction credential who holds a degree in industrial arts, physical education, music, art, or home economics

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CHAPTER 311

An act to add Section 71080.5 to the Government Code, relating to judges.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1 Section 71080.5 is added to the Government Code, to, read·

71080.5. Notwithstanding the provisions of Section 71080, where action is taken and has become effective at least 10 days before the declarations of candidacy as required by Article 1 (commencing with Section 25300) of Chapter 3 of Division 13 of the Elections Code to create, by consolidation, annexation, or otherwise, a judicial district having in excess of 40,000 residents in Shasta County, and where the consolidation, annexation, or other action is to be effective concurrently with the end of the term of the justice court judge or judges, the election immediately following the action shall be for the office or offices of municipal court judge for the new municipal court and any otherwise qualified person may be a candidate therefor.

CHAPTER 312

An act to amend Section 206 of the Labor Code, relating to penalties for nonpayment of wages

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 206 of the Labor Code is amended to read·

206. (a) In case of a dispute over wages, the employer shall pay, without condition and within the time set by this article, all wages, or parts thereof, conceded by him to be due, leaving to the employee all remedies he might otherwise be entitled to as to any balance claimed.

(b) If, after an investigation and hearing, the Labor Commissioner has determined the validity of any employee's claim for wages, the claim is due and payable within 10 days after receipt of notice by the employer that such wages are due. Any employer having the ability to pay who willfully fails to pay such wages within 10 days shall, in addition to any other applicable penalty, pay treble the amount of any damages accruing to the employee as a direct and foreseeable consequence of such failure to pay

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CHAPTER 313

An act to add Section 6216 5 to the Public Resources Code, relating to state lands

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. Section 6216.5 is added to the Public Resources Code, to read:

6216.5. The commission may prescribe such rules and regulations for the noncommercial hobby collection of minerals from state lands as are in the best interests of the state. Nothing in this section shall prevent other state agencies from setting more definitive limits on hobby collecting on lands over which they have a proprietary interest.

CHAPTER 314

An act making an appropriation to pay the claim of Nicholas B. Stillbach, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. The sum of five hundred thousand dollars ($500,000) is hereby appropriated from the General Fund to the Department of Justice for purposes of the settlement of the claim of Nicholas B. Stillbach, et al., against the State of California.

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

In order to settle, out of court, an action against the state for personal injury, thereby terminating a lengthy court procedure and ending a hardship to the injured person and his family as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 315

An act making an appropriation to the Department of Justice to pay the claim of Chester LeVern Ivory, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 22, 1975]

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

SECTION 1. The sum of three hundred thirty-seven thousand five hundred dollars ($337,500) is hereby appropriated from the General Fund to the Department of Justice for settlement of the claim against 28 employees of the State of California in two actions brought by Chester LeVern Ivory, a minor, by and through his guardian ad litem, Gloria Sutton

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

In order to settle out of court two combined actions for personal injuries against 28 state employees arising out of an injury to Chester LeVern Ivory thereby terminating a lengthy court procedure and ending a hardship to this person as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 316

An act to amend Sections 6404 and 6407 of the Public Resources Code, relating to state lands.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 6404 of the Public Resources Code is amended to read:

6404. Any state agency that sells any of the lands listed in Section 6403, other than tax-deeded lands, may, with the approval of the commission, dispose of oil and gas, other gases, including, but not limited to, nonhydrocarbon and geothermal gases, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, or other mineral deposits, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources, together with the right to prospect for, mine and remove such deposits or resources, and to occupy and use so much of the surface of the land as may be necessary therefor.

SEC. 2. Section 6407 of the Public Resources Code is amended to read:

6407. This section is enacted for the purpose of declaring the scope and extent of the powers, duties, purposes, responsibilities and jurisdiction of the commission and the legislative intent with respect to reservation of mineral deposits reserved to the state pursuant to Section 6401; but nothing herein shall be construed as limiting any power, duty, purpose, responsibility, or jurisdiction heretofore, or by this code, vested in or conferred upon the commission.

Mineral deposits reserved to the state shall include all mineral

deposits in lands belonging to, or which may become, the property of the state, including but not limited to, oil and gas, other gases including, but not limited to, nonhydrocarbon and geothermal gases, oil shale, coal, phosphate, alumina, silica, fossils of all geological ages, sodium, gold, silver, metals and their compounds, alkali, alkali earth, sand, clay, gravel, salts and mineral waters, uranium, trona, and geothermal resources.

CHAPTER 317

An act to amend Section 1636 of the Business and Professions Code, relating to dentistry, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 1636 of the Business and Professions Code is amended to read:

1636. (a) Notwithstanding the provisions of subdivision (c) of Section 1628, a person who has had issued to him a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the Board of Dental Examiners, shall be eligible for examination as hereinafter provided upon complying with subdivisions (a) and (b) of Section 1628 and furnishing all of the following documentary evidence satisfactory to the board, that:

(1) He has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(2) Subsequent thereto, he has had issued to him by such dental school, a dental diploma or a dental degree, as evidence of the completion of the course of dental instruction required for graduation.

(3) He has been admitted or licensed to practice dentistry in the country wherein is located the institution from which the applicant was graduated.

(b) Examination by the board of a foreign-trained dental applicant shall be a progressive examination given in the following sequence:

(1) Examination in writing which shall be comprehensive and sufficiently thorough to test the knowledge, skill and competence of the applicant to practice dentistry, and both questions and answers shall be written in the English language.

Such written examination may be the National Board of Dental Examiners' examination A foreign-trained applicant who passes the

written examination shall be permanently exempt from retaking such examination.

Those applicants who have passed the California written examination shall be permanently exempt from retaking any written examination, except any examination required for continuing education purposes.

(2) Demonstration of applicant's skill in restorative technique. An applicant must obtain a minimum grade of 75 percent in each subsection of the restorative technique examination to be deemed to have passed such examination; provided, however, that an applicant who obtains a grade of 85 percent in any subsection of such examination shall be exempt from retaking such subsection for two years following the date of the examination in which a grade of 85 percent was obtained. Every applicant who passes the entire restorative technique examination shall be permanently exempt from retaking such examination.

(c) An applicant who has successfully completed the written examination and the restorative technique examination shall be eligible to take and shall pass the examinations in diagnosis-treatment planning, prosthetic dentistry and operative dentistry in the identical manner in which such examinations are taken by and administered to other dental applicants. Exemptions in such examinations shall be applied to foreign-trained applicants in the same manner as they are applied to other dental applicants.

(d) All exemptions previously obtained by foreign-trained applicants which have been recognized by the board shall remain in effect for two years following the effective date of the amendments to this section made at the 1975 portion of the 1975–76 session of the Legislature.

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

There are a number of foreign-trained dental graduates who have achieved a passing grade in a number of the required subjects and the two-year exemption from reexamination in those subjects is to expire in August of 1975. In order to prevent these individuals from the requirement of reexamination in all the required subjects it is necessary this act take effect immediately

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CHAPTER 318

An act to amend Section 999 of the Evidence Code, relating to the physician-patient privilege.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 999 of the Evidence Code is amended to read:

999. There is no privilege under this article as to a communication relevant to an issue concerning the condition of the patient in a proceeding to recover damages on account of the conduct of the patient if good cause for disclosure of the communication is shown.

CHAPTER 319

An act to amend Section 654.2 of the Penal Code and to amend Section 226 of the Public Utilities Code, relating to transportation of persons.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 654.2 of the Penal Code is amended to read:

654.2. The provisions of Section 654.1 of the Penal Code shall not apply to the selling, furnishing or providing of transportation of any person or persons

(1) When no compensation is paid or to be paid, either directly or indirectly, for such transportation;

(2) To the furnishing or providing of transportation to or from work, of employees engaged in farmwork on any farm of the State of California;

(3) To the furnishing or providing of transportation to and from work of employees of any nonprofit cooperative association, organized pursuant to any law of the State of California;

(4) To the transportation of persons wholly or substantially within the limits of a single municipality or of contiguous municipalities;

(5) To transportation of persons over a route wholly or partly within a national park or state park where such transportation is sold in conjunction with or as part of a rail trip or trip over a regularly operated motorbus transportation system or line;

(6) To the transportation of passengers by a person who is driving his own vehicle and the transportation of persons other than himself and members of his family when transporting such persons on a shared expense basis to or from their place of employment and when the owner of such vehicle is driving to or from his place of employment, provided that arrangements for any such transportation provided under the provisions of this subdivision shall be made directly between the owner of such vehicle and the person who uses or intends to use such transportation.

SEC. 2. Section 226 of the Public Utilities Code is amended to read:

226. "Passenger stage corporation" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this state between fixed termini or over a regular route except those, 98 percent or more of whose operations as measured by total route mileage operated, are exclusively within the limits of a single city or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution.

For the purposes of this section, the percentage of the route mileage within the limits of any city shall be determined by the Public Utilities Commission on the first day of January of each year, and such percentage so determined shall be presumed to continue for said year.

"Passenger stage corporation" does not include that part of the operations of any corporation or person engaged in the ownership, control, operation or management of any passenger stage over any public highway in this state, whether between fixed termini or over a regular route or otherwise, engaged in the transportation of any pupils or students to and from a public or private school, college or university, or to and from activities of a public or private school, college or university, where the rate, charge, or fare for such transportation is not computed, collected, or demanded on an individual fare basis.

The term "passenger stage corporation" does not include the transportation of passengers by a person who is driving his own vehicle and the transportation of persons other than himself and members of his family when transporting such persons on a shared expense basis to or from their place of employment and when the owner of such vehicle is driving to or from his place of employment; provided that arrangements for any such transportation provided under the provisions of this paragraph shall be made directly between the owner of such vehicle and the person who uses or intends to use such transportation.

CHAPTER 320

An act to amend Section 61207 of, and to repeal Section 61208 of the Government Code, to amend Sections 30507, 34741, 60143, 71255, and 74208 of the Water Code, to amend Section 10 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 7 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909), to amend Section 22 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), to amend Section 9 of

the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), and to amend Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), relating to district directors' compensation.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 61207 of the Government Code is amended to read:

61207. The board may authorize each director to receive compensation not exceeding fifty dollars ($50) for each meeting of the board attended by him or for each day's service rendered as a director by request of the board, not exceeding six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 2. Section 61208 of the Government Code is repealed.

SEC. 3. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 4. Section 34741 of the Water Code is amended to read:

34741. Until their compensation is fixed by the adoption of bylaws, the officers shall receive the following compensation for their services:

(a) The secretary, tax collector, treasurer, and assessor, such sums as shall be fixed by the board.

(b) Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 5. Section 60143 of the Water Code is amended to read:

60143. Each director shall receive compensation in an amount not exceeding fifty dollars ($50) for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 6. Section 71255 of the Water Code is amended to read:

71255. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director

by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 7. Section 74208 of the Water Code is amended to read:

74208. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 8. Section 10 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 10. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be. "Be it ordained by the Board of Directors of the Mojave Water Agency as follows:". Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 9. Section 7 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909) is amended to read:

Sec. 7 Each trustee shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board of trustees or for each day's service rendered as a trustee by request of the board of trustees, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. The trustees shall elect one of their own number president. They shall appoint a clerk, who shall hold office at their pleasure, and receive such compensation as they may fix. They must establish and keep an office in or near the district for the transaction of the business thereof, at which all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times They shall hold regular meetings at such office, at such times as they shall by order prescribe. Special meetings may be held on written order of any two trustees and two days written notice to any trustee not joining in the order. The order must specify the business for which the special meeting is called and no other business shall be transacted thereat.

SEC 10. Section 22 of the Water Conservation Act of 1927

(Chapter 91 of the Statutes of 1927) is amended to read:

Sec. 22. Per Diem of Directors Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board.

SEC. 11. Section 9 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read·

Sec. 9. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Crestline-Lake Arrowhead Water Agency as follows:". Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 12. Section 12 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" The board of directors may enact any ordinance which adopts any code by reference following the procedures, definitions, and provisions of Article 2 (commencing with Section 50020) of Chapter 1, Part 1, Division 1, Title 5 of the Government Code so far as they may be applicable. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) per day for each day's attendance at meetings of the board or for each day's

service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

CHAPTER 321

An act to amend Section 203.5 of the Labor Code, relating to claims for wages.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 203.5 of the Labor Code is amended to read:

203.5. If a bonding company issuing a bond to secure the payment of wages for labor or the surety on such a bond willfully fails to pay, without abatement or reduction, any verified claim made for wages found to be due and payable, the claim for wages shall continue as a penalty against the bonding company or surety from the date on which demand for payment was made at the same rate until paid as the wages upon which the claim is based, except that the claim shall not continue as a penalty for more than 30 days.

The provisions of this section shall apply only to payment bonds filed and approved pursuant to Section 3247 of the Civil Code.

CHAPTER 322

An act to amend Section 99267 of, and to add Sections 99260.5 and 103205 to, the Public Utilities Code, relating to transportation.

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 99260.5 is added to the Public Utilities Code, to read:

99260.5. Claims may also be filed with the transportation planning agency by transit districts under this article for payments to be made to a railroad corporation subject to the jurisdiction of the Public Utilities Commission and engaged in the transportation of

persons, as defined in Section 208, for operating losses incurred in such transportation of persons between points within the district.

SEC. 2. Section 99267 of the Public Utilities Code is amended to read:

99267. (a) At least 15 percent of funds received under this article shall be used by an operator for capital expenditures. If, on January 1, 1975, the operator is a city and county with a population of 700,000 or more, it shall use at least 75 percent of such funds for capital expenditures.

(b) Such capital expenditures shall consist of acquisition of land and other real property, current acquisition or replacement of transportation vehicles, or conveyances, and acquisition, construction, enlargement, or repair of property and facilities incidental to or necessary or convenient in connection with the foregoing, depreciation, and payment of principal and interest on its bonded indebtedness, equipment trust certificates, or other indebtedness, including any amounts in the accomplishment of a defeasance under any outstanding revenue bond indenture.

(c) The requirement specified in subdivision (a) shall not apply (1) to an operator in each fiscal year that it receives financial assistance from local sources, exclusive of fares, in an amount equal to or greater than the amount it would have been required to expend pursuant to subdivision (a) or (2) to money allocated to a transit district for a claim filed pursuant to Section 99260.5.

SEC. 3. Section 103205 is added to the Public Utilities Code, to read:

103205. The district may make payments to a railroad corporation subject to the jurisdiction of the Public Utilities Commission and engaged in the transportation of persons, as defined in Section 208, for operating losses incurred in such transportation of persons between points within the district from funds received pursuant to Section 99260.5.

CHAPTER 323

An act to amend Section 9891 23 of the Business and Professions Code, relating to tax preparers

[Approved by Governor August 22, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 9891.23 of the Business and Professions Code is amended to read:

9891.23. Every registration shall cease to be valid on October 31st, unless the tax preparer has paid the renewal fee required by this chapter.

CHAPTER 324

An act to amend Section 351 of the Labor Code, relating to tips and gratuities.

[Approved by Governor August 23, 1975 Filed with Secretary of State August 23, 1975]

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

SECTION 1. Section 351 of the Labor Code is amended to read:

351. No employer or agent shall collect, take, or receive any gratuity or a part thereof, paid, given to or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity, or require an employee to credit the amount, or any part thereof, of such gratuity against and as a part of the wages due the employee from the employer. Every such gratuity is hereby declared to be the sole property of the employee or employees to whom it was paid, given, or left for. This section shall not apply to any employment in which no charge is made to a patron for services rendered to the patron by an employee on behalf of his employer if both of the following conditions are met: (a) the employee is receiving a wage or salary not less than the higher of the state or federal minimum wage, regardless of whether such employee is subject to either such minimum wage law, and (b) the employee's wage or salary is guaranteed and paid in full irrespective of the amount of tips received by the employee.

CHAPTER 325

An act to amend Sections 12811, 13005, and 13006 of the Vehicle Code, relating to anatomical gifts.

[Approved by Governor August 23, 1975 Filed with Secretary of State August 23, 1975]

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

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

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

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

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

(b) With every driver's license issued on and after July 1, 1976, the department shall provide a sticker which may be affixed to the back of the license, by which the licensee may indicate his willingness and intent to make an anatomical gift pursuant to the provisions of subdivision (b) of Section 7154 of the Health and Safety Code. The sticker provided shall contain a statement sufficient in its terms to meet the requirements of the Uniform Anatomical Gift Act, Chapter 3.5 (commencing with Section 7150), Part 1, Division 7, Health and Safety Code. To be effective, the statement shall be signed by the licensee in the presence of two witnesses, who shall sign the statement in his presence. If the licensee cannot sign, the statement may be signed for him at his direction and in his presence in the presence of two witnesses who shall sign the statement in his presence. The gift shall become effective upon the death of the licensee.

(c) No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the sticker provided pursuant to subdivision (b).

SEC. 2. Section 13005 of the Vehicle Code is amended to read:

13005. (a) The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the applicant, bear his or her picture, and be produced in color by a process or processes that prohibit as near as possible, the ability to alter or reproduce the identification card, or prohibit the ability to superimpose a photograph on such identification card without ready detection.

(b) With every identification card issued on and after July 1, 1976, the department shall provide a sticker, which may be affixed to the back of the identification card, by which the cardholder may indicate his willingness and intent to make an anatomical gift pursuant to the provisions of subdivision (b) of Section 7154 of the Health and Safety Code. The sticker provided shall contain a statement sufficient in its terms to meet the requirements of the Uniform Anatomical Gift Act, Chapter 3.5 (commencing with Section 7150), Part 1, Division 7, Health and Safety Code. To be effective, the statement shall be signed by the holder of the card in the presence of two witnesses, who shall sign the statement in his presence. If the holder of the card cannot sign, the statement may be signed for him at his direction and in his presence in the presence of two witnesses who shall sign the statement in his presence. The gift shall become effective upon the death of the holder of the card.

SEC 3. Section 13006 of the Vehicle Code is amended to read:

13006 No public entity or employee shall be liable for any loss or injury resulting directly or indirectly from false or inaccurate information contained in identification cards provided for in this article

No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the sticker provided pursuant to subdivision (b) of Section 13005.

SEC. 4. Funds necessary for the costs of administering the provisions of this act related to anatomical gift stickers shall be appropriated from the General Fund to the Department of Motor Vehicles.

CHAPTER 326

An act to amend Section 13532 of the Education Code, relating to school certificated employees.

[Became law without Governor's signature August 24, 1975
Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 13532 of the Education Code is amended to read:

13532. The governing board of each school district when drawing an order for the salary payment due to a certificated employee of the district, shall with or without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for the purpose of paying the dues of the employee for membership in any local professional organization or in any statewide professional organization, or in any other professional organization affiliated or otherwise connected with a statewide professional organization which authorizes such statewide organization to receive membership dues on its behalf and for the purpose of paying his pro rata share of the costs incurred by the district in making the deduction. No charge shall exceed the actual cost to the district for such dues deduction. Any revocation of a written authorization shall be in writing and shall be effective commencing with the next pay period The governing board shall each month draw its order upon the funds of the district in favor of the organization designated by the employee for an amount equal to the total of the dues deductions made with respect to such organization during the month. The district shall retain and deposit in the general fund of the district the total amounts deducted from the employee's salary payment for the purpose of paying the employee's pro rata share of the costs incurred by the district in making the dues deductions provided for in this section. If the

employees of a district do not authorize the board to make a deduction to pay their pro rata share of the costs of making deductions for the payment of dues, the board shall deduct from the amount transmitted to the organization on whose account the dues payments were deducted the actual costs of making such deduction.

CHAPTER 327

An act relating to the healing arts

[Became law without Governor's signature August 24, 1975
Filed with Secretary of State August 25, 1975]

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

SECTION 1. The Board of Medical Examiners of the State of California shall issue a physician's and surgeon's certificate, without examination except as provided in subdivision (i), to anyone who meets all of the following requirements:

(a) Is a resident of California

(b) Is the holder of a medical degree issued by a college listed in the Directory of the American Medical Association.

(c) Has completed at least three years residency in an American Medical Association-approved program

(d) Is a diplomate of an American Medical Association specialty board as a medical doctor.

(e) Is the holder of an osteopathic degree from a college.

(f) Is the holder of a California osteopathic license.

(g) Is practicing radiology in California.

(h) Passes an oral examination given by the board to be given in accordance with Section 2323 and 2324 of the Business and Professions Code.

SEC. 2. This act shall be operative until January 15, 1976, and after that date shall have no force or effect.

CHAPTER 328

An act to add Section 425.5 to the Government Code, relating to state emblems.

[Became law without Governor's signature August 24, 1975
Filed with Secretary of State August 25, 1975]

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

SECTION 1 Section 425.5 is added to the Government Code, to read:

425.5 The California gray whale (Eschrichtius robustus) is the official State Marine Mammal.

CHAPTER 329

An act to amend Sections 7114, 7118, and 7141.5 of, and to add Section 7076.1 to, the Business and Professions Code, relating to contractor's licenses.

[Became law without Governor's signature August 24, 1975
Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 7076.1 is added to the Business and Professions Code, to read:

7076 1 Upon the voluntary surrender of a license by a licensee, the registrar shall order the license canceled. Cancellation will be effected upon receipt of the request by the registrar No refund will be made of any fee which a licensee may have paid prior to the surrender of the license.

To reinstate a canceled license the licensee must pay all of the fees and meet all of the qualifications and requirements set forth in this chapter for obtaining an original license.

SEC. 2. Section 7114 of the Business and Professions Code is amended to read:

7114. Aiding or abetting an unlicensed person to evade the provisions of this chapter or combining or conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person, or acting as agent or partner or associate, or otherwise, of an unlicensed person with the intent to evade the provisions of this chapter constitutes a cause for disciplinary action

SEC. 3. Section 7118 of the Business and Professions Code is amended to read·

7118. Entering into a contract with a contractor while such contractor is not licensed as provided in this chapter constitutes a cause for disciplinary action.

SEC. 4 Section 7141.5 of the Business and Professions Code is amended to read:

7141.5 The registrar may renew the license of a contractor who failed to renew the same by the due date retroactively to the first day of the renewal period within which the contractor files an application for renewal This section shall only apply for a period not to exceed six months from the due date and only upon a showing by the contractor in a petition to the registrar that such failure to renew was due to mistake, inadvertence, surprise or excusable neglect

Failure or refusal by the registrar to either grant or deny the contractor's petition shall be deemed an action under Section 7013.

CHAPTER 330

An act to amend Section 69948 of the Government Code, relating to court reporters.

[Became law without Governor's signature August 24, 1975
Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 69948 of the Government Code is amended to read·

69948. The fee for reporting testimony and proceedings in contested cases is fifty-five dollars ($55) a day, or any fractional part thereof. In San Joaquin County, the board of supervisors may, by ordinance, prescribe a higher rate of compensation for superior court reporters.

CHAPTER 331

An act to amend Section 6871 of the Education Code, relating to special education.

[Approved by Governor August 25, 1975 Filed with
Secretary of State August 25, 1975]

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

SECTION 1. Section 6871 of the Education Code is amended to read:

6871. With the approval of the county superintendent of schools, any school district having a physically handicapped pupil, mentally retarded pupil, severely mentally retarded pupil, or multiply handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, shall, and any school district having an educationally handicapped pupil for whom special education facilities and services as prescribed by Section 6870 are not available or cannot be reasonably provided, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such pupil toward the

tuition for such pupil, enrolled in a public or private nonsectarian school, institution, or agency within or outside of California offering the special education facilities and services made necessary by the pupil's disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the amount allowable per unit of average daily attendance for the particular category under Section 18102, 18102.2, 18102.4, or 18102.6, and paragraph (a) of subdivision (2) of Section 18102.9 for educationally handicapped pupils who are diagnosed as being autistic, the amount allowable per unit of average daily attendance for the particular category under Section 18060, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the current expense of education of a normal child in the schools of the district. The amount per unit of average daily attendance provided from revenue derived from district taxation shall be the local share of the revenue limit determined pursuant to Sections 20904, 20905, and 20906. As used in this article "tuition" includes the cost to the parent or guardian of transporting a pupil enrolled in a public or private nonsectarian school, institution, or agency under this section to and from school.

The provisions of this section shall be applicable as well to situations where the special educational facilities and services are available but are an unreasonable distance away from the home of the pupil. The Superintendent of Public Instruction shall adopt rules and regulations to implement the determination of the unreasonableness of such cost and distance, and any other rules and regulations deemed necessary by him for the effective administration of this chapter. The county superintendent of schools shall make a finding as to the unreasonableness of such cost or distance for the school districts within his jurisdiction and shall report such findings to the Superintendent of Public Instruction, who, if he approves such findings, shall authorize payments pursuant to this section and Sections 6872 and 6873.

The provisions of this section shall be applicable as well to situations where the public special educational facilities and services are available but the attending physician of the physically handicapped, mentally retarded, severely mentally retarded, multiply handicapped, or educationally handicapped pupil or the attending optometrist of the physically handicapped pupil who is blind or partially seeing, or of the educationally handicapped pupil with a visual-perceptual disorder, has recommended that it is in the best interests of the health and welfare of such pupil that the pupil be enrolled in a private nonsectarian school, institution or agency offering the special education facilities and services made necessary by the pupil's disabilities, and such recommendation has been approved by the county health officer and the county superintendent of schools on forms specified by the Superintendent of Public Instruction.

Priority in providing special education facilities and services shall

be given to public school, or state-operated, programs. State and school district support for an exceptional child's education at a private nonsectarian school, institution, or agency shall be approved pursuant to this chapter only if no publicly operated programs are available to the pupil within a reasonable distance from his residence, or if such programs do not meet the specialized needs of the pupil, as determined under the procedures established by this chapter. Priority in approving private nonsectarian schools, institutions, or agencies shall be given to the nearest such school, institution, or agency from where the parent or guardian of the exceptional child resides and which provides training and education as defined in Section 6870.

In instances where public funds are paid to the parent or guardian of a pupil pursuant to this section, toward the tuition of such pupil enrolled in a private nonsectarian school, institution, or agency, the school, institution, or agency enrolling such pupil shall at the end of each school year submit a written progress report on each such pupil on forms provided by the Superintendent of Public Instruction, and shall forward such forms to the county superintendent of schools of the county authorizing placement. Such reports shall be used by the county superintendents of schools to determine continued eligibility for placement and reimbursement under this chapter.

In no event shall the total of any allowances or apportionments of state funds be made to a school district in behalf of a pupil receiving an allowance pursuant to this section in excess of the total of such amounts which would have been allowed or apportioned to the district if the pupil were in attendance at a school in the district.

CHAPTER 332

An act to amend Sections 1812.30 and 1812.31 of, and to add Sections 1812.32, 1812.33, 1812.34, and 1812.35 to, the Civil Code, relating to credit.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 1812.30 of the Civil Code is amended to read:

1812.30. (a) No person, regardless of marital status, shall be denied credit in his or her own name if the earnings and other property over which he or she has management and control are such that a person of the opposite sex managing and controlling the same amount of earnings and other property would receive credit.

(b) No person, regardless of marital status, managing and controlling earnings and other property shall be offered credit on

terms less favorable than those offered to a person of the opposite sex seeking the same type of credit and managing and controlling the same amount of earnings and other property.

(c) No unmarried person shall be denied credit if his or her earnings and other property are such that a married person managing and controlling the same amount of earnings and other property would receive credit.

(d) No unmarried person shall be offered credit on terms less favorable than those offered to a married person managing and controlling the same amount of earnings and other property.

(e) A credit reporting agency shall identify separately within its records of the reports it delivers, the credit histories of the person applying for credit, and his or her joint accounts, if applicable, to the extent that such information is on file with the credit reporting agency.

(f) For the purposes of this chapter, "credit" means obtainment of money, property, labor, or services on a deferred-payment basis.

(g) For the purposes of this chapter, earnings shall include, but not be limited to, spousal and child support payments, pensions, social security, disability or survivorship benefits. Spousal and child support payments shall be considered in the same manner as earnings from salary, wages, or other sources where the payments are received pursuant to a written agreement or court decree to the extent that the reliability of such payments is established. The factors which a creditor may consider in evaluating the reliability of such payments are the length of time payments have been received; the regularity of receipt; and whether full or partial payments have been made.

(h) Nothing in this chapter shall be construed to prohibit a person from: (1) utilizing an evaluation of the reliability of earnings provided that such an evaluation is applied to persons without regard to their sex or marital status; or (2) inquiring into and utilizing an evaluation of the obligations for which community property is liable pursuant to the provisions of Title 8 (commencing with Section 5100) of Part 5 of Division 4 for the sole purpose of determining the creditor's rights and remedies with respect to the particular extension of credit, provided that such is done with respect to all applicants without regard to their sex; or (3) utilizing any other relevant factors or methods in determining whether to extend credit to an applicant provided that such factors or methods are applicable to all applicants without regard to their sex or marital status. For the purpose of this subdivision, the fact that an applicant is of childbearing age is not a relevant factor

(i) Credit applications for the obtainment of money, goods, labor, or services shall clearly specify that the applicant, if married, may apply for a separate account

SEC 2. Section 1812.31 of the Civil Code is amended to read:

1812.31 (a) Whoever violates Section 1812.30 shall be liable to the aggrieved person in an amount equal to the sum of any actual

damages sustained by such person acting either in an individual capacity or as a representative of a class.

(b) Whoever violates Section 1812.30 shall be liable to the aggrieved person for punitive damages in an amount not greater than ten thousand dollars ($10,000), as determined by the court, in addition to any actual damages provided in subdivision (a); provided, however, that in pursuing the recovery allowed under this subdivision, the aggrieved person may proceed only in an individual capacity and not as a representative of a class.

(c) Notwithstanding subdivision (b), whoever violates Section 1812.30 may be liable for punitive damages in the case of a class action in such amount as the court may allow, except that as to each member of the class no minimum recovery shall be applicable, and the total recovery in such action shall not exceed the lesser of one hundred thousand dollars ($100,000) or one percent (1%) of the net worth of the creditor. In determining the amount of the award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of violations, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's violation was intentional.

SEC. 3. Section 1812.32 is added to the Civil Code as follows:

1812.32. Any person, corporation, firm, partnership, joint stock company, or any other association or organization which violates or proposes to violate this chapter may be enjoined by any court of competent jurisdiction. Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California or by any person denied credit or offered credit in violation of Section 1812.30.

SEC. 4. Section 1812.33 is added to the Civil Code as follows:

1812.33 (a) Any person who intentionally violates any injunction issued pursuant to this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each day that such person violates the injunction.

(b) The civil penalty prescribed by this section shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law

(c) If such an action is brought by the Attorney General, one-half of the penalty collected pursuant to this section shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney or county counsel, the entire amount of the penalty collected shall be paid to the treasurer of the county in which the judgment was

entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county in which the judgment was entered and one-half to the city.

SEC. 5. Section 1812.34 is added to the Civil Code, to read:

1812.34. Any person denied credit or offered credit in violation of Section 1812.30 who brings an action pursuant to Section 1812.31 or 1812.32 of this code may petition the court for award of costs and reasonable attorney's fees which the court shall award if the action is successful.

SEC. 6. Section 1812.35 is added to the Civil Code, to read:

1812.35. Any action commenced pursuant to Section 1812.31 shall be commenced within two years from the date on which the person is denied credit or is offered credit in violation of Section 1812.30.

CHAPTER 333

An act to amend Section 20930 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 20930 of the Government Code is amended to read:

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

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

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

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

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

(e) Employment as an academic employee of the University of California prior to 1963; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount

equal to the contributions which would have been made on his behalf by the state had he been in membership during such employment, assuming that the state rate of contribution in effect at the time of election has been in effect during such employment

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

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

(h) Time during which a state employee was absent from state service on war relocation leave.

"War relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and who later returned to state service. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service or July 1, 1947, whichever is earlier.

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

(j) Absence from state service because of illness which arose out of and in the course of employment and for which the member received temporary disability benefits under the Labor Code during such absence and did not receive full compensation as distinguished from such disability benefits for the period of absence.

(k) Civilian service as an employee or officer of an agency of the government of the United States which performed functions the same as or substantially similar to those performed by this state prior to January 1, 1942, and which were transferred from the state to such

agency, including military service in any branch of the armed forces of the United States performed by an individual on military leave of absence from such federal employment, if all the following conditions exist:

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

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

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

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

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

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

(m) Time during which an employee was absent from state service because of illness arising out of and in the course of employment and which is certified by the Workmen's Compensation Appeals Board and for which the employee was not compensated.

SEC. 2. Any members of the Public Employees' Retirement System who paid the employer portion of contributions prior to January 1, 1976, in order to receive credit for war relocation leave shall have such contributions refunded to them by the system, if they apply for the refund prior to April 1, 1976.

CHAPTER 334

An act to amend Section 377 of the Code of Civil Procedure, relating to wrongful death actions

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

The people of the State of California do enact as follows

SECTION 1. Section 377 of the Code of Civil Procedure is amended to read:

377. (a) When the death of a person is caused by the wrongful act or neglect of another, his heirs or personal representatives on their behalf may maintain an action for damages against the person causing the death, or in case of the death of such wrongdoer, against the personal representative of such wrongdoer, whether the wrongdoer dies before or after the death of the person injured. If any other person is responsible for any such wrongful act or neglect, the action may also be maintained against such other person, or in case of his death, his personal representatives. In every action under this section, such damages may be given as under all the circumstances of the case, may be just, but shall not include damages recoverable under Section 573 of the Probate Code. The respective rights of the heirs in any award shall be determined by the court. Any action brought by the personal representatives of the decedent pursuant to the provisions of Section 573 of the Probate Code may be joined with an action arising out of the same wrongful act or neglect brought pursuant to the provisions of this section. If an action be brought pursuant to the provisions of this section and a separate action arising out of the same wrongful act or neglect be brought pursuant to the provisions of Section 573 of the Probate Code, such actions shall be consolidated for trial on the motion of any interested party

(b) For the purposes of subdivision (a), "heirs" mean only the following:

(1) Those persons who would be entitled to succeed to the property of the decedent according to the provisions of Division 2 (commencing with Section 200) of the Probate Code, and

(2) Whether or not qualified under paragraph (1), if they were dependent on the decedent, the putative spouse, children of the putative spouse, stepchildren, and parents. As used in this paragraph, "putative spouse" means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid

Nothing in this subdivision shall be construed to change or modify the definition of "heirs" under any other provision of law.

SEC 2. It is the intent of the Legislature that the amendments to Section 377 of the Code of Civil Procedure made by Section 1 of this act eliminate the additional requirements imposed by law, in the form of specified survivors, for the maintenance of a wrongful death action for the death of a minor and include the putative spouse, children of the putative spouse, stepchildren, and parents within the class of persons who may maintain an action for wrongful death if they were dependent on the decedent. It is the further intent of the Legislature that the amendment to Section 377 of the Code of Civil Procedure made by Section 1 of this act including dependent stepchildren within the class of persons who may maintain an action for wrongful death alter the rule of law enunciated in the decision of the California Supreme Court in Steed v. Imperial Air Lines (1974), 12 Cal. 3d 115

CHAPTER 335

An act to amend Section 19571.5 of, and to add Section 19571.54 to, the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 19571.5 of the Education Code is amended to read:

19571.5. Any authorization of the proceeds derived from the sale of an unused site pursuant to Section 19571.3 shall constitute a conversion of the unpaid portion of the apportionment to the application for an air cooling system as if an apportionment had originally been made therefor. Such converted apportionment shall be repaid pursuant to Section 19600 irrespective of Section 19632.

SEC. 2. Section 19571.54 is added to the Education Code, to read:

19571.56. Whenever a school district has received an increased building cost allowance pursuant to Section 19571 or 19571.3 for the purpose of providing facilities for year-around school operation as defined in Section 19571.6, and in any fiscal year subsequent to the fiscal year in which the facilities are completed fails to conduct such a year-around school operation, the Director of General Services shall in the following fiscal year deduct an amount from the eligible bonded debt service of the district equal to one-twentieth of the amount of such increased cost allowance plus interest thereon. The total amount to be deducted in subsequent fiscal years after the completion of such facilities shall not exceed seven-twentieths of the amount of the increased allowance, plus interest.

SEC. 3. Senate Bill No. 220 of the 1975–76 Regular Session, as enacted, shall be deemed operative for the entire 1975–76 fiscal year as though the same had been enacted into law and become operative on July 1, 1975. The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

SEC. 4. The provisions of Senate Bill No. 220 of the 1975–76 Regular Session, as enacted, shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1975–76. Notwithstanding the provisions of Sections 20951 and 21001, and any

other provisions of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the State School Fund and unbudgeted revenues from local sources provided during the 1975–76 fiscal year pursuant to the provisions of Senate Bill No. 220 of the 1975–76 Regular Session, as enacted, without repetition of any publication or other budgeting procedures which would otherwise be required

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

In order to permit this act to be operative for the entire 1975–76 fiscal year, and so facilitate the orderly administration of the system for providing financial support for the public schools, it is necessary that this act take effect immediately.

CHAPTER 336

An act to amend Section 31010 of the Government Code, relating to municipal advisory councils.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 31010 of the Government Code is amended to read:

31010. The board of supervisors of any county may by resolution establish and provide funds for the operation of a municipal advisory council for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to advice on matters of public health, safety, welfare, public works, and planning. The board may pay from available funds such actual and necessary expenses of travel, lodging, and meals for the members of the council while on such official business as may be approved by the board.

The resolution establishing any such municipal advisory council shall provide for the following:

(a) The name of the municipal advisory council.

(b) The qualifications, number, and method of selection of its members, whether by election or appointment.

(c) Its designated powers and duties.

(d) The unincorporated area or areas for which the municipal advisory council is established.

(e) Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision.

(f) Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.

CHAPTER 337

An act to amend Section 29320 of the Government Code, relating to revolving funds for county officers.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 29320 of the Government Code is amended to read:

29320. As used in this article, "officer of the county" includes any elective or appointive officer of a county, superior court, or judicial district and any person in charge of any office, department, service, or institution of the county, or a division or branch thereof.

CHAPTER 338

An act to amend Section 1916.5 of the Civil Code, relating to variable interest rate loans.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 1916.5 of the Civil Code is amended to read:

1916.5. (a) No increase in interest provided for in any provision for a variable interest rate contained in a security document, or evidence of debt issued in connection therewith, shall be valid unless such provision is set forth in such security document, and in any evidence of debt issued in connection therewith, and such document or documents contain the following provisions:

(1) A requirement that when an increase in the interest rate is required or permitted by a movement in a particular direction of a prescribed standard an identical decrease is required in the interest rate by a movement in the opposite direction of the prescribed standard.

(2) The rate of interest shall change not more often than once during any semiannual period, and at least six months shall elapse between any two such changes.

(3) The change in the interest rate shall not exceed one-fourth of 1 percent in any semiannual period, and shall not result in a rate more than 2.5 percentage points greater than the rate for the first loan payment due after the closing of the loan.

(4) The rate of interest shall not change during the first semiannual period.

(5) The borrower is permitted to prepay the loan in whole or in part without a prepayment charge within 90 days of notification of any increase in the rate of interest.

(6) A statement attached to the security document and to any evidence of debt issued in connection therewith printed or written in a size equal to at least 10-point bold type, consisting of the following language:

NOTICE TO BORROWER: THIS DOCUMENT CONTAINS PROVISIONS FOR A VARIABLE INTEREST RATE.

(b) The provisions of this section shall be applicable only to a mortgage contract, deed of trust, real estate sales contract, or any note or negotiable instrument issued in connection therewith, when its purpose is to finance the purchase or construction of real property containing four or fewer residential units or on which four or fewer residential units are to be constructed.

(c) Regulations setting forth the prescribed standard upon which variations in the interest rate shall be based may be adopted by the Savings and Loan Commissioner with respect to savings and loan associations, the Superintendent of Banks with respect to banks, and the Insurance Commissioner with respect to insurers.

(d) As used in this section:

(1) "Bank" includes, but is not limited to, a national banking association.

(2) "Savings and loan association" includes, but is not limited to, a federal savings and loan association, as defined by Section 11000 of the Financial Code.

(3) "Insurer" includes, but is not limited to, a nonadmitted insurance company.

(4) "Semiannual period" means each of the successive periods of six calendar months commencing with the first day of the calendar month in which the instrument creating the obligation is dated.

(5) "Security document" means a mortgage contract, deed of trust, or real estate sales contract.

(6) "Evidence of debt" means a note or negotiable instrument.

(e) Notwithstanding the provisions of subdivision (b) of Section 1227 and subdivision (a) of Section 7150 of the Financial Code, when there is an increase in the interest rate of a loan subject to this section which is made by a commercial bank pursuant to subdivision (b) of Section 1227 of the Financial Code, or by a savings and loan

association pursuant to subdivision (a) of Section 7150 of the Financial Code, the term of such loan may be extended at the option of the borrower for such additional period as may be required to amortize the loan without increasing the existing monthly payment, but not to exceed a maximum term of 40 years.

(f) The provisions of this section shall be applicable only to instruments executed on and after the effective date of this section.

(g) This section shall not apply to nonprofit public corporations.

CHAPTER 339

An act to add Section 208.5 to the Health and Safety Code, relating to health

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 208 5 is added to the Health and Safety Code, to read:

208.5 Notwithstanding any other provision of law, the state department shall submit all of its rules and regulations on matters related to statutory responsibilities delegated to or enforced by local health departments, except emergency rules and regulations, to the California Conference of Local Health Officers for review and comment prior to adoption. If the state department deems it appropriate to implement the proposed rules and regulations or parts thereof, contrary to the recommendations of the conference, the state department shall make a public finding summarizing the reasons for acting contrary to such recommendations.

CHAPTER 340

An act making an appropriation for the state park system, and declaring the urgency thereof, to take effect immediately

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Of the sum of six hundred thousand dollars ($600,000), which was appropriated from the General Fund in the State Treasury to the Department of Parks and Recreation for Sonoma Coast State Beach land acquisition by Item 383.3(a) of the Budget Act of 1974 (Chapter 375, Statutes of 1974), the sum of two

hundred thousand dollars ($200,000) shall not be available for expenditure for such purpose and is hereby reappropriated to the Department of Parks and Recreation for Mendocino Headlands land acquisition, in augmentation of Item 383.3(b) of the Budget Act of 1974, and for Mendocino Headlands development; provided, that such funds shall not be expended on the purchase price of any real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services, and all material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

SEC. 2. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

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

In order for the state to acquire and develop and protect lands of significant environmental and recreational value, it is necessary that this act take immediate effect.

CHAPTER 341

An act to amend Section 25355 of the Government Code, relating to county property.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 25355 of the Government Code is amended to read:

25355. The board may accept or reject any gift, bequest, or devise made to or in favor of the county, or to or in favor of the board in trust for any public purpose The board may delegate to any county officer or employee the power to accept any gift, bequest, or devise made to or in favor of the county, the value of which does not exceed two thousand five hundred dollars ($2,500). The board may hold and dispose of the property and the income and increase thereof for such lawful uses and purposes as are prescribed in the terms of the gift, bequest, or devise

CHAPTER 342

An act to amend Section 429.80 of, and to add Section 429.81 to, the Health and Safety Code, relating to health.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 429.80 of the Health and Safety Code is amended to read:

429.80. The state department shall seek the advice of appropriate professional societies and appropriate healing arts licensing boards prior to designating approved projects

SEC. 2. Section 429.81 is added to the Health and Safety Code, to read:

429 81 The state department shall not approve a project for a period lasting more than two training cycles plus a preceptorship of more than 24 months, unless the department determines that the project is likely to contribute substantially to the availability of high-quality health services in the state or a region thereof.

CHAPTER 343

An act to amend Section 17500.3 of the Business and Professions Code, relating to solicitations.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 17500.3 of the Business and Professions Code is amended to read·

17500.3. (a) It is unlawful for any person to solicit a sale or order for sale of goods or services at the residence of a prospective buyer, in person or by means of telephone, without clearly, affirmatively and expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement, except a greeting, or asking the prospective buyer any other questions, that the purpose of the contact is to effect a sale, by doing all of the following·

(1) Stating the identity of the person making the solicitation.

(2) Stating the trade name of the person represented by the person making the solicitation

(3) Stating the kind of goods or services being offered for sale.

(4) And, in the case of an "in person" contact, the person making the solicitation shall, in addition to meeting the requirements of

paragraphs (1), (2) and (3), show or display identification which states the information required by paragraphs (1) and (2) as well as the address of the place of business of one of such persons so identified.

(b) It is unlawful for any person, in soliciting a sale or order for the sale of goods or services at the residence of a prospective buyer, in person or by telephone, to use any plan, scheme, or ruse which misrepresents his true status or mission for the purpose of making such sale or order for the sale of goods or services.

(c) In addition to any other penalties or remedies applicable to violations of this section, the intentional violation of this section shall entitle persons bound to a contract, when there was a sales approach or presentation or both in which such intentional violation of this section took place, to damages of two times the amount of the sale price or up to two hundred fifty dollars ($250), whichever is greater, but in no case shall such damages be less than fifty dollars ($50); provided, however, that as a condition precedent to instituting such action hereunder against the person represented by the person making the solicitation, the aggrieved party shall, in writing, demand that the person represented by the solicitor terminate such contract and return any and all payments made thereunder, and that the person represented by the solicitor shall have refused within a reasonable time, such termination and return. If the person represented by the person making the solicitation elects to terminate, he shall return to the aggrieved party payments received for any and all goods, and for services not rendered, and upon return of such payments, the aggrieved party shall return any and all goods received under the contract. For the purposes of this section, a reasonable time shall mean 20 business days from the date of demand. This subdivision shall not apply to a cause of action commenced under any other provision of law, including, but not limited to, a cause of action commenced pursuant to Section 382 of the Code of Civil Procedure or Section 1781 of the Civil Code.

Any rights under this subdivision shall be waived if subsequent to the signing of the contract the party bound by the contract states that identification, as required by this section, was given.

(d) Persons represented by the person making the solicitation shall keep and maintain copies of all demands for termination for violation of this section for a period of one year from date of receipt. Failure to maintain such records shall create a presumption affecting the burden of proof that demand for termination had been properly made.

(e) Where any provision of law provides a penalty for the violation of any offense specified in this section, it shall be a defense to the imposition of such penalty as to any defendant who did not commit the act or acts constituting the offense that such defendant did not know, and with the exercise of reasonable care could not have known, that the act was committed, which constitutes the violation of this section

(f) As used in this section "person" includes any individual, firm, partnership, corporation, association or other organization, but does not include any nonprofit charitable organization, or any person selling any intangibles, or any items defined in Section 1590(a) (1), of Title 18 of the California Administrative Code as it read on July 15, 1972.

(g) This section shall not prohibit nor authorize the enactment by the governing body of any city, county, or city and county, of ordinances relating to home solicitations which are more restrictive of such solicitation than the provisions of this section.

CHAPTER 344

An act to amend Section 3 of Chapter 1392 of the Statutes of 1974, relating to state-mandated local costs.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 3 of Chapter 1392 of the Statutes of 1974 is amended to read·

Sec. 3 There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local governmental agencies in 1974–75 pursuant to this act However, there may be state-mandated local costs in this act in 1975–76 and subsequent years for which the method of payment is not otherwise prescribed by the provisions of this act which may be state-mandated costs and require reimbursement.

CHAPTER 345

An act to amend Section 3 of Chapter 1393 of the Statutes of 1974, relating to state-mandated local costs.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 3 of Chapter 1393 of the Statutes of 1974 is amended to read·

Sec. 3 There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and

Taxation Code because there are no duties, obligations, or responsibilities imposed on local governmental agencies in 1974–75 pursuant to this act. However, there may be state-mandated local costs in this act in 1975–76 and subsequent years for which the method of payment is not otherwise prescribed by the provisions of this act which may be state-mandated costs and require reimbursement.

CHAPTER 346

An act to amend Section 2 of Chapter 1391 of the Statutes of 1974, relating to state-mandated local costs.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 2 of Chapter 1391 of the Statutes of 1974 is amended to read:

Sec. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local governmental agencies in 1974–75 pursuant to this act. However, there may be costs in this act in 1975–76 and subsequent years for which the method of payment is not otherwise prescribed by the provisions of this act which may be state-mandated costs and require reimbursement.

CHAPTER 347

An act to amend Section 12304 of the Welfare and Institutions Code, relating to public social services.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 12304 of the Welfare and Institutions Code is amended to read:

12304. (a) Any aged, blind, or disabled individual eligible for assistance under this chapter or Chapter 4 (commencing with Section 12500) who is severely impaired and in need of in-home supportive services, as determined by the county welfare department, shall be eligible to receive services under this article, the total cost of which does not exceed four hundred fifty dollars

($450) per month, plus adjustments reflecting cost-of-living changes subsequent to January 1, 1974, as determined under Section 12201.

(b) A severely impaired individual eligible for services under this article who is capable of handling his own financial and legal affairs shall be given the option of hiring and paying his own provider of in-home supportive services. For this purpose such individual shall be entitled to receive a monthly cash payment in advance not to exceed the maximum amount provided in subdivision (a) of this section, which is in addition to his grant, if any. A severely impaired individual who is not capable of handling his own financial and legal affairs shall be entitled to receive such cash payment through his guardian, conservator or protective payee.

(c) In no event shall the total entitlement for services and advance cash payment under subdivisions (a) and (b) of this section exceed four hundred fifty dollars ($450) per month, as adjusted pursuant to subdivision (a) of this section.

(d) The county welfare department shall inform in writing any individual who is potentially eligible for services under this section of his right to such services.

(e) For purposes of this section, a "severely impaired" recipient is one who requires in-home supportive care of at least 20 hours per week to carry out the functions of daily living, including but not limited to, the following:

(1) Routine bodily functions, such as bowel and bladder care;

(2) Dressing;

(3) Preparation and consumption of food; or

(4) Moving into and out of bed.

(f) The county welfare department shall review the provisions of services under this section at least every six months.

(g) Funding for the in-home supportive services under this section shall qualify, where possible, for the maximum federal reimbursement. In the event that such services are determined to be ineligible for federal financial participation, or to the extent that federal funds prove inadequate, the state shall provide funding for services under this section.

CHAPTER 348

An act to amend Section 23656 of the Education Code, relating to state universities and colleges.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

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SECTION 1. Section 23656 of the Education Code is amended to read:

23656. Each board shall meet at least once each year and shall meet at such other times as the chairman or executive secretary may designate.

CHAPTER 349

An act to add Section 1463.12 to the Penal Code, relating to distribution of fines and forfeitures.

[Approved by Governor August 25, 1975. Filed with Secretary of State August 25, 1975.]

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

SECTION 1. Section 1463.12 is added to the Penal Code, to read:

1463.12. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred, once a month, into the general fund of any school district in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by members of school security patrol employed by such school district and charged with a violation of the parking regulations of the district upon property owned by or leased by the district within the county, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

SEC. 2. Notwithstanding Section 2229 or 2230 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are no state-mandated local costs in this act and any revenue loss implied herein is not reimbursable under Section 2229 or 2230 of the Revenue and Taxation Code.

CHAPTER 350

An act to amend Section 4019.3 of the Penal Code, relating to county jails.

[Approved by Governor August 25, 1975. Filed with Secretary of State August 25, 1975.]

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

SECTION 1. Section 4019.3 of the Penal Code is amended to read:

4019.3. The board of supervisors may provide that each prisoner confined in or committed to a county jail shall be credited with a sum not to exceed two dollars ($2) for each eight hours of work done by him in such county jail.

CHAPTER 351

An act to amend Section 24867 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 24867 of the Business and Professions Code is amended to read:

24867. Each person without the state who owns or controls a brand of wine resold to retailers or consumers in this state shall designate in writing one licensee who imports the brand of wine to make and file a fair trade contract and file a schedule of resale prices for the brand. Provided, however, that when two or more persons without the state sell the same brand of wine to importers in this state, each such importer may file his own selling prices to retailers for the brand.

CHAPTER 352

An act relating to the Lodi Unified School District and the Holt Union Elementary School District of San Joaquin County and Tracy Joint Union High School District of San Joaquin County and Alameda County, and the Ventura Unified School District and the Ojai Unified School District of Ventura County, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. All acts and proceedings heretofore undertaken by the Board of Supervisors of the County of San Joaquin; the Superintendent of Schools of the County of San Joaquin; the Governing Boards of the Lodi Unified School District, the Holt Union Elementary School District, and the Tracy Joint Union High School

District; and all other public offices and agencies, in the transfer of a portion of the territory of Mandeville Island, Bacon Island, and Mildred Island from the Lodi Unified School District to the Holt Union Elementary School District and the Tracy Joint Union High School District, undertaken pursuant to Article 3 (commencing with Section 2361) of Chapter 5 of Division 5 of the Education Code and effected by Resolution R-74-3460 of the Board of Supervisors of the County of San Joaquin, are hereby confirmed, ratified, validated, and declared legally effective for all purposes. This shall include all actions taken with regard to the publication of formal newspaper notice pursuant to Section 1344 of the Education Code.

SEC. 2. All acts and proceedings heretofore undertaken by the Board of Supervisors of the County of Ventura; the Superintendent of Schools of the County of Ventura; the Governing Boards of the Ventura Unified School District and the Ojai Unified School District; and all other public offices and agencies, in the transfer of a portion of the territory of the Ventura Unified School District to the Ojai Unified School District, undertaken pursuant to Article 3 (commencing with Section 2361) of Chapter 5 of Division 5 of the Education Code and effected by Resolution 305.600/309 of the Board of Supervisors of the County of Ventura, are hereby confirmed, ratified, validated, and declared legally effective for all purposes

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

The transfer, pursuant to Resolution R-74-3460 of the Board of Supervisors of San Joaquin County adopted December 12, 1974, of certain territory from the Lodi Unified School District of San Joaquin County to the Holt Union Elementary School District of San Joaquin County and, by operation of law, to the Tracy Joint Union High School District would, if valid, take effect for all purposes on July 1, 1975, which is long before the effective date of ordinary statutes enacted by the Legislature in 1975. Questions have arisen as to the technical validity of the publication of the related notice, as required by statute The publication in question substantially fulfilled the purpose, if not the letter, of the statute. In order that such substantial compliance may be ratified, validated, confirmed, and declared legally valid for all purposes prior to July 1, 1975, when such transfer would become effective for all purposes, and in order that public funds not be expended in possible litigation over such technicalities, it is necessary that this act take effect immediately.

Also, the transfer, pursuant to Resolution 305.600/309 of the Board of Supervisors of Ventura County adopted June 4, 1974, of certain territory from the Ventura Unified School District of Ventura County to the Ojai Unified School District of Ventura County would if valid, take effect for all purposes on July 1, 1975, which is long before the effective date of ordinary statutes enacted by the Legislature in 1975. In order that such substantial compliance may be

ratified, validated, confirmed, and declared legally valid for all purposes prior to July 1, 1975, when such transfer would become effective for all purposes, it is necessary that this act take effect immediately.

CHAPTER 353

An act to add Section 1752.81 to the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 1752.81 is added to the Welfare and Institutions Code, to read:

1752.81. Whenever the Director of the Youth Authority has in his possession in trust funds of a ward committed to the authority, such funds may be released for any purpose when authorized by the ward. When the sum held in trust for any ward by the Director of the Youth Authority exceeds five hundred dollars ($500), the amount in excess of five hundred dollars ($500) may be expended by the director pursuant to a lawful order of a court directing payment of such funds, without the authorization of the ward thereto

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CHAPTER 354

An act to amend the heading of Article 2 (commencing with Section 16370) of Chapter 2 of Division 7 of, and to amend Section 16370 of, the Vehicle Code, relating to driver's license suspensions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. The heading of Article 2 (commencing with Section 16370) of Chapter 2 of Division 7 of the Vehicle Code is amended to read·

Article 2 Suspension of Driving Privilege

SEC. 2 Section 16370 of the Vehicle Code is amended to read:

16370 The department shall suspend the privilege of any person to operate a motor vehicle upon receiving a copy of a judgment, and

a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him.

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

Because statutes enacted at the 1973–74 session of the Legislature deleted provisions of law requiring the Department of Motor Vehicles to restore suspended registration cards and license plates while also reinstating the requirement that the department suspend the registration cards and license plates issued in the name of judgment debtors who for 30 days have failed to satisfy judgment, the department is placed in an untenable position in administering the law, and it is therefore necessary that this act take effect immediately.

CHAPTER 355

An act to amend Section 12101 5 of the Health and Safety Code, relating to explosives.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 12101.5 of the Health and Safety Code is amended to read:

12101.5. This chapter does not apply to any possession or use by a person licensed as a pyrotechnic operator—special effects first class of 20 pounds or less of smokeless powder, or five pounds or less of black sporting powder, if all of the following requirements are satisfied:

(a) All such powder is for use in the pursuit of the lawful business of such licensee and not for resale, and, in the case of black sporting powder, there shall be no gift, delivery or other disposition to another person who is not licensed as a pyrotechnic operator—special effects first class. Any such licensee may sell, give, deliver, or otherwise dispose of any smokeless or black sporting powder to another such licensee.

(b) The storage, use and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

CHAPTER 356

An act to amend Section 34090 of the Government Code, relating to destruction of city records.

[Approved by Governor August 25, 1975. Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 34090 of the Government Code is amended to read:

34090. Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

(a) Records affecting the title to real property or liens thereon.

(b) Court records.

(c) Records required to be kept by statute.

(d) Records less than two years old.

(e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section 34090.5 for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

CHAPTER 357

An act to amend Section 1000.2 of the Penal Code, relating to bail.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 1000.2 of the Penal Code is amended to read:

1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. The defendant's case shall not be diverted unless the district attorney concurs with the court's determination that the defendant be so referred though such concurrence is not necessary with respect to

the program to which the defendant is referred. If the court does not deem the defendant a person who would be benefited by diversion, or if the district attorney or the defendant do not consent to participate, the proceedings shall continue as in any other case.

At the time that a defendant's case is diverted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court not less than every six months. If the defendant is arrested and convicted of any criminal offense during the period of diversion, the case for which he has been diverted shall be referred to the court for arraignment and disposition as if he had not been diverted and the case is a regular criminal matter. If the defendant has performed successfully in the education or treatment program, at the end of the period of diversion, the charges shall be dismissed.

CHAPTER 358

An act to add Section 4453.6 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 4453.6 is added to the Vehicle Code, to read:

4453.6. On request of any member of the California Highway Patrol or any regularly employed and salaried police officer or deputy sheriff who is conducting an investigation of a public offense, the lessor of a vehicle shall furnish the name and address of the lessee of a vehicle if such information does not appear on the registration card.

CHAPTER 359

An act to add Section 24354.11 to the Health and Safety Code, relating to the Bay Area Air Pollution Control District.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 24354.11 is added to the Health and Safety Code, to read:

24354.11. The board may adopt a schedule of fees for the issuance of any permits by the district for the construction, alteration, or use of any article, machine, equipment, or other contrivance, the use of which may cause or affect the emission of air contaminants. The fees in such schedule shall not exceed the cost of issuing such permits and of any inspections pertaining to such issuance. Every person applying for a permit shall pay the appropriate fee prescribed by the schedule.

CHAPTER 360

An act to amend Sections 6 and 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to Los Angeles County flood control.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 6 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall not be less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed 8 per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of

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the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and shall appoint election boards, the composition of which shall correspond with the boards appointed in general elections in Los Angeles County. Any election called pursuant to this section may be consolidated with any other election, pursuant to the provisions of Chapter 4, of Part 2, of Division 11 of the Elections Code if the ordinance calling the election authorizes the consolidation. If the election called pursuant to this section is consolidated with any election, the notice thereof need not set forth the precincts, place, or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place, or places of holding the election, and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution, or notice calling, providing for, or giving notice of such other election and except where consolidation is with a state primary or a state general election, reference shall be made to such ordinance, resolution or notice, by number and title, or date of adoption, or by date or proposed date of publication and the name of the newspaper in which the publication has been or will be made, or by any other definite description.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least 30 days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 2. Section 7 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds,

and of the interest coupons attached thereto. As to any bond issue authorized pursuant to this act prior to January 1, 1970, the bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

As to any bond issue authorized pursuant to this act following January 1, 1970, the board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be shall not be more than two years from the date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

The bonds shall be issued in such denominations as the said board of supervisors may determine and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 8 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 361

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

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2 As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validating of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

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

(d) Nothing in this act shall operate to make valid any property tax rate which is in excess of that permitted by law.

SEC. 5 If any provisions of this act or its application to any person or circumstances are held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

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

In order that certain acts and proceedings of taxing agencies and revenue districts may be validated and declared legal at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 362

An act to amend Sections 29505, 29508, and 29563 of, and to add Section 29592 to, the Corporations Code, relating to commodities.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 29505 of the Corporations Code is amended to read·

29505. "Commodity exchange" means any person engaged in the operation of any market or exchange on which commodities or commodities contracts are dealt or traded in, and any person other than a commodity broker providing services or performing a function, including but not limited to clearing transactions in commodity contracts or effecting settlements of commodity contracts for and between members of the exchange, constituting a portion of such market or exchange.

SEC. 2. Section 29508 of the Corporations Code is amended to read:

29508. "Commodity broker" means any person engaged in soliciting, accepting or executing orders for the purchase or sale of commodities or commodity contracts whether for his own account or for the account of others, and includes a coin and bullion dealer. "Coin and bullion dealer" means a commodity broker whose business as such is limited to the sale or purchase of coins or bullion or commodity contracts relating thereto

SEC. 3. Section 29563 of the Corporations Code is amended to read:

29563. If, in the opinion of the commissioner, any person is conducting any activity in this state for which a certificate or permit is required under this division, the commissioner may order such person to desist and refrain from such activity unless and until the required certificate or permit is obtained. If, after such an order has been made, a request for hearing is filed in writing by the person to whom such order was directed, a hearing shall be held in accordance with the provisions of the Administrative Procedure Act, Chapter 2 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all of the powers granted thereunder; unless such hearing is commenced

within 15 business days after the request is made (or the person affected consents to a later date), such order is rescinded.

SEC. 4. Section 29592 is added to the Corporations Code, to read:

29592. In any proceeding under this law, the burden of proving an exemption or a exception from a definition is upon the person claiming it.

CHAPTER 363

An act to add Chapter 2.5 (commencing with Section 16150) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Chapter 2.5 (commencing with Section 16150) is added to Part 4, Division 9, of the Welfare and Institutions Code, to read·

CHAPTER 2.5. REIMBURSEMENT OF PRIVATE ADOPTION AGENCIES

16150. From any funds appropriated therefor, the state shall reimburse private adoption agencies licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code for the placing for adoption of a child who meets all of the following criteria:

(a) The child is a hard-to-place child, as defined in Section 16116; and

(b) The child has been relinquished or freed from parental control to a public agency; and

(c) The child has been placed with adoptive parents who are not eligible for fee reduction or other subsidy under an aid for adoption program for hard-to-place children as permitted by Section 16120.

The amount of the reimbursement for each placement shall be equal to the actual cost to the private adoption agency of the placement, less the amount of the private adoption agency's fee applicable to the adoptive parents, provided that the amount of such reimbursement shall not exceed one thousand dollars ($1,000) for any single placement.

No private adoption agency shall be reimbursed for the costs incurred in placing a hard-to-place child under both this section and Section 16120.1.

SEC 2. There is hereby appropriated from the General Fund of the State Treasury the sum of sixty-four thousand dollars ($64,000) to

the State Department of Health to be expended, without regard to fiscal years, for the purposes of this act.

CHAPTER 364

An act to amend Sections 1865, 1866, and 1880 of the Fish and Game Code, relating to the Suisun Marsh, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1975. Filed with Secretary of State August 25, 1975.]

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

SECTION 1. Section 1865 of the Fish and Game Code is amended to read:

1865 "Buffer zone" means those lands, ponds, sloughs, and bays which are external to the marsh zone, but internal to the following boundary:

Beginning at that certain point in Section 31, Township 3 North, Range 2 West, on Suisun Bay being also the most easterly corner of the Benicia Arsenal Military Reservation shown on the U.S. Geological Survey, Port Chicago Quadrangle, dated 1959, revised 1968; thence northwesterly along the northeasterly boundary of the Benicia Arsenal Military Reservation to the easterly right-of-way line for the Southern Pacific Transportation Company; thence northerly along such easterly right-of-way to the north line of Section 20, Township 3 North, Range 2 West, as such north line would exist if extended easterly; thence westerly along such north line to the easterly right-of-way line for State Highway 21; thence northerly along such easterly right-of-way line for State Highway 21 to the intersection with an extension of the centerline of the grade separation structure at the State Highway 21 interchange in Section 19, Township 4 North, Range 2 West; thence northeasterly to the west one-sixteenth corner on the south line of Section 18, Township 4 North, Range 2 West; thence northerly along the west one-sixteenth line through Sections 18 and 7 Township 4 North, Range 2 West to the southerly right-of-way line for the Southern Pacific Transportation Company; thence northeasterly along such southerly right-of-way line to the intersection with the south boundary line of the "6th Annexation District of 1971", City of Fairfield Ordinance No. 71-46; thence northeasterly along such south boundary to the intersection with the westerly line of the "Crampton-Healy Annexation" to the City of Fairfield; thence along the westerly, southerly, and easterly line of such "Crampton-Healy Annexation" to a corner in the south boundary of such "6th Annexation District of 1971", being the westerly terminus of a line bearing North 89° West 1,873.74 feet in such south boundary; thence

along such south boundary of the "6th Annexation District of 1971" South 89° East 1,873.74 feet; thence leaving such south boundary easterly to the easterly right-of-way line for Grizzly Island Road at the north end of the Grizzly Island Road bridge at Hill Slough; thence northerly along such easterly right-of-way to the intersection with the east-west one-quarter section line of projected Section 31, Township 5 North, Range 1 West; thence easterly along such quarter section line and the east-west one-quarter section line of Sections 32 and 33, Township 5 North, Range 1 West to the intersection with the southerly right-of-way line for State Highway 12; thence easterly along such southerly right-of-way line to the intersection with the west one-sixteenth line in Section 5, Township 4 North, Range 1 East; thence southerly along the west one-sixteenth line through Sections 5, 8, 17, 20, 29, and 32, Township 4 North, Range 1 East, and Section 5, Township 3 North, Range 1 East to the intersection with the waterward boundary of the easterly levee of Montezuma Slough; thence southerly along such waterward boundary to Suisun Bay; thence southwesterly across the mouth of Montezuma Slough, along the mean high water line on the south side of Van Sickle Island and Chipps Island to Simmons Point; thence northerly and then westerly around Honker Bay along the mean high water line of Chipps Island, Van Sickle Island, Wheeler Island, and Dutton Island to a point on Dutton Island immediately north of Point Palo Alto (on Snag Island), and then south to Point Palo Alto on Snag Island; thence westerly from Point Palo Alto on a line to the southernmost tip of Roe Island, and along the mean high water line of the south shore of Roe Island to Preston Point; thence northerly on a line to Garnet Point on Ryer Island; thence on a line across the Suisun Cutoff to Point Buckler on Simmons Island, and then easterly, northerly, and westerly around the mean high water line of Grizzly Bay and across the mouths of Montezuma and Suisun Slough; thence southwesterly along the mean high water line of Grizzly and Suisun Bays to the point of beginning. Section, range, and township locations are referenced to the Mount Diablo Meridian.

SEC 2. Section 1866 of the Fish and Game Code is amended to read:

1866. "Special study zone" means those lands in:

(a) Sections 7, 18, and 19, Township 4 North, Range 2 West and Sections 12 and 13, Township 4 North, Range 3 West lying south of the Southern Pacific Transportation Company right-of-way, west of the external boundary of the buffer zone and east of the right-of-way of State Highway 21;

(b) Sections 31, 32, 33, and the southerly projections thereof, Township 5 North, Range 1 West lying east of the right-of-way of the Grizzly Island Road, south of the right-of-way of State Highway 12, and north of the external boundary of the buffer zone.

SEC. 3 Section 1880 of the Fish and Game Code is amended to read:

1880. To assist in achieving the intent and purpose of this act the

board shall acquire, and the department shall administer in the name of the state, fee title or such lesser interest as the board may determine appropriate in those lands within or adjacent to the buffer zone that the board finds require prompt acquisition because of their critical importance to the integrity and continued wildlife use of the marsh; but nothing in this chapter shall authorize the exercise of eminent domain for the acquisition of fee title or a lesser interest in lands that are exterior to the boundary of the Suisun Marsh and are described as follows:

(a) Lands in Sections 4, 5, 8, 9, 16, 17, 20, and 21, Township 3 North, Range 1 East lying southerly of the Birds Landing-Meins Landing Road, easterly of the boundary of the Suisun Marsh, and westerly of the right-of-way of the Sacramento Northern Railway and projected Sections 28 and 29, Township 3 North, Range 1 East.

(b) Lands in Sections 20, 29, 30, and 31, Township 3 North, Range 2 West lying between the easterly right-of-way of State Highway 21 and the exterior boundary of the Suisun Marsh.

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

Rapid urbanization of the land areas adjacent to the Suisun Marsh has created environmental and economic pressures on the marsh which pose an urgent and immediate threat to the continued viability of the marsh as a wildlife habitat of nationally recognized critical importance. The boundary descriptions set forth in the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974 are unclear and the provisions of this act will clarify such boundaries. In order, therefore, to ensure that the protection contemplated by the Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974 will be effective, it is necessary that the provisions of this act go into immediate effect

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CHAPTER 365

An act to amend Section 66483 of, and to add Sections 66483.1 and 66483.2 to, the Government Code, relating to the disposition of surplus drainage and sewer fees

[Approved by Governor August 25, 1975. Filed with Secretary of State August 25, 1975.]

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

SECTION 1. Section 66483 of the Government Code is amended to read:

66483. There may be imposed by local ordinance a requirement for the payment of fees for purposes of defraying the actual or

estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas, subject to the following conditions:

(a) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map or parcel map if no tentative map is required.

(b) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.

(c) The drainage or sanitary sewer plan, in the case of a city situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the legislative body of the county to be in conformity with such a county plan; or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the legislative body of the district to be in conformity with the district general plan; or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the legislative body of the county to be in conformity with such a plan and by resolution of the legislative body of the district to be in conformity with the district general plan.

(d) The costs, whether actual or estimated, are based upon findings by the legislative body which has adopted the local plan, that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas.

(e) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(f) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid to the local public agencies which provide drainage or sanitary sewer facilities, and shall be deposited by such agencies into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary

sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities. The local ordinance may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing or requesting the imposition of, fees pursuant to this section, including the agencies providing the facilities, may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A local agency receiving fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

SEC. 2. Section 66483.1 is added to the Government Code, to read:

66483.1. After completion of the facilities and the payment of all claims from any "planned local drainage facilities fund" or any "planned local sanitary sewer fund," the legislative body of a county or city shall determine by resolution the amount of the surplus, if any, remaining in any of such funds. Any such surplus shall be used, in such amounts as the legislative body may determine, for one or more of the following purposes:

(a) For transfer to the general fund of the county or city, provided that the amount of such transfer shall not exceed 5 percent of the total amount expended from the particular fund;

(b) For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or

(c) As a refund in the manner provided in Section 66483.2.

SEC. 3. Section 66483.2 is added to the Government Code, to read:

66483 2. Any surplus remaining shall be refunded as follows:

(a) There shall be refunded to the current owners of property for which a fee was previously collected, the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;

(b) Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected; and

(c) There shall be transferred to the general fund of the county or city any remaining portion of the surplus which has not been paid

to or claimed by the persons entitled thereto within two years from the date either of the completion of the improvements, or the adoption by the legislative body of a resolution declaring a surplus, whichever is later to occur.

SEC. 4 Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because there are no state-mandated local costs in this act and any revenue loss implied herein is not reimbursable under Section 2231 of the Revenue and Taxation Code.

CHAPTER 366

An act to amend Section 24304 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 24304 of the Education Code is amended to read.

24304 Any nonacademic employee shall be required to serve only one probationary period to gain permanent status in a position or in a substantially similar position. If such an employee is promoted to a position with substantially different duties or to a position that requires additional duties and abilities, he shall serve an additional probationary period; but if he does not become permanent in the new position, he shall have the right to return to any class in which he was permanent or to the class in which he was serving before his promotion An employee who is promoted before he completed the probationary period in the lower class and is returned to such class without having become permanent in the new position shall receive credit toward permanent status in the lower class for the period of time he had previously performed satisfactorily therein. An employee who is promoted before he completed the probationary period in the lower class shall earn permanent status in the lower class at the end of one year from the original appointment date in the lower class, provided the duties in the higher class are substantially similar to the duties in the lower class and the employee's performance in both classes has been satisfactory.

CHAPTER 367

An act to amend Section 61626.5 of the Government Code, and to amend Sections 4755 and 6515.1 of the Health and Safety Code, relating to special districts

[Approved by Governor August 25, 1975 Filed with Secretary of State August 25, 1975]

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

SECTION 1. Section 61626.5 of the Government Code is amended to read:

61626 5. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of five thousand dollars ($5,000) shall be let to the lowest bidder after competitive bidding The board shall have the right to reject any and all bids, in which case the board may call for new bids In the event no proposals are received or where the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors may have said work done by force account. The district shall have the power to purchase in the open market without calling for bids, materials and supplies for use in any work therewith either under contract, or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars ($5,000), without calling for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 2. Section 4755 of the Health and Safety Code is amended to read·

4755 When the expenditure required for the work exceeds five thousand dollars ($5,000), it shall be contracted for and let to the lowest responsible bidder after notice The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by the district board as the places for posting such notice The notice shall distinctly state the work to be done.

In its discretion, the district board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the district board may accept the one it chooses If no bids are received, the district board may have the work done without further bid

If all bids are rejected, the district board on a resolution adopted by a four-fifths vote may declare that the work can be performed

more economically by day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in a manner stated in the resolution in order to take advantage of this lower cost.

If there is a present or anticipated great public calamity, as an extraordinary fire, flood, storm or other disaster the district board may by resolution adopted by a four-fifths vote declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health or property expend any sum required in the emergency without submitting such expenditure to bid.

Cost records of the work shall be kept in the manner provided in Sections 4000 to 4007, inclusive, of the Government Code.

The provisions of this section shall not apply to sewerage maintenance, repair work, or to any uncompleted works under construction by district forces prior to the enactment of this section, and shall not be construed to exempt any work from the provisions of Part 7 (commencing at Section 1720) of Division 2 of the Labor Code.

SEC. 3. Section 6515.1 of the Health and Safety Code is amended to read:

6515.1 When the expenditure required for a district project exceeds five thousand dollars ($5,000), it shall be contracted for and let to the lowest responsible bidder after notice, subject to the provisions of Section 6515.3

CHAPTER 368

An act to amend Sections 26721, 26725, 26726, 26727, 26728, 26729, 26730, 26733, 26734, 26735, 26736, 26738, 26742, 26743, 26744, and 26748 of, to add Sections 26725.1 and 26728.1 to, and to repeal Sections 26722, 26723, 26724, 26731, 26737, 26739, and 26746 of, the Government Code, relating to fees

[Approved by Governor August 26, 1975 Filed with Secretary of State August 26, 1975]

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

SECTION 1. Section 26721 of the Government Code is amended to read:

26721. Except as provided in this article, the fee for serving or executing any process or notice required by law or the litigants to be served is eight dollars and fifty cents ($8.50).

SEC. 2 Section 26722 of the Government Code is repealed.

SEC. 3. Section 26723 of the Government Code is repealed.

SEC. 4 Section 26724 of the Government Code is repealed

SEC. 5 Section 26725 of the Government Code is amended to read

26725. The fee for serving or executing a writ of attachment, execution, or order on real estate is eight dollars and fifty cents ($8.50) as to the initial service or posting of a continuous unbroken parcel or tract, and eight dollars and fifty cents ($8.50) for serving a record owner other than the defendant.

SEC. 6. Section 26725.1 is added to the Government Code, to read:

26725.1. The fee for the serving or posting of any additionally required notices or orders on other parcels shall be three dollars ($3) each.

SEC. 7. Section 26726 of the Government Code is amended to read:

26726. When a keeper is used in the levy of a motor vehicle, the fee for keeping, inventorying, and driving such vehicle to storage, shall not exceed fifteen dollars ($15). In all other cases, the fee for keeping and caring for property under attachment, execution, or claim and delivery is not to exceed twenty-five dollars ($25) when necessarily employed for any eight (8) hour period or any part thereof. Should an additional keeper or keepers be required during such eight (8) hour period or fraction thereof, the fee for such additional keeper or keepers shall be the same as herein fixed, but, in no event shall any one keeper receive more than fifty dollars ($50) during any twenty-four (24) hour period when so employed.

SEC. 8. Section 26727 of the Government Code is amended to read:

26727. The fee for a copy of any writ, process, paper, order, or notice actually made by him when required or demanded is twenty-five cents ($0.25) a page, except that when correct copies are furnished to him for use no charge shall be made for such copies.

SEC. 9. Section 26728 of the Government Code is amended to read:

26728. The fee for preparing and posting the initial notice of personal property sale under attachment, execution, or order of court is eight dollars and fifty cents ($8.50).

SEC. 10. Section 26728.1 is added to the Government Code, to read:

26728.1. The fee for preparing and posting additionally required notices of personal property sales shall be three dollars ($3) each.

SEC. 11. Section 26729 of the Government Code is amended to read:

26729. The fee for furnishing a notice for publication is three dollars ($3).

SEC. 12. Section 26730 of the Government Code is amended to read:

26730. The fee for conducting or postponing the sale of real or personal property as required by law or the litigant is eight dollars and fifty cents ($8.50).

SEC. 13. Section 26731 of the Government Code is repealed.

SEC. 14. Section 26733 of the Government Code is amended to read:

26733. The fee for serving a writ of possession or restitution, putting a person in possession of the premises, and removing the occupant is eight dollars and fifty cents ($8.50).

SEC. 15. Section 26734 of the Government Code is amended to read:

26734. The fee for making a levy on personal property already in possession of the officer who is holding same under attachment in the same action, is eight dollars and fifty cents ($8.50).

SEC. 16. Section 26735 of the Government Code is amended to read:

26735. The fee for serving and filing notices of attachment of the interest of a defendant in the estate of a decedent is eight dollars and fifty cents ($8.50) for serving the personal representative of the decedent, and eight dollars and fifty cents ($8.50) for filing a copy of the writ of attachment and notice with the county clerk.

SEC. 17. Section 26736 of the Government Code is amended to read:

26736. The fee for cancellation of the service or execution of any process or notice prior to its completion is eight dollars and fifty cents ($8.50). The fee provided by this section shall not be charged where a charge is made pursuant to the provisions of any other section of this article; nor shall such fee be charged where the cancellation is requested prior to the time a trip is made in attempting to serve or execute such process or notice.

SEC. 18. Section 26737 of the Government Code is repealed.

SEC. 19. Section 26738 of the Government Code is amended to read:

26738. The fee for making a not-found return on a summons, affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found within the judicial district in which the address specified is situated, is eight dollars and fifty cents ($8.50).

SEC. 20. Section 26739 of the Government Code is repealed.

SEC. 21. Section 26742 of the Government Code is amended to read:

26742. The fee for executing and delivering any other instrument is eight dollars and fifty cents ($8.50).

SEC. 22. Section 26743 of the Government Code is amended to read:

26743. The fee for subpoenaing a witness, including a copy of the subpoena and any affidavit required to be served therewith, is eight dollars and fifty cents ($8.50) each.

SEC 23. Section 26744 of the Government Code is amended to read:

26744. The fee for serving or executing a bench warrant arising

from an order of appearance issued under Sections 545, 714, 715 or 717 of the Code of Civil Procedure shall be eight dollars and fifty cents ($8.50).

SEC. 24 Section 26746 of the Government Code is repealed.

SEC. 25 Section 26748 of the Government Code is amended to read:

26748. In addition to the fees provided by this article, the sheriff may collect from the litigant or person requiring his services, his actual expenses for inspection, checking, releasing, or any other handling of property under his custody, charge, or keeping pursuant to any process, writ, order, paper, or notice, and actual postal charges paid for mailing by registered mail or certified mail any notice or demand required or authorized by law to be sent by registered mail or certified mail.

CHAPTER 369

An act to add Section 4830.5 to the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 26, 1975]

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

SECTION 1. Section 4830.5 is added to the Business and Professions Code, to read:

4830.5. Whenever any licensee under this chapter has reasonable cause to believe that a dog has been injured or killed through participation in a staged dogfight, as prescribed in Section 597b of the Penal Code, it shall be the duty of such licensee to promptly report the same to the appropriate law enforcement authorities of the county, city, or city and county in which the same occurred.

No licensee shall incur any civil liability as a result of making any report pursuant to this section.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable costs changes

CHAPTER 370

An act to amend Sections 2036 and 2037 of the Penal Code and Section 1755.5 of the Welfare and Institutions Code, relating to imprisonment.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 26, 1975]

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

SECTION 1. Section 2036 of the Penal Code is amended to read:

2036. The Deuel Vocational Institution shall be an intermediate security-type institution. Its primary purpose shall be to provide custody, care, industrial, vocational and other training, guidance and reformatory help for young men, too mature to be benefited by the programs of institutions under the jurisdiction of the Youth Authority and too immature in crime for confinement in prisons.

SEC. 2. Section 2037 of the Penal Code is amended to read:

2037. There may be transferred to and confined in the Deuel Vocational Institution any male, subject to the custody, control and discipline of the Director of Corrections, or any male, subject to the custody, control and discipline of the Youth Authority who has been committed to the Youth Authority under the provisions of Section 1731.5 of the Welfare and Institutions Code, who the Director of Corrections or Youth Authority, as the case may be, believes will be benefited by confinement in such an institution. Section 644 of this code shall apply to any person who has served a term in the Deuel Vocational Institution after transfer thereto by the Director of Corrections.

SEC. 3. Section 1755 5 of the Welfare and Institutions Code is amended to read:

1755.5. The Youth Authority may transfer to and cause to be confined in the medical facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the Medical Correctional Institution, or the California Institution for Men under the jurisdiction of the Department of Corrections for general study, diagnosis, and treatment, or any of them, any person over the age of 18 years who is subject to the custody, control, and discipline of the Youth Authority who was committed to the Youth Authority under the provisions of Section 1731.5; and the Director of Corrections may receive and keep in any of the said institutions any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provisions of the Penal Code.

The Youth Authority may transfer to and cause to be confined in the California Rehabilitation Center for general study, diagnosis, and treatment, or any of them, any person over the age of 18 years who is subject to the custody, control and discipline of the Youth

Authority; and the Director of Corrections may receive and keep in the California Rehabilitation Center any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provision of Division 3 (commencing with Section 3000) of this code.

The provisions of Part 3 of the Penal Code, so far as those provisions may be applicable, apply to persons so transferred to and confined in the institutions, except that, whenever by reason of any law governing the commitment of a person to the Youth Authority the person is deemed not to be a person convicted of a crime, the transfer or placement of the person in the California Rehabilitation Center shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of the Penal Code shall not apply to any person who has been placed in the medical facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, the Medical Correctional Institution, or the California Institution for Men by the Youth Authority pursuant to this section, in respect to the time he remains therein under such placement.

CHAPTER 371

An act to amend Sections 12603 and 20906 of the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 26, 1975]

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

SECTION 1. Section 12603 of the Education Code is amended to read:

12603. (a) Any person subject to compulsory continuation education or exempt from it pursuant to subdivision (b), (c), (d), or (f) of Section 12601 may apply to have his proficiency in basic skills taught in public high schools verified according to criteria established by the Department of Education.

The State Board of Education shall award a "certificate of proficiency" to pupils who demonstrate such proficiency. The certificate of proficiency shall be equivalent to a high school diploma, and the Department of Education shall keep a permanent record of the issuance of all such certificates.

(b) The Department of Education shall develop standards of competency in basic skills taught in public high schools and shall prepare and supply to centers approved by the department means

to verify such competency in order to measure eligibility for exemption from compulsory continuation attendance as provided in subdivision (e) of Section 12601.

(c) The Department of Education may charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of this section; provided, however, that such fee shall not exceed ten dollars ($10) per examination application. All fees levied and collected pursuant to this section shall be deposited in the State Treasury for remittance to the current support appropriation of the Department of Education as reimbursement for costs of administering this section. Any reimbursements collected in excess of actual costs for administration of this section shall be transferred to the unappropriated surplus of the General Fund by order of the Director of Finance.

(d) The State Board of Education shall adopt such rules and regulations as are necessary for implementation of the provisions of this section.

SEC. 2. Section 20906 of the Education Code is amended to read:

20906. Commencing September 4, 1973, the revenue limit prescribed by Section 20905 may be exceeded upon approval of a majority of the electors of the district voting on a proposition to that effect pursuant to Section 20803.2. Such approval may be granted for any period of time, and shall be added to the budget year revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905 in computing the maximum general purpose tax rate for each year in which the voted revenue limit increase is effective.

For the fiscal year following the last year in which the voted revenue limit increase is authorized, the amount of the voted revenue limit increase as it actually affected the revenue limit shall be subtracted from the revenue limit per foundation program unit of average daily attendance of the district as determined in subdivision (g) of Section 20905. This section shall be subject to Section 20907.

Notwithstanding anything to the contrary in Section 20803.2, the revenue limit shall be that prescribed by state law plus the amount of increase approved by the electors, and need not be the revenue limit set forth in the ballot proposition prescribed by that section prior to July 1, 1974.

SEC. 3. For the purpose of Section 1 of this act, the sum of two hundred forty-three thousand dollars ($243,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund to the Department of Education as a loan to be allocated by the Department of Finance. Any loan made pursuant to this authorization shall be repaid upon such terms and conditions as may be prescribed by the Department of Finance, including interest at the rate earned by the Pooled Money Investment Fund, on or before June 30, 1977, from any revenues from examination application fees

collected pursuant to Section 12603 of the Education Code.

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

Under existing law, it is required that equivalency examinations be administered commencing in September 1975. In order that fees may be collected, as provided for in Section 1 of this act, so as to fund the costs of administering such examinations, it is essential that this act go into effect immediately.

CHAPTER 372

An act to amend Sections 4522.5, 4524, 4526, 4528, 4531, 4531.5, 4540, 4551, 4551.5, 4553, 4561, 4561.1, 4571, 4572, 4573, 4574, 4575, 4576, 4581, 4584, 4604, 4608, and 4621 of, to amend the heading of Article 6 (commencing with Section 4571) of Chapter 8 of Part 2 of Division 4 of, to add Section 4561.2 to, and to repeal Sections 4528.1 and 4528.3 of, the Public Resources Code, and to repeal Section 5 of Chapter 880 of the Statutes of 1973, relating to forestry.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 4522.5 of the Public Resources Code is amended to read:

4522.5. "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed by logging or destroyed by fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber or other forest products, and which has not been converted to other commercial or agricultural use.

SEC. 2. Section 4524 of the Public Resources Code is amended to read·

4524. "License" means a license to engage in timber operations, issued pursuant to Article 6 (commencing with Section 4571) of this chapter.

SEC. 3. Section 4526 of the Public Resources Code is amended to read:

4526. "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district

basis after consultation with the district committees and others.

SEC. 4. Section 4528 of the Public Resources Code is amended to read:

4528. As used in this chapter:

(a) "Basal area per acre" means the sum of the cross-sectional areas at breast height of the tree stems of commercial species per acre.

(b) "Countable tree" means a tree that can be used in calculating the degree of stocking under the following criteria:

(1) The tree must be in place at least two growing seasons.

(2) The tree must be live and healthy.

(3) The tree must have at least one-third of its length in live crown.

(4) The tree must be a commercial species from a local seed source or a seed source which the registered professional forester determines will produce commercial trees physiologically suited for the area involved.

(c) "Stocking" means a measure of the degree to which space is occupied by well-distributed countable trees.

(d) "Site classification" means the classification of productive potential of timberland into one of five classes by board regulation, consistent with normally accepted forestry practices Site I shall denote sites of highest productivity, site II and site III shall denote sites of intermediate productivity potential, and site IV and site V shall denote sites of lowest productivity potential.

(e) "Fuelbreak" means a strip of modified fuel to provide a line from which to work in the control of fire.

(f) "Stream" means a natural watercourse as designated by a solid line or dash and three dots symbol shown on the largest scale United States Geological Survey map most recently published.

SEC. 5. Section 4528.1 of the Public Resources Code is repealed.

SEC. 6. Section 4528.3 of the Public Resources Code is repealed.

SEC. 7. Section 4531 of the Public Resources Code is amended to read:

4531. The board shall divide the state into not less than three districts. In establishing these districts, the board shall take into account differing physical characteristics, including, but not limited to, climate, soil type, and principal forest crops. Insofar as possible, the board shall group together lands that have substantially similar characteristics and that will best be served by substantially similar regulations. Boundaries of such districts may be altered from time to time as the board determines is necessary.

SEC. 8. Section 4531.5 of the Public Resources Code is amended to read:

4531 5. The board shall appoint a district technical advisory committee in each of the districts created under Section 4531.

SEC. 9 Section 4540 of the Public Resources Code is amended to read:

4540. Each committee shall advise the board in the establishment

of district forest practice rules to govern timber operations on timberlands within the district. In advising the board, the committee shall not interfere with any of the powers and duties of the board. The committees shall consult with, and carefully evaluate the recommendations of, the State Forester, concerned federal, state and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals. Each committee shall seek an optimum of interagency cooperation in identification of problems and proposing solutions.

SEC. 10. Section 4551 of the Public Resources Code is amended to read:

4551. The board shall adopt district forest practice rules and regulations for each district in accordance with the policies set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.

SEC. 11. Section 4551.5 of the Public Resources Code is amended to read:

4551.5. Rules and regulations shall apply to the conduct of timber operations and shall include, but shall not be limited to, measures for fire prevention and control, for soil erosion control, for water quality and watershed control, for flood control, for stocking, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests, and disease, and for the preparation of timber harvesting plans. In developing these rules, the board shall solicit and consider recommendations from the State Forester, recommendations from the Department of Fish and Game relating to the protection of fish and wildlife, recommendations from the State Water Resources Control Board and the California regional water quality control boards relating to water quality, and recommendations from the State Air Resources Board and local air pollution control districts relating to air pollution control.

SEC. 12. Section 4553 of the Public Resources Code is amended to read:

4553. The rules and regulations shall be continuously reviewed and may be revised. During the formulation or revision of such rules and regulations, the board shall consult with, and carefully evaluate the recommendations of, the State Forester, the district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

SEC. 13 Section 4561 of the Public Resources Code is amended to read:

4561. It is the purpose of this section to set forth resource conservation standards for timber operations, and to insure that a

cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations.

To that end, the following resource conservation standards define minimum acceptable stocking, and an area covered by a timber harvesting plan shall be classified as acceptably stocked if either of the following conditions exist within five years after completion of timber operations:

(a) The area contains an average point count of 300 per acre, to be computed as follows:

(1) Each countable tree which is not more than four inches in diameter at breast height to count as one.

(2) Each countable tree over four inches and not more than 12 inches in diameter at breast height to count as three.

(3) Each countable tree over 12 inches in diameter at breast height to count as six.

(b) The average residual basal area, measured in stems one inch or larger in diameter is at least 85 square feet per acre, except that in areas which the registered professional forester who prepares the timber harvesting plan has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre

The board, on a finding that it is in furtherance of the purposes of this chapter may encourage selection, shelterwood, or other types of management of timber where consistent with the biological requirements of the tree species and may regulate the size and shape of areas in which even-age management of timber is utilized.

Timberland harvested between January 1, 1974, and the adoption of stocking standards pursuant to this chapter shall be classified as adequately stocked if, as a result of stocking which has taken place subsequent to such harvest, the minimum standards specified in this section are met

Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking and are exempt from such provisions.

SEC 14. Section 4561.1 of the Public Resources Code is amended to read·

4561.1. The resource conservation standards relating to stocking enumerated in Section 4561 shall constitute minimum requirements, and these shall be the standards to which all timber harvesting plans shall conform unless the board adopts higher stocking standards for each district. The board shall adopt standards for each district, after a public hearing, which are equal to or stricter than the standards of this chapter and shall report such standards to the Legislature.

It is not the intent of the Legislature in designating minimum standards that such standards shall be deemed to be preferred as the standards to be adopted by the board. The board may, by a majority vote as provided in Section 636, adopt higher minimum standards of stocking if, in the opinion of the board, growing conditions, tree

species, site quality, or other factors justify such stricter standards and if such action is consistent with the purposes of this article.

SEC. 15. Section 4561.2 is added to the Public Resources Code, to read:

4561.2. All stocking requirements under provisions of law which were in existence on or before January 1, 1974, shall remain in full force and effect for timberland which was harvested prior to January 1, 1974.

SEC. 16. The heading of Article 6 (commencing with Section 4571) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code is amended to read:

Article 6. Licenses

SEC. 17. Section 4571 of the Public Resources Code is amended to read:

4571. No person shall engage in timber operations until he has obtained a license from the board.

SEC 18. Section 4572 of the Public Resources Code is amended to read:

4572. The board shall by regulation prescribe the form and content of the application for a license and establish the procedures therefor, and shall require a reasonable filing fee.

SEC. 19. Section 4573 of the Public Resources Code is amended to read:

4573. The board may deny a license for any of the following reasons:

(a) The applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Conviction within one year of the application of unlawfully operating without a license.

(d) The failure or refusal of the applicant to comply with the rules and regulations of the board and the provisions of this chapter within three years prior to the date of application.

SEC. 20. Section 4574 of the Public Resources Code is amended to read:

4574. Licenses shall be good only during the calendar year in which issued. Applications for renewal may be denied by the board until any violations by the applicant as exist on the date of submission of the renewal application, of which the applicant has been notified and given reasonable opportunity to correct, are corrected on such reasonable terms and conditions as the board may require.

SEC 21. Section 4575 of the Public Resources Code is amended to read:

4575. A license is subject to future legislation and is not transferable

SEC. 22 Section 4576 of the Public Resources Code is amended to read:

4576. A license may be suspended or revoked by the director pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code for any of the reasons specified by Section 4573, for refusal to allow inspections, or for violations of any of the rules and regulations of the board.

SEC. 23. Section 4581 of the Public Resources Code is amended to read:

4581 No person shall conduct timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted for such operations to the State Forester pursuant to this article. Such plan shall be required in addition to the license required in Section 4571.

SEC. 24. Section 4584 of the Public Resources Code is amended to read·

4584. The board may exempt from the provisions of this chapter or portions thereof, any person engaged in forest management whose activities are limited to the cutting or removal of trees for the purpose of constructing or maintaining a right-of-way for utility lines or the planting, growing, nurturing, shaping, shearing, removal, or harvest of immature trees for Christmas trees or other ornamental purposes or minor forest products, including fuelwood, or of dead, dying, or diseased trees of any size, on determining that such exemption is consistent with the purposes of this chapter.

SEC. 25. Section 4604 of the Public Resources Code is amended to read:

4604. The State Forester shall provide for an initial inspection of the area in which timber operations are to be conducted within 10 days from the date of filing of the timber harvesting plan, or such longer period as may be mutually agreed upon by the State Forester and the person submitting the plan, except that such inspection need not be made if the State Forester determines that it would not add substantive information he deems necessary to enforce the provisions of this chapter. In any event, the State Forester shall provide for inspections as follows:

(a) During the period of commencement of timber operations.

(b) When timber operations are well underway.

(c) Following completion of timber operations.

(d) At such other times as he deems necessary to enforce the provisions of this chapter.

SEC 26. Section 4608 of the Public Resources Code is amended to read:

4608. Prior to taking any corrective action, other than under Section 4605, the State Forester shall serve a written notice upon the person responsible for the violation. The notice shall include a statement of the corrective action to be taken, a date not less than 30 days from the date of service of the notice by which such corrective action is to be taken, and a statement that if such corrective action is not taken on or before the date specified the State Forester may take corrective action and charge such person for

the costs thereof pursuant to Section 4610. The notice shall also include a statement that if such person disagrees for any reason with the proposed corrective action or with the charging of such person with the costs thereof, he may, within 10 days from the service of the notice, request of the board a public hearing before the board.

The State Forester may record such notice in each county wherein the land in violation is situated, together with a statement that any and all expenses incurred by the State Forester in taking corrective action pursuant to the provisions of this article shall be a lien against the land. Upon satisfactory proof that corrective action has been completed, the State Forester shall record a notice to that effect.

Any expenses incurred by the State Forester in taking such corrective action shall be a lien upon the property upon which such action was taken when notice of the lien is recorded. Notice of the lien, particularly identifying the property upon which such action was taken and the amount of such lien and naming the owner of such property, shall be recorded by the State Forester, in the office of the county recorder of each county in which such property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of such action, whichever first occurs. Upon such recordation, the lien shall have the same force, effect, and priority as a judgment lien, except that it shall attach only to the property described in such notice and shall continue for 10 years from the time of the recording of such notice, unless sooner released or otherwise discharged. The lien may, within 10 years of the time of such recording, or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by recording a new notice in the office of the county recorder where the original notice is recorded, and from the time of such recordation the lien shall be extended as to such property for 10 years, unless sooner released or otherwise discharged. The State Forester may at any time release all or any portion of the property subject to such lien from the lien or subordinate it to other liens and encumbrances, if he determines that the amount owed is sufficiently secured by a lien on other property or that the release or subordination of such lien will not jeopardize the collection of such amount owed. A certificate by the State Forester to the effect that any property has been released from such lien or that such lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in such certificate.

SEC. 27. Section 4621 of the Public Resources Code is amended to read:

4621. Any person who owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the board. The board shall, by regulation, prescribe the procedures for, form, and content of, such application.

SEC 28. Section 5 of Chapter 880 of the Statutes of 1973 is repealed.

CHAPTER 373

An act to amend Section 14254 of the Financial Code, relating to credit unions.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1 Section 14254 of the Financial Code is amended to read:

14254. (a) If the commissioner is satisfied that the field of membership of the applicant is not contrary to the principles of organizing credit unions based on common bond of employment, membership, or residence, and does not substantially encroach upon that of any existing credit union to the extent that it will impair the successful operation of either credit union, that the number of persons eligible for membership is not less than 100, that the responsibility, character, and general fitness of the officers, committeemen, and directors of applicant is such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this division, the commissioner shall issue to the applicant a certificate authorizing it to engage in and carry on business as a credit union.

(b) Subject to the appropriate findings specified in subdivision (a), nothing in this division shall prohibit the commissioner from issuing a certificate authorizing a credit union for an association of employers located in one reasonably compact geographical area

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CHAPTER 374

An act to add Section 314.5 to the Public Utilities Code, relating to public utilities.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 314.5 is added to the Public Utilities Code, to read:

314.5. The commission shall inspect and audit the books and records for regulatory and tax purposes (a) at least once in every three years in the case of every electrical, gas, heat, telegraph, telephone, and water corporation serving over 1,000 customers and the rail passenger commuter operations of every railroad, and (b) at least once in every five years in the case of every electrical, gas, heat,

telegraph, telephone, and water corporation serving 1,000 or fewer customers. An audit conducted in connection with a rate proceeding shall be deemed to fulfill the requirements of this section. Reports of such inspections and audits and other pertinent information shall be furnished to the State Board of Equalization for use in the assessment of public utilities.

CHAPTER 375

An act to amend Sections 20013, 20014, 20015, 20017, 20018, 20462, 20463, 21051, 21052, 21053, 21057, 21058, 21059, 21062, 21062.5, 21064, 21066, 21081, 21082, 21083, 21111, 21112, 21113, 21141, 21142, 21143, 21172.5, 21206, 21207, 21208, 21453, and 64691 of, to add Section 21051.5 to, and to add and repeal Section 21172.2 of, the Food and Agricultural Code, and to amend Sections 27, 28, 33, 34, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86, 87, 93, and 95 of Chapter 939 of the Statutes of 1973, relating to animals, and making an appropriation therefor.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 20013 of the Food and Agricultural Code is amended to read:

20013. "Feedlot" means a beef cattle feedlot or feed yard having more than 500 head of cattle at one time during the calendar year in which cattle are being fed for slaughter.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 2. Section 20014 of the Food and Agricultural Code is amended to read:

20014. "Beef cattle" means bovine animals of any breed being grown primarily for meat production.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 3. Section 20015 of the Food and Agricultural Code is amended to read:

20015. "Registered feedlot" means a feedlot defined in Section 20013 that is registered with the bureau in accordance with Sections 21081 and 21082.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 4. Section 20017 of the Food and Agricultural Code is amended to read:

20017. "Modified point of origin inspection area" means any area designated by the director, by regulation, pursuant to Section 21111.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 5. Section 20018 of the Food and Agricultural Code is amended to read:

20018. "Upon entry into a registered feedlot" means brand inspection of the cattle as soon after arrival at the feedlot as is consistent with the provisions of Section 21172.5.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 6. Section 20462 of the Food and Agricultural Code is amended to read:

20462. There is in the department the Livestock Identification Advisory Board, which consists of seven members.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 7. Section 20462 of the Food and Agricultural Code is amended to read:

20462. There is in the department the Livestock Identification Advisory Board, which consists of five members.

This section shall become operative on January 1, 1978.

SEC. 8. Section 20463 of the Food and Agricultural Code is amended to read:

20463. The director shall appoint the members to the board as follows:

(a) Two shall be beef cattle producers.

(b) Two shall be dairymen.

(c) One shall be engaged in the livestock marketing business.

(d) Two shall be operators of registered feedlots.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 9. Section 20463 of the Food and Agricultural Code is amended to read:

20463. The director shall appoint the members to the board as follows:

(a) Two shall be engaged in the beef cattle industry.

(b) Two shall be engaged in the dairy industry.

(c) One shall be engaged in the livestock marketing business.

This section shall become operative on January 1, 1978.

SEC. 10. Section 21051 of the Food and Agricultural Code is amended to read:

21051. Except as otherwise provided in this chapter, cattle shall be inspected as follows:

(a) Prior to movement or rebranding, whichever occurs first, when cattle are sold or ownership is transferred.

(b) Prior to transportation out of an area which has modified point-of-origin inspection.

(c) Prior to transportation out of the state

(d) Upon entry into a registered feedlot

(e) Prior to slaughter

(f) Prior to release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(g) Prior to release from a posted stockyard or posted saleyard.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 11. Section 21051 of the Food and Agricultural Code is amended to read:

21051. Except as otherwise provided in this chapter, cattle shall be inspected prior to any of the following:

(a) Movement or rebranding, whichever occurs first, when cattle are sold or ownership is transferred.

(b) Transportation out of an area which has full point-of-origin inspection.

(c) Transportation out of the state.

(d) Transportation across an established cattle movement zone line or boundary.

(e) Slaughter.

(f) Release or sale from a public stockyard, public saleyard, or public or private cattle sales market.

(g) Release from a posted stockyard or posted saleyard.

This section shall become operative on January 1, 1978.

SEC. 12. Section 21051.5 is added to the Food and Agricultural Code, to read:

21051.5. When brand inspection is not required under Section 21051, any person, upon his request, shall receive brand inspection of cattle. Any such person who requests the inspection shall pay to the director a time and mileage charge established by the director to equal the cost of providing such an inspection.

Nothing in this section shall exempt any person from any other inspection requirements for the same cattle at any later time under Section 21051, nor shall such a person be exempt from any statutory inspection fees provided for by this division.

SEC. 13. Section 21052 of the Food and Agricultural Code is amended to read:

21052 It is unlawful for any person that owns or has custody of cattle to transport, slaughter, release, sell, or receive at a registered feedlot such cattle without the inspection which is required by Section 21051.

For the purposes of this section, a common carrier which transports cattle does not have custody of the cattle

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 14. Section 21052 of the Food and Agricultural Code is amended to read:

21052. It is unlawful for any person that owns or has custody of cattle to transport such cattle or to slaughter, release, or sell such cattle without the inspection which is required by Section 21051.

For the purposes of this section, a common carrier which transports cattle does not have custody of the cattle.

This section shall become operative on January 1, 1978.

SEC. 15. Section 21053 of the Food and Agricultural Code is amended to read:

21053. Inspection is not required prior to transportation from a modified point-of-origin inspection area, or prior to movement if being sold, if the cattle are being moved or shipped direct to one of the following destinations:

(a) A registered feedlot in this state.

(b) A licensed slaughterhouse in this state.

(c) A public salesyard or public cattle sales market in this state that is licensed pursuant to Section 21733 or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

All cattle shipped without inspection prior to transportation under this section shall be inspected at the destination point.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 16. Section 21053 of the Food and Agricultural Code is amended to read:

21053. Inspection is not required in any of the following cases where sale is not made and cattle are shipped by the owner for purposes other than marketing or slaughter:

(a) The cattle are accompanied by a certificate of ownership and are moved only between points in the same county or to a point in a county the boundary line of which passes through the ranch to or from which the animals are removed by the owner for transportation.

(b) The cattle are moved only between points in a cattle movement zone which is established by the director pursuant to Article 3 (commencing with Section 21111) of this chapter. Inspection may, however, be required pursuant to Article 4 (commencing with Section 21141) of this chapter.

This section shall become operative on January 1, 1978.

SEC. 17. Section 21057 of the Food and Agricultural Code is amended to read:

21057. Except as provided in Section 21206, inspection is not required prior to slaughter at a licensed slaughterhouse when the cattle are being shipped direct from one of the following:

(a) A registered feedlot in this state.

(b) A public salesyard or cattle sales market in this state that is licensed pursuant to Section 21733 or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 18. Section 21058 of the Food and Agricultural Code is amended to read:

21058. All cattle shipped pursuant to Section 21057 shall be accompanied by one of the following:

(a) Bill of sale meeting the requirements of Section 21703.

(b) Salesyard invoice meeting the requirements of Sections 21744 and 21745.

(c) Certificate of consignment meeting the requirements of Section 21703.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 19. Section 21058 of the Food and Agricultural Code is amended to read:

21058. Inspection is not required prior to transportation to a point and from an area designated by the chief pursuant to Section 21081 as one in which inspection may be made en route or at destination.

This section shall become operative on January 1, 1978.

SEC 20. Section 21059 of the Food and Agricultural Code is amended to read:

21059. Inspection is not required in the following cases when cattle are shipped for pasture or feeding purposes and there is no change of ownership:

(a) When the cattle are moved only between points in the same modified point-of-origin inspection area.

(b) When the cattle are only moved across a modified point-of-origin inspection area boundary which bisects the ranch or property of the owner and shipper of the cattle.

This section does not apply to cattle entering a registered feedlot.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 21. Section 21062 of the Food and Agricultural Code is amended to read:

21062. All cattle shipped to a registered feedlot, licensed slaughterhouse, or licensed or posted livestock salesyard or market in this state for inspection at destination pursuant to this chapter shall be accompanied by a bill of sale, or certificate of consignment The original document shall be presented to the inspector prior to the inspection of the cattle.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 22. Section 21062.5 of the Food and Agricultural Code is amended to read:

21062.5. All cattle shipped to a licensed slaughterhouse, or licensed or posted livestock salesyard or market in this state for inspection at destination pursuant to this chapter shall be accompanied by a bill of sale, or certificate of consignment. The original document shall be presented to the inspector prior to the inspection of the cattle.

This section shall become operative on January 1, 1978.

SEC. 23. Section 21064 of the Food and Agricultural Code is amended to read:

21064. A copy of the document required by Section 21062 shall be kept on file in the office of the registered feedlot, licensed slaughterhouse, or salesyard or market for a period of one year after

the transaction.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 24. Section 21064 of the Food and Agricultural Code is amended to read:

21064. A copy of the document required by Section 21062.5 shall be kept on file in the office of the licensed slaughterhouse, or salesyard or market for a period of one year after the transaction.

This section shall become operative on January 1, 1978.

SEC 25. Section 21066 of the Food and Agricultural Code is amended to read:

21066. All cattle transported within a modified point-of-origin area with no change in ownership for pasture or feeding purposes shall be accompanied by a certificate of consignment which contains the information specified in Section 21703.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 26. Section 21066 of the Food and Agricultural Code is amended to read:

21066. All cattle transported within a point-of-origin area or cattle movement zone with no change in ownership for pasture or feeding purposes shall be accompanied by a certificate of consignment which contains the information specified in Section 21703.

This section shall become operative on January 1, 1978.

SEC. 27. Section 27 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 27. This heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 of the Food and Agricultural Code shall remain in effect only until January 1, 1978, and as of that date is repealed:

Article 2. Feedlot Registration

SEC. 28. Section 28 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 28. This heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 of the Food and Agricultural Code shall become operative on January 1, 1978.

Article 2. En Route or Destination Inspection

SEC 29. Section 21081 of the Food and Agricultural Code is amended to read:

21081. The operator of a feedlot as defined in Section 20013 shall register each such feedlot with the director.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 30 Section 21081 of the Food and Agricultural Code is

amended to read:

21081. If the chief determines that in any particular area in which there is operating a licensed slaughterhouse, public saleyard, or stockyard, or other cattle sales market, or a registered feedlot the volume of shipments or other factors render it impossible or impractical to have inspection prior to shipment, he may, by order, authorize inspection en route or at the point of destination.

This section shall become operative on January 1, 1978.

SEC. 31. Section 21082 of the Food and Agricultural Code is amended to read:

21082. Registration consists of filing of a registration application with the bureau which shall show the location of the feedlot, its capacity, the names and addresses of the owners, and any other information which the director may require

This registration shall be filed and approved by the director in order for a feedlot to receive cattle for inspection in accordance with subdivision (d) of Section 21051 and subdivision (a) of Section 21053, or to ship cattle in accordance with subdivision (a) of Section 21057.

Feedlots operating on and after the effective date of this section shall have 15 days from that date in which to apply for registration.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 32. Section 21083 of the Food and Agricultural Code is amended to read:

21083. The director may cancel the registration of any feedlot from which cattle were shipped without the inspection required by subdivision (d) of Section 21051. When such cancellation occurs, the cattle from any such feedlot shall be inspected at slaughter in accordance with subdivision (e) of Section 21051.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 33. Section 33 of Chapter 939 of the Statutes of 1973 is amended to read·

Sec. 33. This heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 of the Food and Agricultural Code shall remain in effect only until January 1, 1978, and as of that date is repealed·

Article 3. Modified Point-of-Origin Inspection Areas

SEC 34 Section 34 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec 34 This heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 of the Food and Agricultural Code shall become operative on January 1, 1978:

Article 3. Cattle Movement Zones

SEC 35. Section 21111 of the Food and Agricultural Code is amended to read:

21111. The director shall, by regulation, establish and maintain modified point-of-origin inspection areas statewide. He shall observe the following guidelines in designating the boundaries of the modified point-of-origin inspection areas:

(a) Those areas designated in Article 2 (commencing with Section 856) of subchapter 3 of Chapter 2 of Title 3 of the California Administrative Code as full point-of-origin inspection areas prior to the effective date of this section shall become modified point-of-origin inspection areas.

(b) Except those areas designated in subdivision (a) of this section, the areas designated in Article 3 (commencing with Section 892) of subchapter 3 of Chapter 2 of Title 3 of the California Administrative Code as cattle movement zones prior to the effective date of this section shall become modified point-of-origin inspection areas.

(c) The modified point-of-origin inspection areas established pursuant to subdivisions (a) and (b) of this section may be redrawn when the cattlemen owning cattle in the affected area request such action by a two-thirds vote of those present at a public hearing held at a central location in the area.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed

SEC. 36. Section 21111 of the Food and Agricultural Code is amended to read.

21111 The director shall, by regulation, establish cattle movement zones.

This section shall become operative on January 1, 1978.

SEC. 37 Section 21112 of the Food and Agricultural Code is amended to read:

21112. A modified point-of-origin inspection area may consist of one or more counties or geographical areas.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed

SEC. 38. Section 21112 of the Food and Agricultural Code is amended to read:

21112. In formulating a cattle movement zone, the director shall consult with the Livestock Identification Advisory Board. He may consult with interested parties in each proposed zone.

This section shall become operative on January 1, 1978.

SEC 39. Section 21113 of the Food and Agricultural Code is amended to read:

21113. A cattle movement zone may consist of one or more counties or geographical areas.

This section shall become operative on January 1, 1978

SEC. 40. Section 21141 of the Food and Agricultural Code is

amended to read:

21141. The director may, by regulation, provide that full point-of-origin inspection shall be maintained in any geographical area when all of the following conditions prevail:

(a) There is an unusually high incidence of cattle loss as evidenced by reports taken by local law enforcement personnel or brand inspectors.

(b) The cattlemen owning cattle in the affected area request such action by a two-thirds vote of those present at a public meeting held at a central location in the area.

(c) The public meeting provided for in subdivision (b) shall be publicized at least one week in advance of the meeting date in a local newspaper of general circulation, and industry associations shall be notified one week in advance of the meeting.

(d) Such full point-of-origin inspection shall not be maintained for a period greater than one year without being reaffirmed pursuant to this section. The director may, however, terminate such full point-of-origin inspection when he determines, after a public hearing, that such inspection is no longer necessary in order to carry out the provisions of this chapter.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 41. Section 21141 of the Food and Agricultural Code is amended to read:

21141. The director shall, by regulation, provide that full point-of-origin inspection shall be maintained in any county or geographical area which is described within the regulation if at least 65 percent of the persons that own cattle within the county or geographical area are present at a public hearing which is called by the director for the consideration of the regulation and vote in favor of full point-of-origin inspection.

This section shall become operative on January 1, 1978.

SEC. 42. Section 21142 of the Food and Agricultural Code is amended to read:

21142. At the public hearing, before the cattle owners vote on whether or not they desire full point-of-origin inspection, the director shall inform them of all relevant facts and of the cost of full point-of-origin inspection

This section shall become operative on January 1, 1978.

SEC. 43. Section 21143 of the Food and Agricultural Code is amended to read:

21143. Notwithstanding any other provision of this article, the director, under cooperative agreement with any individual, association, or board of supervisors, may provide full point-of-origin inspection in any county or geographical area.

This section shall become operative on January 1, 1978

SEC. 44 Section 21172.2 is added to the Food and Agricultural Code, to read·

21172.2 The director may, by regulation, provide that any person

who ships any cattle from a modified point-of-origin inspection area, for inspection at destination, is required to notify the local brand inspector prior to shipment of such cattle, if he finds, following a public hearing in the area, such requirement is needed to protect cattle owners from losses by theft or straying of their livestock.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 45. Section 21172.5 of the Food and Agricultural Code is amended to read:

21172.5. The brand inspection of cattle as provided for in this chapter shall be conducted in such a way as to minimize the disruption of normal cattle raising operations. Both the feedlot management and personnel and the brand inspector shall jointly handle the cattle at a time and in a manner that is not detrimental to the livestock involved. However, nothing in this section shall prevent any cattle from being brand inspected pursuant to Section 21051.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 46. Section 21206 of the Food and Agricultural Code is amended to read:

21206 Cattle which are shipped for slaughter from either of the following points of origin may be inspected by the director without any charge prior to slaughter on a monitoring basis sufficient to assure that uninspected cattle are not being slaughtered:

(a) Registered feedlots.

(b) Public salesyards or livestock markets in this state that are licensed by the state or posted by the United States Department of Agriculture under the Packers and Stockyards Act.

The director shall adopt the regulations necessary to implement this section

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 47. Section 21206 of the Food and Agricultural Code is amended to read:

21206. Cattle which are shipped for slaughter that have been inspected prior to shipment shall be given a brand inspection at destination A charge shall not be made for such inspection if the duplicate copy of a certificate of inspection or a salesyard bill of sale is produced and either:

(a) The certificate or salesyard bill of sale was issued within five days prior to slaughter

(b) The cattle, which are owned by the slaughterer, are held in enclosures that are used exclusively by the slaughterer, which are located within one mile of the slaughterhouse, and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall become operative on January 1, 1978.

SEC 48. Section 21207 of the Food and Agricultural Code is amended to read

21207. Whenever the director upon the inspection provided for by Section 21206 finds any cattle that have not been inspected in accordance with subdivisions (d), (f) and (g) of Section 21051, he shall inspect the cattle and charge for the inspection.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 49. Section 21207 of the Food and Agricultural Code is amended to read:

21207. No brand inspection provided for by Section 21206 is required for any cattle if a release agreement is approved by the director in advance and all of the following requirements are complied with:

(a) The cattle are brand inspected by a California inspector within two days, excluding holidays, prior to the slaughter.

(b) The cattle are accompanied to the slaughter plant by a California brand inspection certificate or a California salesyard bill of sale issued within two days, excluding holidays, prior to the slaughter.

(c) The cattle are kept separate and are not commingled with cattle requiring brand inspection prior to the slaughter

(d) The slaughterer keeps a record in a book describing all cattle slaughtered pursuant to this section and retains with such record the California brand inspection certificate or California salesyard bill of sale that accompanies the cattle from the point of inspection to the slaughter plant.

(e) The records of such slaughter are available to a California brand inspector at all times.

The director may require the slaughterer to comply with the provisions of Section 21206 whenever he finds that the slaughterer has violated any provision of this division or has not complied with the provisions of this section.

Notwithstanding any other provision of this chapter, a California brand inspector shall inspect all such cattle which are alive and on the premises at the time he performs his regular daily inspection or any spot-check inspection.

This section shall become operative on January 1, 1978.

SEC. 50. Section 21208 of the Food and Agricultural Code is amended to read:

21208. In addition to any other penalty, any person who slaughters cattle at a slaughter plant without the brand inspection required by this chapter, shall pay a penalty fee of twenty-five dollars ($25) for each head of cattle so slaughtered.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 51. Section 21208 of the Food and Agricultural Code is amended to read:

21208. In addition to any other penalty, any person who slaughters cattle at a slaughter plant without the brand inspection required by Section 21051, and who is not exempt by the provisions

of Section 21207, shall pay a penalty fee of twenty-five dollars ($25) for each head of cattle so slaughtered

This section shall become operative on January 1, 1978.

SEC. 52. Section 21453 of the Food and Agricultural Code is amended to read:

21453. A new inspection need not be made of the hide or carcass of an animal which was previously inspected as follows:

(a) Inspected pursuant to subdivision (e) of Section 21051.

(b) Inspected pursuant to subdivisions (d), (f) and (g) of Section 21051 and slaughtered in accordance with Section 21057.

(c) Inspected pursuant to Section 22004 and subdivision (c) of Section 22008.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 53. Section 21453 of the Food and Agricultural Code is amended to read:

21453. A new inspection need not be made of the hide or carcass of an animal which was inspected at the place of shipping or of slaughter within 15 days prior to slaughter.

This section shall become operative on January 1, 1978.

SEC. 54. Section 64691 of the Food and Agricultural Code is amended to read:

64691. In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller or from the seller's account and paid to the director as specified in Section 64691.7 by each operator of any stockyard, livestock auction market, slaughterhouse, packing plant, feedlot, or seller's agent, who shall deduct such an amount from the proceeds of sale or from other moneys owed to the seller. Such fee shall be charged on all cattle and calves except the following:

(a) Hides, skins, or reduction animals.

(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 55. Section 64691 of the Food and Agricultural Code is amended to read:

64691 In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller or from the seller's account at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281), Chapter 6, Division 10 of this code. Each operator of any stockyard, livestock auction market,

slaughterhouse, packing plant, or seller's agent, shall deduct from the proceeds of sale or from other moneys owed to the seller, the amount of such fee and shall pay such fees to the director. Such fee shall be charged on all cattle and calves except the following:

(a) Hides, skins, or reduction animals.

(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

This section shall become operative on January 1, 1978.

SEC. 56. Section 72 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 72. It is the intent of the Legislature that the amendments to Section 20462 of the Food and Agricultural Code which are made by Section 6 of this act shall remain in effect only until January 1, 1978, and on that date Section 7 of this act shall become operative to restore Section 20462 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 57. Section 73 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 73. It is the intent of the Legislature that the amendments to Section 20463 of the Food and Agricultural Code which are made by Section 8 of this act shall remain in effect only until January 1, 1978, and on that date Section 9 of this act shall become operative to restore Section 20463 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973

SEC. 58. Section 74 of Chapter 939 of the Statutes of 1973 is amended to read·

Sec. 74. It is the intent of the Legislature that the amendments to Section 21051 of the Food and Agricultural Code which are made by Section 10 of this act shall remain in effect only until January 1, 1978, and on that date Section 11 of this act shall become operative to restore Section 21051 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 59 Section 75 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 75 It is the intent of the Legislature that the amendments to Section 21052 of the Food and Agricultural Code which are made by Section 13 of this act shall remain in effect only until January 1, 1978, and on that date Section 14 of this act shall become operative to restore Section 21052 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC 60. Section 76 of Chapter 939 of the Statutes of 1973 is amended to read·

Sec. 76 It is the intent of the Legislature that the amendments to Section 21053 of the Food and Agricultural Code which are made by Section 15 of this act shall remain in effect only until January 1,

1978, and on that date Section 16 of this act shall become operative to restore Section 21053 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 61. Section 77 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 77. It is the intent of the Legislature that the amendments to Section 21058 of the Food and Agricultural Code which are made by Section 18 of this act shall remain in effect only until January 1, 1978, and on that date Section 19 of this act shall become operative to restore Section 21058 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 62. Section 79 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 79 It is the intent of the Legislature that the amendments to Section 27 of Chapter 939 of the Statutes of 1973 which are made by Section 27 of this act shall remain in effect only until January 1, 1978, and on that date Section 28 of this act shall become operative to restore the heading of Article 2 (commencing with Section 21081) of Chapter 6 of Division 10 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC 63 Section 80 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 80. It is the intent of the Legislature that the amendments to Section 21081 of the Food and Agricultural Code which are made by Section 29 of this act shall remain in effect only until January 1, 1978, and on that date Section 30 of this act shall become operative to restore Section 21081 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 64. Section 81 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 81 It is the intent of the Legislature that the amendments to Section 33 of Chapter 939 of the Statutes of 1973 which are made by Section 33 of this act shall remain in effect only until January 1, 1978, and on that date Section 34 of this act shall become operative to restore the heading of Article 3 (commencing with Section 21111) of Chapter 6 of Division 10 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 65. Section 82 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 82. It is the intent of the Legislature that the amendments to Section 21111 of the Food and Agricultural Code which are made by Section 35 of this act shall remain in effect only until January 1, 1978, and on that date Section 36 of this act shall become operative to restore Section 21111 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC 66 Section 83 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec 83. It is the intent of the Legislature that the amendments to Section 21112 of the Food and Agricultural Code which are made

by Section 37 of this act shall remain in effect only until January 1, 1978, and on that date Section 38 of this act shall become operative to restore Section 21112 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 67. Section 84 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 84. It is the intent of the Legislature that the amendments to Section 21141 of the Food and Agricultural Code which are made by Section 40 of this act shall remain in effect only until January 1, 1978, and on that date Section 41 of this act shall become operative to restore Section 21141 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 68. Section 85 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 85. It is the intent of the Legislature that the amendments to Section 21206 of the Food and Agricultural Code which are made by Section 46 of this act shall remain in effect only until January 1, 1978, and on that date Section 47 of this act shall become operative to restore Section 21206 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 69. Section 86 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 86. It is the intent of the Legislature that the amendments to Section 21207 of the Food and Agricultural Code which are made by Section 48 of this act shall remain in effect only until January 1, 1978, and on that date Section 49 of this act shall become operative to restore Section 21207 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 70. Section 87 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec 87 It is the intent of the Legislature that the amendments to Section 21208 of the Food and Agricultural Code which are made by Section 50 of this act shall remain in effect only until January 1, 1978, and on that date Section 51 of this act shall become operative to restore Section 21208 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973

SEC 71. Section 93 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 93. It is the intent of the Legislature that the amendments to Section 21453 of the Food and Agricultural Code which are made by Section 52 of this act shall remain in effect only until January 1, 1978, and on that date Section 53 of this act shall become operative to restore Section 21453 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 72. Section 95 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 95 It is the intent of the Legislature that the amendments to Section 64691 of the Food and Agricultural Code which are made by Section 54 of this act shall remain in effect only until January 1,

1978, and on that date Section 55 of this act shall become operative to restore Section 64691 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 73 No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 376

An act to amend Sections 21283, 21285, 21286, 21288, 21289, 21290, 21290 5, 21563, and 64691.7 of, to amend, repeal, and add Section 21563 5 of, to add Section 21291 to, to add and repeal Section 21292 of, and to repeal Section 21566 of, the Food and Agricultural Code, and to amend Sections 88, 89, 90, 91, and 94 of Chapter 939 of the Statutes of 1973, relating to cattle protection, and making an appropriation therefor.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 21283 of the Food and Agricultural Code is amended to read·

21283. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is thirty cents ($0.30) for each animal which is inspected

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 2. Section 21283 of the Food and Agricultural Code is amended to read:

21283 Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is twenty-seven cents ($0.27) for each animal which is inspected

This section shall become operative on January 1, 1978.

SEC. 3 Section 21285 of the Food and Agricultural Code is amended to read:

21285. The fee is thirty cents ($0.30) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed

SEC 4. Section 21285 of the Food and Agricultural Code is

amended to read:

21285. The fee is twenty-seven cents ($0.27) for the inspection before sale of each animal at a public salesyard which is posted by the Secretary of Agriculture of the United States or at a public salesyard if the animal originated in another state and it was shipped to this state, consigned to such public stockyard or public salesyard.

This section shall become operative on January 1, 1978.

SEC 5. Section 21286 of the Food and Agricultural Code is amended to read:

21286. The fee is thirty cents ($0.30) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 6. Section 21286 of the Food and Agricultural Code is amended to read:

21286. The fee is twenty-seven cents ($0.27) for the inspection of each animal which originated in another state and was shipped to this state for slaughter, if such animal is unloaded in an enclosure which is used exclusively by the slaughterer that is located within one mile of the slaughterhouse and the cattle are driven, not transported, from the enclosure to the slaughterhouse.

This section shall become operative on January 1, 1978.

SEC. 7 Section 21288 of the Food and Agricultural Code is amended to read·

21288. The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is twenty-seven cents ($0.27) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a modified point-of-origin area or out of this state

This section shall remain in effect only until January 1, 1978, and as of that date is repealed

SEC 8 Section 21288 of the Food and Agricultural Code is amended to read:

21288 The fee for the inspection of cattle, other than suckling calves which are accompanying their mothers, is twenty-four cents ($0.24) if the cattle are transported for purposes other than sale or slaughter and no change of ownership is involved. The fee which is prescribed by this section applies to pasture cattle which are transported out of a point-of-origin area or out of this state

This section shall become operative on January 1, 1978

SEC 9. Section 21289 of the Food and Agricultural Code is amended to read·

21289 The fee for the inspection of cattle is thirty-four cents ($0.34) for each animal which originated in any county or

geographical area where a full point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of this chapter. A fee shall not be charged for any suckling calves which are accompanying their mothers if they are not shipped for sale or slaughter and no change of ownership is involved.

SEC. 10. Section 21290 of the Food and Agricultural Code is amended to read:

21290. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard where sales of cattle are held, may, upon request and upon payment of a fee of thirty cents ($0.30) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC 11. Section 21290.5 of the Food and Agricultural Code is amended to read:

21290.5. Any person that receives cattle from any cattle sale market, either public or private, including any public stockyard where sales of cattle are held, may, upon request and upon payment of a fee of twenty-seven cents ($0.27) per head before accepting delivery of any cattle from such market or stockyard, have a reinspection of such cattle.

This section shall become operative on January 1, 1978.

SEC. 12. Section 21291 is added to the Food and Agricultural Code, to read:

21291. The fees which are provided in Section 21283, 21285, 21286, 21288, 21289, 21290, 21290.5, 21563, or 21563.5 may be lowered by the director, based upon a finding and recommendation of the Livestock Identification Advisory Board, from time to time, whenever he determines that the costs of administering and enforcing the provisions of this division may be maintained with the lower fees.

SEC. 12.5. Section 21292 is added to the Food and Agricultural Code, to read:

21292. Cattle shipped directly from a registered feedlot in this state for immediate slaughter outside this state, shall be brand inspected, and a brand certificate shall be issued, but a brand inspection fee shall not be charged or collected, if all of the following conditions are met:

(a) The cattle, as feeders, were originally shipped in from outside this state directly to a registered feedlot in this state and were brand inspected and a brand inspection fee was charged and collected upon entry to such a feedlot

(b) The cattle were fed to slaughter condition inside such feedlot and there has been no change of ownership within this state.

(c) The shipper shall produce the brand inspection certificate that was issued at the time the cattle were brand inspected upon entry to a registered feedlot in this state

This section shall remain in effect only until January 1, 1978, and

as of that date is repealed.

SEC. 13. Section 21563 of the Food and Agricultural Code is amended to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is thirty cents ($0.30) for each carcass or hide which is inspected.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 14. Section 21563 of the Food and Agricultural Code is amended to read:

21563. Except as otherwise provided in this article, the fee shall be paid at the point of inspection and is twenty-seven cents ($0.27) for each carcass or hide which is inspected.

This section shall become operative on January 1, 1978.

SEC. 15. Section 21563.5 of the Food and Agricultural Code is amended to read:

21563.5. The fee for the inspection of each carcass or hide shall be thirty-four cents ($0.34) for each carcass and hide originating in those counties or geographical areas where a point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of Chapter 6 of Division 10.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 16. Section 21563.5 is added to the Food and Agricultural Code, to read:

21563.5. The fee for the inspection of each carcass or hide shall be twenty-five cents ($0.25) for each carcass and hide originating in those counties or geographical areas where a point-of-origin inspection is maintained pursuant to Article 4 (commencing with Section 21141) of Chapter 6 of Division 10.

This section shall become operative on January 1, 1978.

SEC. 17. Section 21566 of the Food and Agricultural Code is repealed.

SEC. 18 Section 64691.7 of the Food and Agricultural Code is amended to read:

64691.7. The fees required under Section 64691 shall be due and payable at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281) of Chapter 6 of Division 10, except as follows:

(a) Cattle slaughtered at a slaughterhouse which is licensed pursuant to Article 2 (commencing with Section 22031) of Chapter 10 of Division 10, which were received from a registered feedlot as defined in Section 20015.

The fees for the cattle which were slaughtered at a licensed slaughterhouse shall be charged and collected by the slaughterhouse operator for all such cattle received and slaughtered from such feedlots, and shall be paid to the director at the end of each month for all cattle slaughtered during that month The slaughterhouse operator shall be responsible for the payment of such fees, even if he

has not collected such money from the seller of the cattle which he has slaughtered.

(b) Cattle shipped outside this state for immediate slaughter, without brand inspection fees, pursuant to Section 21292. The fees prescribed by this chapter on such cattle shall be due and payable, and are to be collected by the brand inspector when he inspects the cattle, prior to their shipment from this state.

This section shall remain in effect only until January 1, 1978, and as of that date is repealed.

SEC. 19. Section 88 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 88. It is the intent of the Legislature that the amendments to Section 21283 of the Food and Agricultural Code which are made by Section 1 of this act shall remain in effect only until January 1, 1978, and on that date Section 2 of this act shall become operative to restore Section 21283 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973, as amended by Chapter 439 of the Statutes of 1974.

SEC. 20. Section 89 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 89. It is the intent of the Legislature that the amendments to Section 21285 of the Food and Agricultural Code which are made by Section 3 of this act shall remain in effect only until January 1, 1978, and on that date Section 4 of this act shall become operative to restore Section 21285 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973, as amended by Chapter 439 of the Statutes of 1974.

SEC. 21. Section 90 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec 90. It is the intent of the Legislature that the amendments to Section 21286 of the Food and Agricultural Code which are made by Section 5 of this act shall remain in effect only until January 1, 1978, and on that date Section 6 of this act shall become operative to restore Section 21286 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973, as amended by Chapter 439 of the Statutes of 1974.

SEC. 22. Section 91 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 91. It is the intent of the Legislature that the amendments to Section 21288 of the Food and Agricultural Code which are made by Section 7 of this act shall remain in effect only until January 1, 1978, and on that date Section 8 of this act shall become operative to restore Section 21288 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973, as amended by Chapter 439 of the Statutes of 1974.

SEC. 23. Section 94 of Chapter 939 of the Statutes of 1973 is amended to read:

Sec. 94. It is the intent of the Legislature that the amendments to Section 21563 of the Food and Agricultural Code which are made

by Section 13 of this act shall remain in effect only until January 1, 1978, and on that date Section 14 of this act shall become operative to restore Section 21563 to the form in which it read immediately prior to the effective date of Chapter 939 of the Statutes of 1973.

SEC. 24. It is the intent of the Legislature that the amendments to Section 21563.5 of the Food and Agricultural Code which are made by Section 15 of this act shall remain in effect only until January 1, 1978, and on that date Section 16 of this act shall become operative to add Section 21563.5 in its place.

SEC. 25. It is the intent of the Legislature that the amendments to Section 64691.7 of the Food and Agricultural Code which are made by Section 18 of this act shall remain in effect only until January 1, 1978, and thereafter such fees shall be as provided in Section 64691 of the Food and Agricultural Code.

CHAPTER 377

An act to amend Section 13141 of, and to repeal Section 13150 of, the Education Code, relating to teacher preparation and licensing.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 13141 of the Education Code is amended to read:

13141. The minimum requirements for the services credential with a specialization in administrative services are all of the following:

(a) The possession of a valid teaching credential issued under the law and rules and regulations in effect on or before December 31, 1971, requiring the possession of a baccalaureate degree, or as specified in Section 13130, or a services credential with a specialization in pupil personnel services as specified in Section 13136.

(b) A minimum of three years of successful, full-time classroom teaching experience in the public schools, or in private schools of equivalent status or three years of experience in the field of pupil personnel services.

(c) A program of specialized and professional preparation in administrative services approved by the commission or one year internship in a commission-approved program of supervised in-service training in administrative services or an examination in administrative services.

The services credential with a specialization in administrative services shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, principal, assistant

principal, supervisor, consultant, coordinator, or in an equivalent or intermediate level administration position.

Any person who administers a pupil personnel program shall hold a services credential with a pupil personnel or administrative specialization.

SEC. 2. Section 13150 of the Education Code is repealed.

CHAPTER 378

An act to add Section 7.9 to the Government Code, relating to the State Controller, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 1975. Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 7.9 is added to the Government Code, to read:

7.9. Notwithstanding any provision of law to the contrary, the Controller may designate any deputy of his office to act in his place and stead on any statutorily created state board, commission, committee or governing board of a state agency with respect to the exercise of statutory powers and duties of any such body. Such deputy, while sitting on such board, commission, committee or governing board of a state agency may exercise the same powers that the Controller may exercise if he were personally present. The Controller so designating such deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the Controller is responsible for the acts of the deputy performing his official duties as deputy to the Controller.

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

In order that the designations authorized by this act can be made by the State Controller at the earliest possible date, it is necessary that this act take immediate effect.

CHAPTER 379

An act to amend Section 1770 of the Civil Code, relating to advertising unassembled furniture

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 1770 of the Civil Code is amended to read:

1770. The following unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer are unlawful:

(a) Passing off goods or services as those of another.

(b) Misrepresenting the source, sponsorship, approval, or certification of goods or services.

(c) Misrepresenting the affiliation, connection, or association with, or certification by, another.

(d) Using deceptive representations or designations of geographic origin in connection with goods or services.

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which he does not have.

(f) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.

(g) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact.

(i) Advertising goods or services with intent not to sell them as advertised.

(j) Advertising goods or services with intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.

(k) Advertising furniture without clearly indicating that it is unassembled if such is the case

(*l*) Advertising the price of unassembled furniture without clearly indicating the assembled price of such furniture if the same furniture is available assembled from the seller

(m) Making false or misleading statements of fact concerning reasons for, existence of, or amounts of price reductions.

(n) Representing that a transaction confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law.

(o) Representing that a part, replacement, or repair service is needed when it is not.

(p) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not

(q) Representing that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(r) Misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a transaction with a consumer.

CHAPTER 380

An act to amend Section 3194.5 of the Health and Safety Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 3194.5 of the Health and Safety Code is amended to read:

3194.5. Notwithstanding any other provision of law, a person employed by a public health department as a venereal disease case investigator may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes, upon specific authorization from a licensed physician and surgeon, even though he is not otherwise licensed to withdraw blood; provided that such person meets all of the following requirements:

(a) He works under the direction of a licensed physician and surgeon

(b) He has been trained by a licensed physician and surgeon in the proper procedures to be employed when withdrawing blood, in accordance with training requirements established by the board, and has a statement signed by the instructing physician and surgeon that such training has been successfully completed.

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

In order that this act may go into effect during this session and, thus, avoid a break in the services and health care provided the people of California, it is necessary that this act take immediate effect.

CHAPTER 381

An act to amend Sections 391.1 and 391.6 of the Code of Civil Procedure, relating to vexatious litigants.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 391.1 of the Code of Civil Procedure is amended to read:

391.1 In any litigation, at any time until final judgment is entered, a defendant may move the court, upon notice and hearing, for an order requiring the plaintiff to furnish security. The motion must be based upon the ground, and supported by a showing, that the plaintiff is a vexatious litigant and that there is not a reasonable probability that he will prevail in the litigation against the moving defendant.

SEC. 2. Section 391 6 of the Code of Civil Procedure is amended to read:

391.6. When a motion pursuant to Section 391.1 is filed prior to trial the litigation is stayed, and the moving defendant need not plead, until 10 days after the motion shall have been denied, or if granted, until 10 days after the required security has been furnished and the moving defendant given written notice thereof. When a motion pursuant to Section 391.1 is made at any time thereafter, the litigation shall be stayed for such period after the denial of the motion or the furnishing of the required security as the court shall determine.

SEC 3 This act shall apply to litigation which has been commenced prior to or on or after the effective date of the act.

CHAPTER 382

An act to add Section 5006 1 to the Penal Code, relating to prisoners, and making an appropriation therefor.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1 Section 5006 1 is added to the Penal Code, to read

5006 1 Notwithstanding any provision in Section 5006, money in the Inmate Welfare Fund shall not be expended to pay charges for any or all of the following purposes:

(a) Overtime for staff coverage of special events.

(b) Television repair and recordings

(c) Athletic and recreation supplies.
(d) Athletic uniforms.
(e) Original complement of television sets and replacement of television equipment.

The department shall pay such charges out of any money appropriated for such purposes.

SEC. 2. The sum of one hundred sixty thousand dollars ($160,000) is hereby appropriated from the General Fund to the Department of Corrections for the 1975–76 fiscal year in augmentation of Item 292 of the Budget Act of 1975 for the purpose of relieving the Inmate Welfare Fund of charges for the following:

(a) Overtime for staff coverage of special events.
(b) Television repair and recordings.
(c) Athletic and recreation supplies.
(d) Athletic uniforms.
(e) Original complement of television sets and replacement of television equipment.

CHAPTER 383

An act to amend Sections 11825 and 11828 of, to add Section 11826 to, and to repeal Section 11826 of, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

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

11825. Not more than 95 days prior to the election, upon the payment of a twenty-five dollar ($25) filing fee into the treasury of the district, the secretary of the district shall issue nomination papers and all other forms required for nomination to the office of director.

SEC. 2. Section 11826 of the Public Utilities Code is repealed.

SEC. 3. Section 11826 is added to the Public Utilities Code, to read:

11826. In lieu of the filing fee required by Section 11825, a candidate for director may submit a petition containing the signatures of no less than 100 and no more than 200 registered voters from within the district. The secretary of the district shall make forms for such petitions available 120 days prior to the election. Upon receipt of such a petition, the secretary shall provisionally issue nomination papers and all other forms required for nomination to the office of director, subject to the determination by the secretary of the number of valid signatures on the petition The secretary shall make such determination as soon as possible under the

circumstances. If the secretary determines that there are less than 100 valid signatures, the secretary shall notify the candidate of that fact, and shall accept additional valid signatures at any time prior to the close of the period for circulating nominating papers.

SEC. 4. Section 11828 of the Public Utilities Code is amended to read:

11828. (a) Except as otherwise provided in this division, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and other forms, the securing of signatures, the filing of the candidate's affidavit, and all other things necessary to get the name of the candidate upon the ballot. At the time of issuance of nomination papers, the secretary of the district shall cause to be entered on the first page of each section of the nomination papers the name of the candidate and the office for which he is a candidate. The secretary shall imprint a stamp on the first page of each section of the nomination papers which reads "Official Filing Form," and shall affix his signature. The secretary shall keep a list containing the name and address of each candidate, the office for which he is a candidate, and the date on which the nomination papers were issued, which list shall be a public record.

(b) Verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 95 days nor less than 72 days prior to the election. Such signatures shall be in addition to and different from signatures to a petition submitted in lieu of a filing fee under the provisions of Section 11826. Nomination papers shall be signed either by 1 percent or by 100 of the registered voters from within the district, whichever is the lesser number, but in no event by more than 200 registered voters from within the district. Nomination papers shall be filed with the secretary of the district not more than 90 nor less than 72 days before the date of the election and shall be examined by him. As soon as possible under the circumstances, the secretary shall determine the number of valid signatures. If there are less than 100 valid signatures, the secretary of the district shall notify the candidate of that fact, and shall accept additional valid signatures at any time prior to the close of the period for circulating nomination papers. Each candidate, at least 72 days prior to the election, shall file a sufficient candidate's affidavit. The secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected at least 67 days prior to the date of the election so that the names of the candidates may be placed upon the ballot.

SEC. 5 Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 384

An act to amend Section 10380 of the Insurance Code, relating to group disability insurance.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 10380 of the Insurance Code is amended to read:

10380. The falsity of any statement in the application for any policy covered by this chapter shall not bar the right to recovery under the policy unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

CHAPTER 385

An act to amend Section 23102 of the Vehicle Code, relating to offenses.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 23102 of the Vehicle Code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway.

(b) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon other than a highway.

The department shall not be required to provide patrol or enforce the provisions of this subdivision.

(c) Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 48 hours nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment. If, however, any person so convicted consents to, and does participate and successfully completes, a driver improvement program or treatment program for persons who are habitual users of alcohol, or both such programs, as designed by the court, the court shall punish such person by a fine of not less than one hundred fifty dollars ($150) nor

more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 48 hours nor more than six months or by both such fine and imprisonment.

(d) Any person convicted under this section shall be punished upon a second or any subsequent conviction, within five years of a prior conviction, by imprisonment in the county jail for not less than 48 hours nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101, 23105, or 23106.

(e) If any person is convicted of a second or subsequent offense under this section within five years of a prior conviction and is granted probation, it shall be a condition of probation that such person be confined in jail for at least 48 hours but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

(f) In no event does the court have the power to absolve a person who is convicted of a second or subsequent offense under this section within five years of a prior conviction from the obligation of spending at least 48 hours in confinement in the county jail and of paying a fine of at least two hundred fifty dollars ($250), except as provided in subdivision (g).

(g) Except in unusual cases where the interests of justice demand an exception, the court shall not strike a prior conviction of an offense under this section for purposes of sentencing in order to avoid imposing as part of the sentence or term of probation the minimum time in confinement in the county jail and the minimum fine, as provided in subdivision (f).

When such a prior conviction is stricken by the court for purposes of sentencing, the court shall specify the reason or reasons for such striking order.

On appeal by the people from such an order striking such a prior conviction it shall be conclusively presumed that such order was made only for the reasons specified in such order and such order shall be reversed if there is no substantial basis in the record for any of such reasons.

(h) The court may order that any person convicted under this section who is punished by imprisonment in jail, be imprisoned on days other than days of regular employment of the person, as determined by the court.

(i) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a

variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant, identifiable cost changes.

CHAPTER 386

An act to amend Section 16755 of the Business and Professions Code, relating to restraint of trade.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 16755 of the Business and Professions Code is amended to read:

16755. (a) Any violation of this chapter is a conspiracy against trade, and any person who engages in any such conspiracy or takes part therein, or aids or advises in its commission, or who as principal, manager, director, agent, servant or employee, or in any other capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, is punishable by a fine of not more than one million dollars ($1,000,000) if a corporation, or one hundred thousand dollars ($100,000) if an individual, or by imprisonment in a state prison for not more than three years, or by imprisonment for not more than one year in a county jail, or by both such fine and imprisonment.

(b) Any action pursuant to this section may be commenced at any time within three years after the commission of the last act comprising a part of any violation.

(c) Subject to the provisions of Section 13521 of the Penal Code, all moneys received by any court in payment of any fine imposed pursuant to this section shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid as soon as practicable as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the treasurer of the county in which the prosecution is conducted

SEC. 2 Section 16755 of the Business and Professions Code is amended to read:

16755. (a) Any violation of this chapter is a conspiracy against trade, and any person who engages in any such conspiracy or takes part therein, or aids or advises in its commission, or who as principal, manager, director, agent, servant or employee, or in any other

capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, is punishable by a fine of not more than one million dollars ($1,000,000) if a corporation, or one hundred thousand dollars ($100,000) if an individual, or by imprisonment in a state prison for not more than three years, or by imprisonment for not more than one year in a county jail, or by both such fine and imprisonment.

(b) Any action pursuant to this section may be commenced at any time within three years after the commission of the last act comprising a part of any violation.

(c) Subject to the provisions of Section 13521 of the Penal Code, all moneys received by any court in payment of any fine imposed pursuant to this section shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid as soon as practicable as follows: 100 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller if such moneys received resulted from an action initiated and prosecuted by the Attorney General. If such action was initiated and prosecuted by a district attorney then 100 percent shall be paid as soon as practicable to the treasurer of the county in which the prosecution is conducted. If such action was initiated and prosecuted jointly by the Attorney General and a district attorney, such amounts shall be paid to the State Treasurer and to the treasurer of the county in which the prosecution is conducted in a proportion agreed upon by the Attorney General and such district attorney and as approved by the court.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1624 are both chaptered and become effective January 1, 1976, both bills amend Section 16755 of the Business and Professions Code, and this bill is chaptered after Assembly Bill No. 1624, that the amendments to Section 16755 proposed by both bills be given effect and incorporated in Section 16755 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 1624 are both chaptered and become effective January 1, 1976, both amend Section 16755, and this bill is chaptered after Assembly Bill No. 1624, in which case Section 1 of this act shall not become operative.

CHAPTER 387

An act to amend Sections 6180.1, 6180.3, and 6180.5 of, and to add Article 12 (commencing with Section 6190) to Chapter 4 of Division 3 of, the Business and Professions Code, relating to the practice of law.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 6180.1 of the Business and Professions Code is amended to read:

6180.1. The notice shall contain such information as may be required by any order of disbarment, suspension, or of acceptance of the attorneys' resignation, and by any rule of the Supreme Court, Judicial Council, or the State Bar. It shall be mailed to all persons who are then clients, to opposing counsel, to courts and agencies in which the attorney then had pending matters with an identification of the matter, to any errors and omissions insurer, to the State Bar and to any other person or entity having reason to be informed of such death, change of status or discontinuance or interruption of law practice. In the event of the death or incompetency of the attorney, the notice shall be given by the personal representative or guardian or conservator of the attorney or, if none, by the person having custody or control of the files and records of the attorney. In other cases, the notice shall be given by the attorney or a person authorized by the attorney or by the person having custody and control of the files and records.

SEC. 2. Section 6180.3 of the Business and Professions Code is amended to read:

6180.3. The application shall be verified, shall state facts showing probable cause to believe that notice of cessation is required pursuant to Section 6180, and shall state the following:

(a) The occurrence of one or more of the events stated in Section 6180;

(b) Probable cause to believe that supervision of the court is warranted because the attorney has left an unfinished client matter for which no other active member of the State Bar has, with the consent of the client, agreed to assume responsibility; and

(c) Probable cause to believe that the interests of one or more clients of the attorney or of one or more other interested persons or entities will be prejudiced if the proceeding herein provided is not maintained.

SEC. 3. Section 6180.5 of the Business and Professions Code is amended to read:

6180.5 If the court finds that (a) one or more of the events stated in Section 6180 has occurred, (b) that supervision of the courts is warranted because the affected attorney has left an unfinished client matter for which no other active member of the State Bar has with consent of the client agreed to assume responsibility, and (c) that the interest of one or more of the clients of the attorney or one or more other interested persons or entities will be prejudiced if the proceeding herein provided is not maintained, it may make an order assuming jurisdiction over the attorney's practice pursuant to this article. If the person to whom the order to show cause is directed

does not appear the court may make its order upon the verified application or such proof as it may require. Thereupon the court shall appoint one or more active members of the State Bar to act under its direction and may order such appointed attorneys to do one or more of the following:

(1) Examine the files and records of the law practice, and obtain information as to any pending matters which may require attention;

(2) Notify persons and entities who appear to be clients of the attorney of the occurrence of the event or events stated in Section 6180 and inform them that it may be to their best interest to obtain other legal counsel;

(3) Apply for extensions of time pending employment of such other counsel by the client;

(4) With the consent of the client, file notices, motions and pleadings on behalf of the client where jurisdictional time limits are involved and other legal counsel has not yet been obtained;

(5) Give notice to appropriate persons and entities who may be affected, other than clients, of the occurrence of such event or events;

(6) Arrange for the surrender or delivery of clients' papers or property; and

(7) Do such other acts as the court may direct to carry out the purposes of this article.

The court shall have jurisdiction over the files and records and law practice of the affected attorney for the limited purposes of this section, and may make all orders necessary or appropriate to exercise this jurisdiction.

SEC. 4. Article 12 (commencing with Section 6190) is added to Chapter 4 of Division 3 of the Business and Professions Code, to read:

Article 12. Incapacity to Attend to Law Practice—Jurisdiction of Courts

6190. The courts of the state shall have the jurisdiction as provided in this article when an attorney engaged in the practice of law in this state has, for any reason, including but not limited to excessive use of alcohol or drugs, physical or mental illness, or other infirmity or other cause, become incapable of devoting the time and attention to, and providing the quality of service for, his or her law practice which is necessary to protect the interest of a client if there is an unfinished client matter for which no other active member of the State Bar, with the consent of the client, has agreed to assume responsibility.

6190.1. If, after adequate notice and opportunity to be heard, a local administrative committee or hearing panel of the State Bar finds probable cause to believe that the facts set forth in Section 6190 have occurred and that the interests of the client or of an interested person or entity will be prejudiced if the proceeding herein provided is not maintained, the client, the State Bar, or an interested person

or entity may apply to the superior court for the county where the attorney maintains or most recently has maintained his or her principal office for the practice of law or where such attorney resides, for assumption by the court of jurisdiction over the law practice to the extent provided in Article 11 (commencing with Section 6180) of Chapter 4 of Division 3 of this code.

6190.2. The application shall be verified and shall state facts showing each of the following:

(a) The findings made by the local administrative committee pursuant to Section 6190.1.

(b) The interest of the applicant.

(c) The manner in which the attorney was given notice and an opportunity to be heard before the local administrative committee.

(d) Facts showing probable cause to believe that the interests of the client or of an interested person or entity will be prejudiced if the proceeding herein provided is not maintained.

6190.3 If the court finds that (a) the facts set forth in Section 6190 have occurred, (b) the affected attorney was given adequate notice and reasonable opportunity to be heard before the local administrative committee or hearing panel, and (c) that the interests of the client, or of an interested person or entity will be prejudiced if the proceeding provided herein is not maintained, the court may make all orders provided for by the provisions of Article 11 (commencing with Section 6180) of Chapter 4 of Division 3 of this code.

6190 4. The provisions of Article 11 (commencing with Section 6180) of Chapter 4 of Division 3 of this code shall apply to the proceeding, whenever possible.

6190.5. The proceeding may be maintained concurrently with a disciplinary investigation or proceeding provided for by this chapter.

6190.6. Upon motion duly made by any interested party, the court may terminate the proceedings

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CHAPTER 388

An act making an appropriation for capital outlay purposes for the California community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. (a) There is hereby appropriated to the Board of Governors of the California Community Colleges, the sum of forty-nine thousand two hundred eleven dollars ($49,211), from the State Construction Program Fund, for expenditure during the fiscal

years 1975–76, 1976–77, and 1977–78 only for programs contemplated by the Community College Construction Act of 1967 (Chapter 19 (commencing with Section 20050) of Division 14 of the Education Code), and specifically for the purpose of augmenting the appropriation contained in Item 348 of the Budget Act of 1970 (Chapter 303 of the Statutes of 1970).

(b) The appropriations for the following community college districts included in Item 348 of Chapter 303 of the Statutes of 1970 shall be extended until June 30, 1976, in the amounts shown:

Los Angeles Community College District	
(nn) Equip women's physical education facility	$14,103
North Orange County Community College District	
(tt) Equip science facility	16,484
San Diego Community College District	
(lll) Equip central storage building.....	4,471
(mmm) Equip reading room addition	14,153

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

In order that necessary community college construction which was inadequately funded by the Budget Act of 1970 may be completed as soon as possible, using the budget augmentation provided for in Section 1 of this act, it is essential that this act go into effect immediately.

CHAPTER 389

An act to amend Sections 4150, 4150.2, 4605, 9557, 9853, 14609, 38040, and 42234 of the Vehicle Code, relating to registration and identification of vehicles and vessels.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 4150 of the Vehicle Code is amended to read:

4150. Application for the original registration of a vehicle of a type required to be registered under this code shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

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

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

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

(1) The make and type of body.

(2) The vehicle identification number or any other identifying number as may be required by the department.

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

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

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

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

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

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

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

(1) The make and type of body

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

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

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

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

The application shall be accompanied by a tracing, tape lift, or photograph of the motor and frame numbers, or where such facsimile of the motor or frame number cannot be obtained, a verification of such number shall be required.

SEC. 3. Section 4605 of the Vehicle Code is amended to read:

4605. Whenever by reason of the theft or embezzlement of a vehicle the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain registration, or renewal thereof, the owner or legal owner may secure registration or renewal of registration of the vehicle within 20 days after its recovery upon filing a certificate in writing setting forth the circumstances of the theft or embezzlement, if the theft or embezzlement of the vehicle has been reported pursuant to the provisions of this code, without penalty for delinquent payment of fees imposed under this code or under Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code.

SEC. 4. Section 9557 of the Vehicle Code is amended to read:

9557. (a) No penalty shall be imposed for delinquent payment of any fee required to be paid under this code in the event any instrument for effective payment of such fee is placed in the United

States mail or in any postal box maintained by the United States Postal Service with sufficient identification in an envelope with postage thereon prepaid and addressed to the Department of Motor Vehicles at Sacramento, or to one of the regularly established branch offices of the department or to any person or organization authorized by the department under Section 4610, prior to the date or time the fee becomes delinquent.

(b) Any person so mailing an instrument for payment of any fee may file with the department a certificate in writing showing compliance with the provisions of this section. The certificate shall be accepted by the department as prima facie evidence of such mailing.

SEC. 5. Section 9853 of the Vehicle Code is amended to read:

9853. The owner of each vessel requiring numbering by this state shall file an initial application for a number with the department or with an agent authorized by the department on forms approved by the department. Such forms shall be prepared in cooperation with the Department of Navigation and Ocean Development. The application shall contain the true name and address of the owner and of the legal owner, if any, and the builder's hull number or any hull number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5).

SEC. 6. Section 14609 of the Vehicle Code is amended to read:

14609. Every person renting a motor vehicle to another person shall keep a record of the registration number of the motor vehicle rented, the name and address of the person to whom the vehicle is rented, and his driver's license number, the jurisdiction which issued the license, and its expiration date.

SEC. 7. Section 38040 of the Vehicle Code is amended to read:

38040. Application for the original identification of a motor vehicle required to be identified pursuant to this division shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

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

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

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

(1) The make, model, and type of body

(2) The vehicle identification number or any other number as may be required by the department.

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

SEC 8. Section 42234 of the Vehicle Code is amended to read:

42234. (a) Whenever any application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this state during the registration year

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for which fees have been paid, this article shall apply if the application for refund is made within three years after the date such fees are paid to the department.

(b) The provisions of this section shall not apply to fees paid for a trailer coach pursuant to Article 10 (commencing with Section 5350) of Chapter 1 of Division 3 of this code and Article 1.5 (commencing with Section 10766) of Chapter 2 of Part 5 of Division 2 of the Revenue and Taxation Code.

CHAPTER 390

An act to add Section 37110.5 to the Government Code, relating to cities.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 37110.5 is added to the Government Code, to read:

37110.5. The legislative body may authorize and provide for contributions to nonprofit educational radio and television stations, provided all of the following conditions exist:

(1) The purpose of the contribution is to enable the citizens of the city to enjoy greater educational and cultural advantages.

(2) A substantial number of the residents of the city live within the reception area of the station.

(3) The station regularly broadcasts programs which have educational or cultural significance.

(4) The contribution is to the general funds of the station and not for or in connection with any particular program.

(5) The contribution is not accompanied, directly or indirectly, by any direction of, sponsorship of, control of, or restriction of any program or the content of any program.

CHAPTER 391

An act to amend Section 25270.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 25270.5 of the Vehicle Code is amended to read:

25270.5. Any motor vehicle engaged in, or aiding in, the herding of livestock along or across a public roadway may display flashing amber warning lights to the front and rear of the vehicle while it is stopped in the roadway near the livestock or is proceeding with the livestock along the roadway

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CHAPTER 392

An act to amend Sections 6464, 6464.2, 6464.3, 6464.4, and 6464.5 of, and to add Section 6464.21 to, the Education Code, relating to migrant children.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 6464 of the Education Code is amended to read:

6464. The Legislature finds and declares that:

(a) A significant number of children under the age of 18 of migratory agricultural workers and migratory fishermen reside in California for at least a part of each year. These children, from among the least affluent segments of American society, tend to move frequently, attend school irregularly, and suffer health defects and language handicaps which significantly inhibit their progress in school. This results in many becoming early school dropouts, poorly prepared for personal growth and fulfillment or economic success or upward social mobility.

(b) The problems of children of migratory agricultural parents and of migratory fisherman parents are of such magnitude and severity that local school districts have been unable to solve them with the resources normally available. It is, therefore, necessary for the state to aid local school districts through regional coordinating offices, and the provision of special programs of educational and related services for these children.

SEC. 2. Section 6464.2 of the Education Code is amended to read:

6464.2. As used in this article, "migrant child," means a child who has moved with a parent, guardian, or other person having custody from one school district to another either within California, or between California and another state within the 12-month period immediately preceding his identification as such a child, in order that a parent, guardian, or other member of his immediate family might secure temporary or seasonal employment in an agricultural activity, including the production, or processing, or both, of agricultural

products, or in fishing or the preparation and processing of other seafood products.

SEC. 2.5. Section 6464.21 is added to the Education Code, to read:

6464.21. With the concurrence of his parents, a child who has been identified as a "migrant child" may be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in an area where programs are provided for migrant children. Priority shall be given, however, to programs and activities for migrant children, and in no case shall migrant programs be provided solely for children who have ceased to migrate.

SEC. 3. Section 6464.3 of the Education Code is amended to read:

6464.3. The State Board of Education shall adopt and submit to the Legislature by April 1, 1974, a state master plan for services to migrant children. Such plan shall include provisions for the following:

(a) Instructional activities on a regular and extended year basis shall be designed to identify, diagnose, and provide treatment for academic deficiencies of migrant children. Special emphasis will be given to oral and written communications, reading and mathematics. Small group or individual instruction and tutorial services will be provided to assist migrant children to attain normal progress rates in all subject areas. All instructional services will be provided as supplements to regular programs of instruction provided by the public schools for all children.

(b) Health and welfare services shall be designed to identify, diagnose, and provide treatment for conditions of a physical, including dental, emotional, or environmental, nature which interfere with the learning processes of migrant children. Insofar as possible, existing community resources will be utilized to provide these services.

(c) Preservice and in-service education of professional and nonprofessional personnel shall be planned to prepare school administrators, teachers, aides and other personnel to meet the special needs of migrant children.

(d) Supportive services including transportation, family liaison, and other services necessary to the success of the programs.

(e) Child development activities including, but not limited to social, sensorimotor, conceptual and language development, and perceptual discrimination activities for migrant infants and pre-kindergarten-aged children too young to participate in instructional services normally provided by the public schools.

(f) The active involvement of parents, teachers, and community representatives in the local implementation of migrant education programs.

SEC. 4. Section 6464.4 of the Education Code is amended to read:

6464.4. Services to all migrant children, as defined by Section

6464.2, will be provided by the 1976–1977 school year.

(a) Services provided by the state plan will not reduce or replace services provided by local school districts or other governmental or private agencies.

(b) Services shall be coordinated with all existing federal, state, and local resources available to migrant families.

SEC. 5. Section 6464.5 of the Education Code is amended to read:

6464.5. In implementing the plan adopted by the State Board of Education, the Superintendent of Public Instruction is authorized to:

(a) Contract with county superintendents of schools or local educational agencies to supply services to migrant children residing within specified geographical regions.

(b) Enter into agreements or otherwise cooperate with other states or agencies of the state or the federal government in providing or coordinating services to migrant children including participation in or utilization of the Migrant Student Record Transfer System.

CHAPTER 393

An act to amend Section 4602 of, to add Section 4601.9 to, and to repeal Section 4601.9 of, the Vehicle Code, relating to vehicle registration.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 4601.9 is added to the Vehicle Code, to read:

4601.9. Application for renewal of a vehicle registration expiring on the 31st day of December shall be made by the owner not later than midnight of the first Friday in February succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full registration fee for the vehicle as provided in this code.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed.

SEC. 2. Section 4602, as amended by Section 3 of Chapter 670 of the Statutes of 1974, of the Vehicle Code, is amended to read:

4602. Application for renewal of a vehicle registration shall be made by the owner not later than midnight of the expiration date, and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by

payment of the full registration year fee for the vehicle as provided in this code.

This section shall become operative on March 8, 1976.

CHAPTER 394

An act to amend Section 10404 of, to amend and renumber Section 10600.1 of, and to add Section 10600.1 to, the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor August 26, 1975. Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 10404 of the Streets and Highways Code is amended to read:

10404. (a) Notice of recordation of assessment shall be given as provided in this section.

(b) Upon recording of the assessment, the collection officer shall mail, as provided in subdivision (a) of Section 5070, a statement containing all of the following:

(1) A designation by street number, or some other description, of the property assessed sufficient to enable the owner to identify it.

(2) The amount of the assessment.

(3) The date of the recordation of the assessment.

(4) The time and place of payment of the assessment and the effect of failure to pay within such time.

(5) If bonds are to be issued, a statement of that fact designating the act pursuant to which such bonds are to be issued.

(c) The failure of the collection officer to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this division.

(d) The collection officer also shall give notice by publication pursuant to Section 6066 of the Government Code, which notice shall state all of the following:

(1) That the assessment has been recorded as provided in Section 10402, and that all sums assessed therein are due and payable immediately.

(2) That the payment of such sums is to be made to the collection officer within 30 days after the date of recording the assessment, which date shall be stated in the notice.

(3) If bonds are not to be issued, that all assessments will become delinquent if not paid before the expiration of that 30 days and the effect of the failure to pay the assessments within the 30-day period.

(4) If bonds are to be issued, the effect of the failure to pay the assessments within the 30-day period.

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SEC. 2. Section 10600.1 of the Streets and Highways Code is amended and renumbered to read:

10600.2. The legislative body conducting the proceedings for the issuance of improvement bonds under this division may require that any bidder submitting a proposal for the purchase of such improvement bonds deposit contemporaneously therewith cash, a certified check, or a cashier's check, in an amount to be determined by the legislative body, guaranteeing the purchase of such improvement bonds by such bidder in the event that he is awarded the purchase of such improvement bonds by the legislative body.

SEC. 3. Section 10600.1 is added to the Streets and Highways Code, to read:

10600.1. If provision is made for the issuance of bonds under the Improvement Act of 1911, all assessments under fifty dollars ($50) which are not paid within 30 days after recordation of the assessment are delinquent and shall bear interest at the rate of 1 percent per month, the interest to be computed from the date of the bonds. The legislative body may order the collection of any such delinquent assessments pursuant to either Chapter 18 (commencing with Section 5410) or Chapter 18.1 (commencing with Section 5450) of Part 3 of Division 7. All references in those chapters to the contractor, his assignee, his assigns, or his agent shall be deemed to refer to the city. References in Section 5451 to interest from the "date of filing the original assessment" shall be deemed to refer to the "date of the bonds."

CHAPTER 395

An act to add Section 231.5 to the Code of Civil Procedure, relating to jurors.

[Approved by Governor August 26, 1975. Filed with Secretary of State August 27, 1975.]

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

SECTION 1. Section 231.5 is added to the Code of Civil Procedure, to read:

231.5. Notwithstanding the provisions of Section 231, when authorized by superior court rule, a countywide justice court district may employ the same jury list as that selected for use by the superior court.

CHAPTER 396

An act to add Section 34507 to the Vehicle Code, relating to vehicle inspections.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 34507 is added to the Vehicle Code, to read:

34507. To assist the department in enforcing the provisions of this division, every vehicle which is subject to this division and to the jurisdiction, control, and regulation of the Public Utilities Commission or the Interstate Commerce Commission shall have displayed prominently on the door of the vehicle the identifying symbol or number assigned to the carrier by either or both commissions.

CHAPTER 397

An act to amend Section 26458 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 27, 1975]

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

SECTION 1. Section 26458 of the Vehicle Code is amended to read:

26458. The braking system on every motor vehicle required to be equipped with power brakes or on any towed vehicle required to be equipped with brakes and which is equipped with power brakes shall be so arranged that one control on the towing vehicle shall, when applied, operate all the service brakes on the power unit and combination of vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional control to be used to operate the brakes on the trailer or trailers. This section shall not apply to any of the following combinations of vehicles, provided the combination of vehicles meets the stopping distance requirements of Section 26454·

(a) Vehicles engaged in driveaway-towaway operations.

(b) Disabled vehicles, while being towed.

(c) Towed motor vehicles.

(d) Single-axle trailers equipped with inertially controlled brakes which are designed to be applied automatically upon breakaway from the towing vehicle and which are capable of stopping and holding such vehicle stationary for not less than 15 minutes.

CHAPTER 398

An act to add Chapter 5.5 (commencing with Section 14770) to Part 5.5 of Division 3 of Title 2 of the Government Code, relating to state forms management.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Chapter 5.5 (commencing with Section 14770) is added to Part 5.5 of Division 3 of Title 2 of the Government Code, to read·

CHAPTER 5 5. STATE FORMS MANAGEMENT

14770. The director shall establish and staff an activity within the department to be known as the "forms management center" for the orderly design, implementation and maintenance of a statewide forms management program.

14771 The director, through the forms management center, shall:

(a) Establish a State Forms Management Program for all state agencies, and provide assistance in establishing internal forms management capabilities.

(b) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms

(c) Provide assistance to state agencies for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms.

(d) Provide assistance, training and instruction in forms management techniques to state agencies, forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations as they are created.

(e) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of information on the usage and availability of forms.

(f) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and work directly with the State Printer toward more efficient, economical and timely procurement, receipt, storage and distribution of state forms

(g) Coordinate the forms management program with the existing state archives and records management program to insure timely

disposition of outdated forms and related records.

(h) Conduct periodic evaluations of the effectiveness of the overall forms management program and the forms management practices of the individual state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management.

(i) Delegate implementing action to state agencies where such delegation will result in the most timely and economical method of accomplishing the responsibilities set forth in this section.

(j) Develop and promulgate rules and standards to implement the overall purposes of this section.

14772. Each state agency shall appoint a forms management representative and provide necessary assistance to implement the State Forms Management Program within the agency.

14773. "State agency" as used in this chapter does not include educational institutions.

14774. This chapter shall not apply to any state form with provisions specifically authorized and established by statute.

CHAPTER 399

An act to add Section 34906 to the Government Code, relating to elections and declaring the urgency thereof, to take effect immediately

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 34906 is added to the Government Code, to read:

34906. Notwithstanding Section 36503, if the elected mayor of a city serves a two-year term and the election of the remaining members of the city council for four-year terms is not evenly staggered, resulting in the election of two members of the city council at one general municipal election and four members of the city council at the next general municipal election, the city council may, on a one-time basis only and prior to the first day for circulating nomination papers for such election, designate one of the three city council offices appearing on the general municipal ballot, other than to the office of the mayor, to serve a two-year term. At all subsequent general municipal elections, each member of the city council elected at such election, other than the mayor, shall be elected to serve a four-year term.

SEC 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into

immediate effect. The facts constituting such necessity are:

In order that this act may take effect in time to apply to the 1976 general municipal elections, it is essential that this act take immediate effect.

CHAPTER 400

An act to add Section 24045.3 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 24045.3 is added to the Business and Professions Code, to read:

24045.3. (a) The department may issue a special temporary off-sale general license to any nonprofit corporation which is exempt from payment of income taxes under the provisions of Section 23701d of the Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of 1954 of the United States. An applicant for such a license shall accompany the application with a fee of one hundred dollars ($100).

(b) Such a license shall only entitle the licensee to sell at auction alcoholic beverages donated to it; however, no such alcoholic beverages shall be sold at less than the minimum retail price therefor, established pursuant to provisions of this division. Notwithstanding any other provision of this division, licensees may donate alcoholic beverages to a corporation licensed under this section, provided such donations are not made in connection with a sale of an alcoholic beverage.

(c) Such a license shall be for a period not exceeding 30 days. Only one such license shall be issued to any corporation in any 12-month period.

CHAPTER 401

An act to amend Section 10494 of the Insurance Code, relating to benefit and relief associations.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 10494 of the Insurance Code is amended to read:

10494. Such a benefit and relief association shall not provide for payment of a death benefit of more than one thousand dollars ($1,000) or for disability benefits of more than five hundred dollars ($500) to any one person in any one period of 12 consecutive months and shall not issue to its members a policy or benefit certificate or any other evidence of benefits except that found in the articles of the association or the bylaws thereof. However, a benefit and relief association described in paragraph (1) of subdivision (c) of Section 10493 may provide for a death benefit up to one thousand five hundred dollars ($1,500), disability benefits up to one thousand dollars ($1,000) or insurance protection for medical and hospital expenses up to one thousand five hundred dollars ($1,500), or any combination or all thereof.

CHAPTER 402

An act to repeal Chapter 3 (commencing with Section 16900) of Part 2 of Division 7 of the Business and Professions Code, relating to resale price maintenance.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Chapter 3 (commencing with Section 16900) of Part 2 of Division 7 of the Business and Professions Code is repealed.

CHAPTER 403

An act to amend Section 16501 of the Welfare and Institutions Code, relating to child protective services.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 16501 of the Welfare and Institutions Code is amended to read·

16501. As used in this chapter, child protective services shall include casework and related services designed to forestall or reduce the need for action by law enforcement agencies, probation departments and courts, and to render these services in behalf of children who are without parents, proper guardianship, or custody,

or who are being neglected or whose general welfare is being damaged by the conduct of parents, guardians, or custodians, whether willfully or otherwise.

A child protective services program shall receive any referral or complaint from a public or private agency or from any person having reasonable cause to know that the welfare of a child is endangered, and shall take such actions as are considered necessary to protect the child and correct the situation, including but not limited to:

(a) Social services to children, parent, parents, or guardian.

(b) Financial assistance as may be required, within the scope of this code

(c) Alternate care of the child if care outside the home is required, such as institutional care, foster care, and day care. In lieu of such disposition of the child, the superior court of the county may authorize a representative of the child care service program to remain in the child's home with the child until a parent, legal guardian, or relative enters the home and is willing and apparently able to resume permanent care of the child or in the case of a relative to assume the care of the child until a parent or guardian returns home and such parent or guardian is willing and apparently able to resume permanent care of the child.

(d) Referral to law enforcement agency for investigation.

CHAPTER 404

An act to add Section 25209.1 to the Government Code, relating to the financing of the public schools.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. The Legislature finds and declares that a delay in the funding and payment by the Department of Health, Education, and Welfare results in a financial crisis for many school districts in the state which prepare their fiscal year budgets in contemplation of the timely receipt of federal impact funds under Public Law 81-874 of the Congress of the United States. The Legislature, by this act, intends to provide a procedure whereby these affected school districts can borrow funds from the county treasurer to meet their current financial obligations prior to the actual receipt of Public Law 81-874 funds.

SEC. 2. Section 25209.1 is added to the Government Code, to read:

25209 1. (a) During any fiscal year, the board of supervisors of any county or city and county may upon the recommendation of the county auditor authorize the treasurer of the county or city and

county to make a temporary transfer from the funds in his custody to any school district in the county or city and county. Such temporary transfer shall be made only in the event that the funds transferred are not immediately needed to pay claims against such funds of the county treasury, and the temporary transfer of funds made to eligible school districts shall not exceed an amount computed to be equal to 50 percent of the school district's entitlement for payment of Public Law 81-874 funds for the immediately preceding fiscal year.

(b) School districts may repay such temporary transfer of funds without any interest to the county or city and county on or before June 1 of the fiscal year in which the funds were transferred. Upon receipt of Public Law 81-874 funds next following the aforesaid transfer, the school district shall immediately apply all of such funds to the repayment of the funds transferred pursuant to subdivision (a).

If such temporary transfer of funds is not repaid by June 1 of the fiscal year in which the temporary transfer occurred, the county auditor shall withhold from the next principal apportionment of taxes an amount equal to the temporary transfer of funds and charges, less any repayments made by the school district.

CHAPTER 405

An act to amend Section 24045.2 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 24045.2 of the Business and Professions Code is amended to read:

24045.2. (a) The department may issue a special temporary retail package off-sale beer and wine license to: (1) a television station, supported wholly or in part by public membership subscription, which is a nonprofit, charitable corporation exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States, or (2) a nonprofit, charitable corporation exempt from payment of income taxes under the provisions of the Internal Revenue Code of 1954 of the United States which receives and administers donations for a noncommercial, educational television station or public broadcasting station supported wholly or in part by public membership subscription. An applicant for such a license shall accompany the application with a fee of one hundred dollars ($100).

(b) Such a license shall only entitle the licensee to sell at auction

beer and wine donated to it; however, no such beer or wine shall be sold at less than the minimum retail price therefor, established pursuant to provisions of this division. Notwithstanding any other provision of this division, licensees may donate beer, wine, or both beer and wine, to a corporation licensed under this section, provided such donations are not made in connection with a sale of an alcoholic beverage.

(c) Such a license shall be for a period not exceeding 30 days. Only one such license shall be issued to any corporation in any 12-month period.

CHAPTER 406

An act to amend Section 13111.3 of the Health and Safety Code, and to amend Section 2 of Chapter 424 of the Statutes of 1974, relating to fire protection, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1975. Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 13111.3 of the Health and Safety Code is amended to read:

13111.3. The State Department of Health shall establish and administer a program which will make loans available to private nonprofit children's institutions and private nonprofit homes for the aging which are nonprofit community care facilities for adults under subdivision (a) of Section 1502 of the Health and Safety Code from such funds as may be appropriated by the Legislature to pay the cost of the installation of automatic sprinkler systems or detectors responding to invisible products of combustion other than heat approved by the State Fire Marshal. Any loan pursuant to this section shall bear interest at a rate of 5 percent per annum and shall not be for a term exceeding 30 years.

The State Department of Health shall adopt and enforce such regulations as may be necessary for the reasonable administration of the loan program which it is required by this section to establish and administer.

SEC. 2. Section 2 of Chapter 424 of the Statutes of 1974 is amended to read:

Sec. 2. On the effective date of this act, the sum of two million two hundred thousand dollars ($2,200,000) shall be transferred from the unexpended balance of the appropriation made by Item 262 of the Budget Act of 1973 to the State Department of Health for expenditure, without regard to fiscal years, pursuant to Section 13111.3 of the Health and Safety Code for loans to private nonprofit

children's institutions and private nonprofit homes for the aging which are nonprofit community care facilities for adults under subdivision (a) of Section 1502 of the Health and Safety Code.

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

The costs of automatic sprinkler systems and detectors responding to invisible products of combustion other than heat are rising rapidly. It is, therefore, imperative, if the program contemplated by this act is to be accomplished with the money appropriated by this act, that this act take effect immediately.

Further, the deadline for installation of such automatic sprinkler systems and detectors is July 1, 1976. In view of the delay required for planning, processing applications, granting of loans, and installation, it is therefore necessary that this act take immediate effect.

CHAPTER 407

An act to add Section 23826.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 23826.5 is added to the Business and Professions Code, to read:

23826.5. Notwithstanding any other provision of this chapter, in any county of the 58th class, the department may issue three additional original off-sale general licenses.

In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

A license issued pursuant to this section shall not be transferred from one county to another.

CHAPTER 408

An act to amend Section 11251 of the Education Code, relating to public schools.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 11251 of the Education Code is amended to read·

11251. (a) In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served. For the purposes of computing the average daily attendance of high school students in a school district, attendance shall also include pupil attendance and participation in an independent study program under the coordination, evaluation, and general, but not immediate, supervision of an employee of the district who possessed a valid certification document. The nature, manner, and place of conducting any independent study program shall be determined by the school district pursuant to rules and regulations adopted by the State Board of Education. The school district shall ensure that the components of each independent study program for each individual pupil shall be set out in writing. A pupil enrolled in an independent study program shall not be credited with more than one day of attendance in any calendar day, and shall be enrolled in a high school program for which Section 11052 provides for the minimum schoolday. For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in approved coordinated instruction systems programs of instruction using television, computer-assisted instruction, automated audiovisual systems, programmed learning materials, and other similar teaching techniques, under the coordination and evaluation of an employee who possessed an appropriate certification document, but not requiring the immediate supervision of such employee. Approved coordinated instruction systems programs of instruction are those recommended by the governing board of the district maintaining the community college and approved by the Board of Governors of the California Community Colleges One student contact hour is to be counted for each unit of coordinated instruction systems credit in which a student is enrolled during any census period. The state aid apportionment made by the board of governors shall not be greater than one-half the current costs of conducting approved coordinated instruction systems programs of instruction. Coordinated instruction systems programs of instruction shall be conducted by employees of the district who possess valid credentials or certification documents, who shall determine the need for immediate supervision of the programs of instruction. Such employees shall evaluate individual student progress and assign appropriate grades for students enrolled in classes taught by the coordinated instruction systems programs of instruction.

(b) For the purpose of work experience education programs in the secondary schools meeting the standards of the California State

Plan for Vocational Education, "immediate supervision" of off-campus work training stations means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision. The pupil-teacher ratio in any such work experience program shall not exceed 125 students per full-time equivalent certificated coordinator. A pupil enrolled in such work experience program shall not be credited with more than one day of attendance in any calendar day, and shall be a full-time student enrolled in regular classes meeting the requirements set forth in Section 11052 or 11055.

(c) For purposes of computing the average daily attendance of a community college district, attendance shall also include student attendance and participation in in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations that conform to all apportionment attendance and course of study requirements otherwise imposed by law; provided that such courses are fully open to the enrollment and participation of the public pursuant to subdivision (2) of Section 5753; and provided further, that prerequisites for such courses shall not be established or construed so as to prevent academically qualified persons not employed by agencies in the criminal justice system from enrolling in and attending such courses.

(d) In the event that certain in-service training courses are restricted to employees of police, fire, corrections, and other criminal justice agencies, attendance for such restricted courses shall not be reported for purposes either of state apportionments or district revenue limits computed pursuant to Sections 20935 and 20937. Notwithstanding the provisions of Section 5753, a community college district which restricts enrollment in such in-service training courses may contract with any public agency to provide compensation for the cost of conducting such courses.

(e) Positive records of student admissions and daily attendance in all in-service training courses in the areas of police, fire, corrections, and other criminal justice system occupations, as described in subdivision (c), shall be maintained by each district and shall be separately reported annually to the Chancellor's Office of the California Community Colleges.

CHAPTER 409

An act to amend Section 30131 of the Education Code, relating to private educational institutions.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 30131 of the Education Code is amended to read:

30131. Any state agency, including but not limited to school districts, and any community organization organized pursuant to the Economic Opportunity Act of 1964 (P.L. 452, 88th Congress (78 Stat. 508)) or any other similar training or retraining program authorized by the federal or state governments, may enter into contracts with private business, trade and technical schools to provide training and retraining programs when such private business, trade and technical schools have facilities available to provide such training and retraining. The attendance of pupils in courses of a private school pursuant to a contract authorized by this section shall not be counted for reporting to the Department of Education for the purpose of receiving apportionments from the State School Fund unless such contract also meets the requirements of Section 30133.

SEC 2. The amendment to Section 30131 of the Education Code made by Section 1 of this act is declaratory of existing law insofar as it specifies that a contract entered into pursuant to that section cannot result in attendance used to compute apportionments from the State School Fund unless such a contract also meets the requirements of Section 30133 of the Education Code.

CHAPTER 410

An act to amend Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

[Approved by Governor August 26, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 2 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 2 The objects and purposes of this act are to provide for the control and conservation of the flood, storm and other waste waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters, the harbors, waterways, public highways and property in said district.

Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its power.

5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized. Construction or improvement of existing facilities may involve landscaping and other aesthetic treatment in order that the facility will be compatible with existing or planned development in the area of improvement.

6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

7a. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, any agency or department thereof, or from any nonprofit corporation, organized under the laws of this state, to which the Reconstruction Finance Corporation, a corporation organized and existing under and by virtue of an act of Congress, entitled "Reconstruction Finance Corporation Act," or other agency, or department, of the United States government, has authorized, or shall hereafter authorize, a loan to enable such nonprofit corporation to lend money to said Los Angeles County Flood Control District, for any flood control work authorized under this act, and to repay the same, in annual installments, over a period of not to exceed twenty (20) years, with interest at a rate of not to exceed four and one-fourth per centum (4¼%) per annum, payable semiannually, and, without the necessity of an election when authorized by resolution of the board of supervisors, as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes, or bonds, or other evidences of indebtedness, signed by the chairman of the board of supervisors of said district, which notes, bonds, or other evidences of indebtedness, shall be negotiable instruments if

so declared in said resolution of the board of supervisors providing for their issuance, and said notes, bonds, or other evidences of indebtedness, may have interest coupons attached to evidence interest payments, signed by the facsimile signature of said chairman of said board. All applications for such loans shall specify the particular flood control work or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and shall be expended for those purposes only which are described and referred to in the applications. If a surplus remains after the completion of said work, such surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness, executed as aforesaid, for the loan including interest coupons. The board of supervisors shall annually, levy a tax upon the taxable real property of said district, clearly sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by said resolution of the board of supervisors; provided, however, that the amount of taxes levied in any year, pursuant to the provisions of this subsection, shall, pro tanto, reduce the authority of the board of supervisors, during any such year, to levy taxes under Section 14 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Notwithstanding anything in this subsection 7a to the contrary, the total amount which said district may borrow under the authority of any or all of the provisions of this subsection is limited to and shall not exceed in the aggregate the sum of four million five hundred thousand dollars ($4,500,000).

7b. The power granted in the next preceding subsection is hereby extended to authorize the issuance and sale of bonds or other evidences of indebtedness of said district to the County of Los Angeles and the purchase thereof by said county in accordance with "An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of any county, city and county, incorporated city or town or municipal utility district or flood control district," approved April 23, 1913, as amended; all subject to the provisions and limitations of the next preceding subsection relative to the disposition and use of funds, interest rate, period of repayment, tax rate and mode of issuance. The total amount of bonds or other evidence of indebtedness, in the aggregate, which the district may issue and sell under the authority of subsection 7a and of this subsection is limited to and shall not exceed four million five hundred thousand dollars ($4,500,000)

8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided

9 To make contracts, and to employ for temporary services only. expert appraisers, consultants and technical advisers, and to do all

acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes, over, along, upon, in, through, across or under any real property owned by said Los Angeles County Flood Control District.

11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars ($5,000,000); provided, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; provided, however, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein except to public agencies for recreational purposes when such use is not inconsistent with the use thereof by the district for flood control and water conservation purposes; or except as hereinafter provided by Section 17 of this act; provided, however, that said district may grant and convey to the United States of America, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam or reservoir site, improved or constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed and deemed reasonable by the Secretary of War and the Chief of Engineers.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district.

15. In addition to its other powers, the district shall have the power to preserve, enhance. and add recreational features to its properties and upon a finding by the board of supervisors that the acquisition is necessary for such purposes, to acquire, preserve, enhance, and

add recreational features to lands or interests in lands contiguous to its properties, for the protection, preservation, and use of the scenic beauty and natural environment for such properties or such lands and to collect admission or use fees for such recreational features where deemed appropriate.

The said district by or through its board of supervisors, or other board or officers at any time succeeding to the duties or functions of its board of supervisors, is hereby authorized and empowered to warrant and defend the title to all land and interests therein so conveyed to the United States of America or to any such agency and their respective assigns; to covenant and agree to indemnify and keep indemnified and to hold and save harmless and exonerated the United States of America or any such agency, to which such lands or any interest therein are so conveyed by said district, from and against all demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any defect or defects whatsoever in the title to any such land or interest in land so conveyed by said district; to reimburse and save harmless and exonerated the United States of America or any such agency for any and all amounts, paid, and expenses incurred, in the compromise or settlement of any demands, claims, liabilities, liens, actions, suits, charges, costs, loss, damages, expenses and attorneys' fees of whatsoever kind or nature, resulting from, arising out of or occasioned by any claim to or defect or defects whatsoever in the title to any such land or interests in land so conveyed by said district; to pay all just compensation, costs and expenses, which may be incurred in any condemnation proceeding deemed necessary by the United States of America or such agency, in order to perfect title to any such land or interests in land, including without limitation all attorneys' fees, court costs and fees, costs of abstracts and other evidences of title, and all other costs, expenses or damages incurred or suffered by the United States of America or such agency; and consent is hereby given to the bringing of suit or other legal proceedings against said district by the United States of America or such agency, as the case may be, in the proper district court of the United States, upon any cause of action arising out of any conveyance, contract or covenant made or entered into by said district pursuant to the authority granted in this act, or to enforce any claims, damages, loss or expenses arising out of or resulting from any defect whatsoever in the title to such land or any interest therein or any claims of others in or to such land or interest therein.

CHAPTER 411

An act to amend Section 5134 of the Business and Professions Code, relating to accountants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 5134 of the Business and Professions Code is amended to read:

5134. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for the certificate of certified public accountants shall be fixed by the board at not more than sixty dollars ($60). Should the applicant fail to pass the required examination, reexamination at subsequent examinations will be given the same applicant for an additional fee fixed by the board at not more than twelve dollars ($12) for each subject in which the applicant is reexamined.

(b) The registration fee shall be fixed by the board at not more than twenty dollars ($20).

(c) The renewal fee shall be fixed by the board at not more than forty dollars ($40).

(d) The delinquency fee shall be 50 percent of the accrued renewal fee.

(e) The initial permit fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the permit is issued, except that, if the permit is issued less than one year before it will expire, then the initial permit fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the permit is issued. The board may, by regulation, provide for the waiver or refund of the initial permit fee where the permit is issued less than 45 days before the date on which it will expire.

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

Effective with the November 1975 C.P.A. examinations the cost of providing such examinations and other services will exceed revenue. Therefore to such an extent the Accountancy Fund will be insolvent at the close of the 1975–76 fiscal year It is therefore necessary that this act take effect immediately.

CHAPTER 412

An act to amend Section 1904.2 of the Public Utilities Code, relating to public utilities.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 1904.2 of the Public Utilities Code is amended to read:

1904.2. (a) In every case in which an applicant's security issues are subject to the jurisdiction of the Federal Power Commission pursuant to Section 204 of the Federal Power Act (49 Stat. 850, 16 U.S.C. 824c) or the applicant is an electrical or gas corporation whose security issues are subject to the jurisdiction of a public utilities regulatory agency of another state, no fees shall be charged and collected pursuant to subdivision (b) of Section 1904 and pursuant to Section 1904.1 for any face value of the bonds, notes, or other evidences of indebtedness, or the proposed maximum proceeds of stock, as the case may be, which exceeds the face value or maximum proceeds bearing the same proportion to the total face value or maximum proceeds as the gross operating revenues of the applicant derived from operations within the state bear to all of the applicant's gross operating revenues.

(b) As used in this section, "gross operating revenues" means such revenues as are shown on the accounts of the applicant as of the close of the calendar year immediately preceding the issuance by the commission of the certificate for which fees are charged and collected pursuant to subdivision (b) of Section 1904 or pursuant to Section 1904.1.

CHAPTER 413

An act to amend Section 26206 of the Government Code, relating to the powers and duties of boards of supervisors.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 26206 of the Government Code is amended to read:

26206. The board of supervisors of any county may prepare, procure and present commemorative medals, resolutions, plaques, or other memorials honoring persons who have performed unique or particularly noteworthy public service or commemorating acts,

accomplishments, events, or anniversaries of public significance and importance. Any such award presented under the authority of this section shall be of nominal value and cost.

CHAPTER 414

An act to amend Section 3501.3 of the Elections Code, relating to initiatives.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 3501.3 of the Elections Code is amended to read:

3501 3. Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would affect the revenues or expenditures of the state or local government, shall state in the title the amount of any increase or decrease in revenue or costs to the state or local government if the proposed initiative is adopted.

Such estimates as required by this section shall be made jointly by the Department of Finance and Joint Budget Committee, who shall inform the Attorney General so that he may include it in the title prepared by him.

A fiscal estimate is not required if in the opinion of both the Department of Finance and the Joint Budget Committee a reasonable estimate of the net impact of the proposed initiative cannot be prepared within 25 days from the date of receipt of the final version of the proposed initiative by the Attorney General. The Department of Finance and the Joint Budget Committee, however, shall give their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

CHAPTER 415

An act to amend Section 1 of Chapter 526, Statutes of 1919, and to repeal Chapter 2044, Statutes of 1957, relating to sovereign lands granted to the County of Orange in trust.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 1 of Chapter 526, Statutes of 1919, is amended to read:

Section 1. There is hereby granted to the County of Orange and to its successors all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all that portion of the tidelands and submerged lands, whether filled or unfilled, bordering upon and under Newport Bay in the said County of Orange, which were outside of the corporate limits of the City of Newport Beach, a municipal corporation, on July 25, 1919, the same to be forever held by said county and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said county and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a public harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, provided that any such use of any portion of the lands described in subdivision (a) of Section 2 shall be permitted only if such use is compatible and does not unreasonably interfere with the use of any portion of said lands for one of the purposes set forth in paragraph (3) of subdivision (a) of this section.

(2) For the establishment, improvement and conduct of public bathing beaches, public marinas, public aquatic playgrounds and similar recreational facilities open to the general public, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses, provided that any such use of any portion of the lands described in subdivision (a) of Section 2 shall be permitted only if such use is compatible and does not unreasonably interfere with the use of any portion of said lands for one of the purposes set forth in paragraph (3) of subdivision (a) of this section.

(3) For the preservation, maintenance and enhancement of said lands in their natural state and the reestablishment of the natural state of said lands so that they may serve as ecological units for scientific study, as open space and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area.

(b) Except as otherwise provided in this section, said county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm, or corporation for any purposes whatever; provided, that said county or its successors may grant franchises thereon for a period not exceeding 50 years for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding 50 years for purposes consistent with the trust upon which said lands are held by the State of California, and with the uses specified in this section.

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(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose, which rights shall be subject to such rules and regulations as are necessary for the accomplishment of the uses specified in subdivision (a) of this section.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, the right to prospect for, mine, and remove such deposits from said lands; provided, however, that such prospecting, mining, and removal shall not unreasonably interfere with the use of the lands granted herein for the purposes set forth in paragraph (3) of subdivision (a) of Section 1.

(h) Within 90 days of the effective date of the amendment of this section at the 1975–76 Regular Session of the Legislature, the county shall grant to the State of California, acting by and through the State Lands Commission, such portions of said lands as are located within the parcel of property described in subdivision (a) of Section 2, for the establishment, and improvement and conduct of an ecological reserve, or wildlife refuge, or both, and other compatible uses by the Department of Fish and Game; provided, however, that if at any time the Department of Fish and Game no longer uses such portions of the lands so granted by the county to the State Lands Commission for such a purpose the lands so granted shall revert to the county to be held pursuant to the provisions of this grant. Forthwith upon receipt of such a grant from the county to the State Lands Commission, the State Lands Commission shall lease the lands so granted to the Department of Fish and Game. The public benefit shall be the sole consideration to be received by the State Lands Commission from the Department of Fish and Game for said lease. Any and all income received by the Department of Fish and Game from the lands so leased shall be used only in connection with the

department's improvement and administration of the leased lands. For purposes of this subdivision, the term ecological reserve means the definition given to the term in Sections 1580 to 1584, inclusive, of the Fish and Game Code.

(i) The county may grant to the City of Newport Beach, a municipal corporation, that portion of said lands which are described in subdivision (b) of Section 2 (presently known as North Star Beach) for the establishment, and improvement and conduct of a public beach and related public facilities; provided, however, that if at any time the City of Newport Beach no longer uses said portion of said lands so granted by the county to the city of Newport Beach for such a purpose the lands so granted shall revert to the county to be held pursuant to the provisions of this grant. The use of any lands conveyed by the county pursuant to the provisions of this subdivision shall be compatible and not unreasonably interfere with any use of adjacent lands in accordance with paragraph (3) of subdivision (a) and subdivision (h) of this section.

(j) The provisions of Section 6359 of the Public Resources Code shall not be applicable to this amendment of the grant to the county.

(k) The county shall establish a separate tidelands trust fund or funds in such manner as may be approved by the State Lands Commission and the county shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted tidelands in the county.

(*l*) Notwithstanding any other provision of law to the contrary, the county, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands for any or all of the purposes set forth in this act.

(m) Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

(n) As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the county shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the county that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of subdivision (*l*) of this section. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the county with the notice of its determination. In the event the State Lands Commission notifies the county that such capital improvement is not authorized, the county shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or

judgment of a court of competent jurisdiction. The county is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

(o) At the end of every third fiscal year, beginning June 30, 1977, that portion of the county tideland trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tideland trust activities have been made, shall be deemed excess revenues; provided that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act, including such improvements which may be paid for by the county from such revenues within the lands to be conveyed to the state pursuant to this act, may be considered as expenditures for the purposes of determining net revenues, provided, however, that if made after the effective date of this act they may be so considered only if made in accordance with subdivision (n) of this section.

The excess revenue, as determined pursuant to subdivision (n) of this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the county to be deposited in the trust fund and used for any purpose authorized by subdivision (*l*) of this section.

(p) The State Lands Commission, at the request of the county, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

(q) In the event that the county fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or diverted therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

(r) The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

(s) The State Lands Commission shall, from time to time, institute

a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with in good faith.

(t) The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

(u) The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the Superior Court in the County of Orange to declare that the grant under which the county holds such tidelands and submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law including, but not limited to, this act.

(v) The county shall cause to be made and filed with the State Lands Division, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon. The Department of Fish and Game and City of Newport Beach, in lieu of the county, shall establish such funds, make such deposits, and make such statements as to any lands conveyed to said department and city pursuant to subdivisions (h) and (i) of this section.

(w) The provisions of Public Resources Code Sections 6701 to 6706, inclusive, shall be applicable to this section.

SEC. 2. The land described in Section 1 includes the following:

(a) All those sovereign tidelands and submerged lands, whether filled or unfilled, partly in the City of Newport Beach, all in the County of Orange, State of California, being: Lots 1 and 2 of Section 23, Lot 1 of Section 25, Lots 1 and 2 of Section 26 all in Township 6 South, Range 10 West, San Bernardino Meridian, according to the official plat of said land as shown on a map recorded in Book 3, page 7 of Miscellaneous Maps, records of said County; Tideland Patent No. 204, from the State of California recorded July 19, 1907 in Book 1, page 245 of Patents, records of said County; Portions of Blocks 4, 5, 51, 52, 53, 55, 56 and 57 of Irvine's Subdivision, as per map filed in Book 1, page 88, Miscellaneous Record Maps, records of said County, included within the following described boundary and any other land owned by grantor included within said boundary:

Beginning at the Northeast corner of Lot 12, Tract No. 4224, as shown on a map filed in Book 157, pages 1 through 14, Miscellaneous Maps, records of said Orange County; thence along the boundary of

said Tract the following described courses:

1. South 36° 37' 10" East 118.99 feet;
2. South 21° 22' 02" East 266.44 feet;
3 South 13° 05' 01" East 103.13 feet;
4. South 4° 18' 23" East 214.74 feet;
5. South 4° 38' 29" East 190.28 feet;
6. South 20° 22' 24" East 193.47 feet;
7. South 3° 05' 03" West 88.53 feet;
8. South 23° 28' 09" West 87.23 feet;
9. South 33° 22' 06" West 272.21 feet;
10. South 26° 11' 31" West 242.29 feet;
11. South 24° 24' 07" West 160.08 feet;
12. South 22° 36' 56" West 160.31 feet;
13. South 29° 28' 14" West 307.32 feet;
14. South 10° 19' 39" West 116.92 feet;
15. South 0° 11' 19" East 81.39 feet;
16. South 11° 31' 25" East 80.01 feet;
17. South 21° 04' 53" East 162.61 feet;
18. South 12° 00' 06" East 80.02 feet to the Southeast corner Lot 45, said Tract No. 4224; thence leaving said boundary;
19. North 77° 33' 39" East 84.52 feet; thence
20. South 46° 35' 28" East 50.93 feet; thence
21. South 77° 44' 07" East 23.54 feet; thence
22. North 84° 48' 20" East 55.23 feet; thence
23. South 47° 24' 48" E. 59.44 feet to the intersection with a line that is at right angles to the Northeasterly line of Lot 54, said Tract No. 4224, and passes through the Northwesterly corner of said Lot 54; thence
24. South 20° 08' 29" East 208.14 feet along said line to said Northwesterly corner; thence along the boundary of said Tract No. 4224 the following described courses:
25. North 69° 51' 31" East 130.00 feet;
26. South 18° 07' 35" East 156.92 feet;
27. South 7° 33' 23" West 122.82 feet;
28. South 38° 25' 04" West 137.05 feet;
29. South 56° 24' 35" West 99.89 feet;
30. South 54° 05' 35" West 127.86 feet;
31. South 44° 44' 03" West 117.00 feet;
32. South 39° 43' 05" West 216.76 feet;
33 South 34° 18' 41" West 162.79 feet;
34. South 11° 26' 49" East 90.42 feet;
35 South 52° 53' 55" East 218.43 feet;
36. South 28° 06' 02" East 252 56 feet;
37 South 20° 31' 44" East 59.20 feet;
38. South 24° 30' 02" East 299.33 feet;
39. South 33° 05' 39" East 204.70 feet;
40. South 18° 18' 25" West 213.42 feet;
41. South 9° 51' 31" West 235 00 feet;
42. South 69° 21' 51" West 209.71 feet to the Southwesterly corner

of Lot 80, said Tract No. 4224; thence leaving said boundary;
43. South 17° 08' 25" West 106.94 feet; thence
44. South 50° 25' 57" West 252.09 feet; thence
45. South 41° 32' 54" West 446.29 feet; thence
46. South 31° 18' 49" West 140.46 feet; thence
47. South 9° 30' 24" West 211.91 feet; thence
48. South 0° 40' 50" West 393.71 feet to Station No. 110 of the Ordinary High Tide Line as described in the final decree entered in Case No. 20436 Superior Court of said Orange County, said Station being an angle point in the boundary of said Tract No. 4224; thence
49. South 1° 53' 04" East 122.43 feet along said Ordinary High Tide Line and boundary to Station No. 111 of said Ordinary High Tide Line; thence leaving said Line and boundary
50. East 100.00 feet; thence
51. South 7° 43' 45" West 798.21 feet; thence
52. South 424.00 feet; thence
53 East 563.00 feet; thence
54. North 26° 19' 40" East 467.24 feet to a point in the most Northerly line of the "Boat Launching Area" described in a lease recorded in Book 7640, Page 298, said Official Records, said point being South 82° 17' 23" West 100 feet along said line from Station No. 25 of said Ordinary High Tide Line; thence
55. North 82° 17' 23" East 100.00 feet along said line to said station; thence
56. South 24° 13' 27" East 39.30 feet along said Ordinary High Tide Line to the Northwesterly terminus of that certain 80.00 foot strip of land described in a deed to the County of Orange for Back Bay Drive, formerly Bayside Drive, recorded in Book 4288, page 216, Official Records of said Orange County; thence
57. North 66° 17' 51" East 6.35 feet along said Northwesterly terminus to a point on the Southwesterly right of way line of Back Bay Drive, formerly Palisades Road, 40.00 feet wide, as described in a deed to the County of Orange, recorded in Book 1037, page 269, said Official Records, said point being the beginning of a curve concave Easterly and having a radius of 220.00 feet, a radial to said point bears South 66° 17' 51" West; thence along said right of way line the following described courses:
58. Northerly 147.87 feet along said curve through an angle of 38° 30' 40";
59 North 14° 48' 31" East 93 81 feet;
60. Northeasterly 157 19 feet along a 320 00 foot radius curve that is concave Southeasterly through an angle of 28° 08' 40";
61. North 42° 57' 11" East 123.69 feet;
62 Northeasterly 64.82 feet along a 220.00 foot radius curve that is concave Southeasterly through an angle of 16° 52' 50";
63. North 59° 50' 01" East 82.93 feet;

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64. Northeasterly 151.56 feet along a 230.00 foot radius curve that is concave Northwesterly through an angle of 37° 45' 20";
65. North 22° 04' 41" East 8.49 feet;
66. Northeasterly 374.10 feet along a 370.00 foot radius curve that is concave Southeasterly through an angle 57° 55' 48";
67. North 80° 00' 29" East 97.75 feet;
68. Easterly 174.88 feet along a 1980.00 foot radius curve that is concave Northerly through an angle of 5° 03' 38";
69. North 74° 56' 51" East 116.34 feet;
70. Northeasterly 119.54 feet along a 330.00 foot radius curve that is concave Northwesterly through an angle of 20° 45' 20";
71. North 54° 11' 31" East 28.69 feet;
72. Northeasterly 92.50 feet along a 230.00 foot radius curve that is concave Northwesterly through an angle of 23° 02' 30";
73. North 31° 09' 01" East 37.97 feet;
74. Northeasterly 124.65 feet along a 620.00 foot radius curve that is concave Southeasterly through an angle of 11° 31' 10";
75. North 42° 40' 11" East 19.36 feet;
76. Northeasterly 180.46 feet along a 780.00 foot radius curve that is concave Northwesterly through an angle of 13° 15' 20";
77. North 29° 24' 51" East 110.51 feet;
78 Northeasterly 180.55 feet along a 230 00 foot radius curve that is concave Southeasterly through an angle of 44° 58' 40";
79. North 74° 23' 31" East 71.57 feet;
80. Northeasterly 131.85 feet along a 180.00 foot radius curve that is concave Northwesterly through an angle of 41° 58' 10";
81. North 32° 25' 21" East 98.40 feet;
82. Northeasterly 139.72 feet along a 580.00 foot radius curve that is concave Northwesterly through an angle of 13° 48' 10";
83. North 18° 37' 11" East 191.57 feet;
84. Northerly 190.95 feet along a 680.00 foot radius curve that is concave Westerly through an angle of 16° 05' 20";
85. North 2° 31' 51" East 112.97 feet;
86. Northerly 171.90 feet along a 480 00 foot radius curve that is concave Westerly through an angle of 20° 31' 10";
87 North 17° 59' 19" West 105.85 feet;
88 Northwesterly 219.44 feet along a 580.00 foot radius curve that is concave Southwesterly through an angle of 21° 40' 40";
89 North 39° 39' 59" West 30.54 feet;
90. Northwesterly 209 18 feet along a 580.00 foot radius curve that is concave Southwesterly through an angle of 20° 39' 50";
91. North 60° 19' 49" West 256.75 feet;
92 Northwesterly 166.34 feet along a 210.00 foot radius curve that is concave Northeasterly through an angle of 45° 23' 00";
93. North 14° 56' 49" West 2.29 feet,
94. Northeasterly 103.72 feet along a 70.00 foot radius curve that is concave Southeasterly through an angle of 84° 53' 40";
95 North 69° 56' 51" East 84 37 feet;
96. Northeasterly 177.08 feet along a 180.00 foot radius curve that

is concave Northwesterly through an angle of 56° 22' 00";
97 North 13° 34' 51" East 926.31 feet;
98. Northerly 367.32 feet along a 380.00 foot radius curve that is concave Westerly through an angle of 55° 23' 00";
99. North 41° 48' 09" West 241.47 feet;
100. Northwesterly 99.32 feet along a 220.00 foot radius curve that is concave Northeasterly through an angle of 25° 52' 00";
101. North 15° 56' 09" West 54.89 feet;
102. Northwesterly 165.17 feet along a 580.00 foot radius curve that is concave Southwesterly through an angle of 16° 19' 00";
103. North 32° 15' 09" West 39.22 feet;
104. Northwesterly 93.71 feet along a 480.00 foot radius curve that is concave Southwesterly through an angle of 11° 11' 10";
105. North 43° 26' 19" West 193.40 feet;
106. Northerly 362.21 feet along a 370.00 foot radius curve that is concave Easterly through an angle of 56° 05' 20";
107. North 12° 39' 01" East 252.19 feet;
108. Northerly 292.89 feet along a 1780.00 foot radius curve that is concave Westerly through an angle of 9° 25' 40";
109. North 3° 13' 21" East 14.17 feet;
110. Northerly 293.38 feet along a 1820.00 foot radius curve that is concave Easterly through an angle of 9° 14' 10";
111 North 12° 27' 31" East 27.16 feet;
112. Northerly 236.73 feet along a 1180.00 foot radius curve that is concave Westerly through an angle of 11° 29' 40";
113. North 0° 57' 51" East 82.33 feet;
114. Northerly 194.78 feet along a 620.00 foot radius curve that is concave Easterly through an angle of 18° 00' 00";
115. North 18° 57' 51" East 20.34 feet;
116. Northeasterly 170.04 feet along a 150 00 foot radius curve that is concave Southeasterly through an angle of 64° 57' 00";
117. North 83° 54' 51" East 78.48 feet;
118. Northeasterly 127.39 feet along a 180.00 foot radius curve that is concave Northwesterly through an angle of 40° 33' 00";
119. North 43° 21' 51" East 57.99 feet;
120 Northeasterly 184.74 feet along a 1520.00 foot radius curve that is concave Southeasterly through an angle of 6° 57' 50";
121. North 50° 19' 41" East 31.50 feet;
122. Northeasterly 218.92 feet along a 1480.00 foot radius curve that is concave Northwesterly through an angle of 8° 28' 30";
123. North 41° 51' 11" East 44.65 feet;
124. Northeasterly 194.36 feet along a 1220.00 foot radius curve that is concave Southeasterly through an angle of 9° 07' 40";
125 North 50° 58' 51" East 66.39 feet;
126. Northeasterly 300.05 feet along a 1780.00 foot radius curve that is concave Northwesterly through an angle of 9° 39' 30";
127 North 41° 19' 21" East 33.58 feet;
128. Northeasterly 154.36 feet along a 380.00 foot radius curve that is concave Northwesterly through an angle of 23° 16' 30";

129. North 18° 02' 51" East 42.03 feet;
130. Northerly 216.88 feet along a 580.00 foot radius curve that is concave Westerly through an angle of 21° 25' 30";
131. North 3° 22' 39" West 302.88 feet;
132 Northerly 255.24 feet along a 370.00 foot radius curve that is concave Easterly through an angle of 39° 31' 30";
133. North 36° 08' 51" East 21.09 feet;
134. Northeasterly 403 36 feet along a 520.00 foot radius curve that is concave Southeasterly through an angle of 44° 26' 40";
135. North 80° 35' 31" East 628.42 feet;
136. Easterly 289.58 feet along a 320.00 foot radius curve that is concave Southerly through an angle of 51° 51' 00";
137 South 47° 33' 29" East 3.72 feet;
138. Southeasterly 115.09 feet along a 355 00 foot radius curve that is concave Northeasterly through an angle of 18° 34' 30";
139 South 66° 07' 59" East 375.25 feet;
140. Easterly 209.08 feet along a 780 00 foot radius curve that is concave Northerly through an angle of 15° 21' 30";
141. South 81° 29' 29" East 241.76 feet;
142. Easterly 208.39 feet along a 980.00 foot radius curve that is concave Northerly through an angle of 12° 11' 00";
143. North 86° 19' 31" East 57 06 feet,
144 Easterly 95.37 feet along a 260.00 foot radius curve that is concave Southerly through an angle of 21° 01' 00";
145. South 72° 39' 29" East 70.33 feet;
146. Easterly 108.18 feet along a 1380.00 foot radius curve that is concave Northerly through an angle of 4° 29' 30";
147. South 77° 08' 59" East 180 02 feet;
148 Easterly 96.09 feet along a 220 00 foot radius curve that is concave Northerly through an angle of 25° 01' 32" to the Westerly terminus of that certain 60.00 foot strip of land described in Parcel 2 in a deed to the City of Newport Beach recorded in Book 10,000, page 891, said Official Records; thence
149. North 16° 56' 34" West 19.71 feet along said Westerly terminus to the Northerly line of said strip said Northerly line being a curve concave Southerly and having a radius 480.00 feet; thence from a tangent that bears North 73° 03' 26" East
150. Easterly 553.25 feet along said curve through an angle of 66° 02' 20" to the beginning of a reverse curve concave Northerly and having a radius of 25.00 feet being the Northerly line of Parcel 3 as described in said deed, thence
151 Easterly 31.15 feet along said curve through an angle of 71° 23' 49" to the beginning of a reverse curve concave Southeasterly and having a radius of 842.00 feet being the Northwesterly line of Parcel 1 as described in said deed; thence along said Northwesterly line the following described courses:
152 Northeasterly 96 16 feet along said curve through an angle of 6° 32' 37";

153 North 74° 14′ 34″ East 98.02 feet;
154. Northeasterly 478.44 feet along a 758.00 foot radius curve that is concave Northwesterly through an angle of 36° 09′ 52″;
155. North 38° 04′ 42″ East 156.00 feet;
156. Northeasterly 547.51 feet along a 842.00 foot radius curve that is concave Southeasterly through an angle of 37° 15′ 23″ to the beginning of a reverse curve concave Northwesterly and having a radius of 65.00 feet, the Northerly terminus of said curve being tangent to a line that is parallel with and 82.00 feet Westerly of the center line of Jamboree Road, 100.00 feet wide, as described in a deed to the County of Orange recorded in Book 4110, page 10, Official Records of said County; thence
157. Northeasterly 76.03 feet, more or less, along said curve through and angle of 67° 01′ 22″ to said parallel line; thence
158 North 8° 19′ 43″ East 414.47 feet along said parallel line to the Southerly terminus of the Westerly right of way line of Jamboree Road, 132.00 feet wide, as described in a deed to the City of Newport Beach recorded in Book 6135, page 155, said Official Records; thence along said right of way line being a curve concave Westerly and having a radius of 2334.00 feet and being tangent to said parallel line; thence
159. Northerly 295.99 feet along said curve through an angle of 7° 15′ 58″ to a point thereon that is 300.30 feet Southerly of the Northerly terminus of said curve; thence non-tangent
160. South 68° 20′ 16″ West 563.43 feet; thence
161. North 31° 39′ 56″ West 338.79 feet; thence
162 North 68° 20′ 16″ East 608 78 feet to the beginning of a curve concave Southerly and having a radius of 3805.00 feet; thence
163. Easterly 124.57 feet along said curve through an angle of 1° 52′ 33″ to said Westerly right of way line; thence
164. North 6° 18′ 34″ West 416.16 feet along said line to the beginning of a curve therein concave Easterly and having a radius of 1666.00 feet; thence
165 Northerly 352.71 feet along said curve and right of way line through an angle of 12° 07′ 49″ to the Southerly line of the land described in a deed to the Newport Harbor Union High School District recorded in Book 7578, page 670, said Official Records; thence
166 North 84° 10′ 45″ West 154.76 feet along said Southerly line to the beginning of a curve therein concave Southerly and having a radius of 2000.00 feet; thence
167 Westerly 618.97 feet along said curve and Southerly line through an angle of 17° 43′ 56″; thence leaving said line non-tangent
168. South 57° 44′ 19″ West 77.81 feet; thence
169 South 64° 51′ 54″ West 161.27 feet; thence
170. South 64° 25′ 17″ West 181.82 feet; thence
171. South 66° 59′ 55″ West 381.32 feet; thence

172. South 75° 12' 12" West 102.44 feet; thence
173. South 12° 38' 00" West 29.56 feet; thence
174. South 39° 14' 15" West 116.20 feet; thence
175. South 22° 35' 41" West 87.19 feet; thence
176. South 10° 18' 17" West 106.21 feet; thence
177. South 62° 06' 10" West 28.85 feet, thence
178. South 9° 57' 02" West 115.74 feet; thence
179. South 35° 35' 57" West 54.11 feet; thence
180. South 66° 26' 52" West 63.82 feet; thence
181. South 84° 33' 00" West 142.14 feet; thence
182. North 70° 40' 37" West 81.60 feet; thence
183. North 88° 55' 32" West 133.02 feet; thence
184. North 74° 30' 41" West 258.38 feet; thence
185. North 83° 40' 51" West 149.91 feet; thence
186. North 39° 13' 32" West 31.63 feet; thence
187. North 66° 23' 34" West 147.33 feet; thence
188 North 57° 47' 03" West 633.42 feet; thence
189. North 65° 24' 57" West 219.50 feet; thence
190. North 55° 57' 02" West 176.81 feet; thence
191. North 74° 28' 33" West 140.11 feet; thence
192. North 64° 33' 00" West 91.92 feet; thence
193. North 76° 57' 50" West 465 50 feet; thence
194. North 83° 23' 12" West 104.19 feet; thence
195. South 47° 54' 39" West 20.89 feet; thence
196. South 89° 45' 48" West 121.00 feet; thence
197. North 78° 34' 22" West 143.85 feet; thence
198. North 82° 27' 21" West 262.77 feet; thence
199. North 69° 45' 06" West 259 40 feet to a point in that certain 2060.00 foot radius curve in the Southeasterly boundary of Parcel 102.1 described in a deed to the Orange County Flood Control District recorded in Book 5906, page 516, said Official Records, said curve being concave Northerly, a radial to said point bears South 22° 50' 23" East; thence
200. Westerly 240.19 feet along said curve through an angle of 6° 40' 50" to the Westerly terminus of said curve; thence
201. South 73° 50' 27" West 384.32 feet continuing along said boundary to an angle point therein; thence
202. North 16° 09' 33" West 100.00 feet along said boundary and the northerly prolongation thereof; thence
203. South 76° 25' 54" West 280.21 feet; thence
204. South 75° 59' 33" West 241.69 feet; thence
205. South 85° 26' 24" West 81.76 feet; thence
206. South 58° 22' 28" West 207 87 feet; thence
207. South 53° 22' 27" West 422.40 feet; thence
208. South 36° 43' 20" West 194.00 feet; thence
209. South 22° 58' 42" West 307.39 feet; thence
210. South 14° 54' 39" West 270.09 feet; thence
211. South 6° 51' 09" West 234.68 feet; thence
212. South 3° 34' 35" West 88.17 feet; thence

213. South 6° 26′ 13″ East 98.12 feet; thence
214. South 36° 07′ 10″ East 22.90 feet; thence
215. South 1° 08′ 12″ East 126.02 feet; thence
216. South 7° 42′ 56″ West 156.42 feet; thence
217. South 23° 11′ 55″ West 194.20 feet; thence
218. South 24° 54′ 56″ West 85.45 feet; thence
219. South 25° 44′ 05″ West 231.46 feet; thence
220. South 33° 17′ 43″ West 440.17 feet to a point that is North 54° 13′ 20″ West 79.13 feet from Station No. 76 of said Ordinary High Tide Line as described in said final decree above referred to; thence
221. South 54° 13′ 20″ East 79.13 feet to said Station No 76; thence
222. South 0° 24′ 52″ West 610.81 feet along said Ordinary High Tide Line to Station No. 77 thereof; thence
223. South 31° 37′ 12″ East 430.16 feet along said Ordinary High Tide Line; thence
224. South 45° 00′ 00″ West 181.91 feet to the Northeasterly line of Lot 11 of said Tract No. 4224; thence
225. South 64° 55′ 53″ East 90.37 feet along said Northeasterly line to the Northeasterly corner of Lot 12, said Tract No. 4224 and the point of beginning.

(b) A parcel of land in Upper Newport Bay adjacent to Block 53, Irvine's Subdivision, in the City of Newport Beach, County of Orange, State of California, as per map filed in Book 1, page 88, Miscellaneous Maps, records of said county being bounded as follows:

Bounded on the north and northwest by the westerly boundary line of the lands described in the decree in the case of County of Orange v. The Irvine Company, Orange County Superior Court Case No. 20436.

Bounded on the southwest by the northeasterly line of North Star Lane as shown on the map of Tract 4224, filed in Book 157, page 1, Miscellaneous Maps, records of said county.

Bounded on the east and southeast by that certain parcel described in subdivision (a) of Section 2

SEC. 3. Chapter 2044 of the Statutes of 1957 is repealed.

CHAPTER 416

An act to amend Section 14284 of, and to add Sections 14284.2 and 14284.3 to, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 14284 of the Education Code is amended to read:

14284. Any member who has qualified to make application for a retirement allowance under Section 14211 may elect, as provided in Section 14280, and without right of revocation or change after the effective date of his retirement to receive an actuarially reduced retirement allowance as of the date of his retirement, of the retirement allowance payable to him when and if he retires for service in a reduced retirement allowance according to the provisions of either option 2 or option 3 as stated in Section 14280. If the death of such member occurs after the date upon which the election has been signed and notarized, then the election shall be in full force and effect. The election shall be void if not received in the system's office in Sacramento within 30 days after the date of signature and notarization.

Upon such member's death, prior to the effective date of his retirement, the beneficiary who was nominated under the option elected and who survives shall receive an allowance calculated under such option, upon the assumption that such member retired on the date of death. The payment of such allowance to the beneficiary shall be in lieu of the family allowance provided in Section 14186 and the payment provided in subdivision (a) of Section 14070 and paragraph (1) of subdivision (b) of Section 14180, except that if the beneficiary dies before all accumulated contributions are paid the balance if any shall be paid to the estate of the person last receiving or entitled to receive the allowance. The accumulated annuity deposit contributions and accumulated tax-sheltered annuity contributions, and the amount provided in paragraph (4) of subdivision (b) of Section 14180, shall be paid the designated beneficiary in a lump sum.

If the member subsequently retires, regardless of whether the beneficiary nominated under the option elected is then living, a reduced retirement allowance computed under Section 14280 and the option elected shall be paid.

The amount of the retirement allowance prior to applying the option factor shall be calculated at the member's age at death before retirement, or age on the last day of the month in which the member requested retirement be effective, as the case may be. The reduction of such retirement allowance under the option elected shall be based on the ages of such member and the beneficiary nominated under such option, at the date the election was signed and notarized.

SEC. 2. Section 14284.2 is added to the Education Code, to read:

14284.2. If a member cancels the election made in Section 14284, that cancellation must be effective prior to the day preceding the effective date of retirement. Regardless of how the member elects to receive his retirement allowance, such allowance shall be reduced by one-half of 1 percent for each year or partial year that option 3 is in effect under Section 14284, or by three-fourths of 1 percent for each year or partial year that option 2 is in effect under Section 14284.

SEC 3. Section 14284.3 is added to the Education Code, to read:

14284 3. If a member cancels an election under Section 14284, he may again elect an option under the provisions of that section If he elects to change an option during any year, the reduction for that year will be that for the option 2.

CHAPTER 417

An act to repeal Section 3 5 of Chapter 1080 of the Statutes of 1973, relating to aging, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1 Section 3.5 of Chapter 1080 of the Statutes of 1973 is repealed.

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

In order that the transportation pilot project in Fresno County may be terminated as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 418

An act to repeal Chapter 2 (commencing with Section 2500) of Part 9 of Division 2 of, and to repeal Chapter 6 (commencing with Section 3950) of Part 1 of Division 4 of, the Labor Code, relating to employers.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Chapter 2 (commencing with Section 2500) of Part 9 of Division 2 of the Labor Code is repealed.

SEC. 2. Chapter 6 (commencing with Section 3950) of Part 1 of Division 4 of the Labor Code is repealed.

CHAPTER 419

An act to amend and repeal Section 17507.7 of the Education Code, relating to experimental kindergarten programs.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 17507.7 of the Education Code is amended to read:

17507.7. The provisions of Section 13599.2, of subdivision (a) of Section 13599.7, and of Sections 17507.5 and 17507.6 are not applicable to an experimental kindergarten program conducted by one school district in three schools which has been approved by the Superintendent of Public Instruction, provided that the schools and school district have conducted an experimental kindergarten program during the summer session of 1968 and the spring and fall semesters of 1969. The governing board of the school district conducting such program shall submit an evaluation of program results to the Superintendent of Public Instruction no later than December 1st of each year. The Superintendent of Public Instruction shall forward such report to the Legislature no later than January 10 of each year.

Such evaluation report shall include an assessment of the effectiveness of the program in terms of academic and readiness skills, social development, and the personal maturity of the pupils. The report shall show the relative progress of the pupils in the program compared to similar pupils in comparable schools which do not have such a program

The school district operating such program shall provide in its report to the superintendent a comprehensive evaluation of the experimental kindergarten program's impact on student academic achievement. Pre- and post-testing of basic skills for student participants and a separate control group shall be conducted at the beginning and end of each school year. The evaluation report shall identify the variables which may have affected student academic achievement. The evaluation objective shall be to determine if the experimental organization pattern has a measurable impact on student academic achievement.

This section shall remain in effect until August 31, 1980, and as of that date is repealed

CHAPTER 420

An act to add Section 11580.08 to the Insurance Code, relating to arrest records.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 11580.08 is added to the Insurance Code, to read:

11580.08. With respect to disclosure of the fact of an arrest for any violation of the Vehicle Code or of a city or county ordinance or resolution relating to vehicles or their operators or owner which did not result in a conviction, the issuer, or his agency or employee, of any policy of automobile liability insurance (as described in Section 16056 of the Vehicle Code), any motor vehicle liability policy (as described in Section 16450 of the Vehicle Code), or any policy or coverage described in Section 660, shall not inquire of an applicant whether he has been arrested under such circumstances or to condition the issuance of any such policy on the applicant's making such disclosure.

CHAPTER 421

An act to amend Sections 305, 308, and 309 of the Public Utilities Code, relating to the Public Utilities Commission.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 305 of the Public Utilities Code is amended to read:

305. The commissioners shall elect one of their number president of the commission. The president shall preside at all meetings and sessions of the commission.

SEC. 2. Section 308 of the Public Utilities Code is amended to read:

308. The commission shall appoint an executive director, who shall hold office during its pleasure. The executive director shall be responsible for the commission's executive and administrative duties and shall organize, coordinate, supervise, and direct the operations and affairs of the commission and expedite all matters within the commission's jurisdiction. The executive director shall keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform such

other duties as the commission prescribes. The commission may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with such rules as it may prescribe.

The commission may appoint assistant executive directors who may serve warrants and other process in any county or city and county of this state.

SEC. 3. Section 309 of the Public Utilities Code is amended to read:

309. The executive director may employ such officers, examiners, experts, engineers, statisticians, accountants, inspectors, clerks, and employees as the executive director deems necessary to carry out the provisions of this part or to perform the duties and exercise the powers conferred upon the commission by law. All officers and employees shall receive such compensation as is fixed by the commission.

CHAPTER 422

An act to amend Section 3 of Chapter 1333 of the Statutes of 1968, relating to the Burton Act.

[Approved by Governor August 28, 1975. Filed with Secretary of State August 29, 1975.]

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

SECTION 1. Section 3 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 3. The City and County of San Francisco, through a Harbor Commission of the City and County of San Francisco, shall have complete authority, except as otherwise agreed to as a condition of the transfer and as provided in this act, to use, conduct, operate, maintain, manage, regulate, improve and control the harbor of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said harbor which are not prohibited by the laws of the State of California or the charter of the City and County of San Francisco and which are in conformance with the terms of this act, including, without limiting the generality of the foregoing, the following:

1. The improvement and conduct of the harbor and the construction, reconstruction, repair and operation of all works, buildings, facilities, utilities, structures and appliances, incidental, necessary or convenient for the promotion and accommodation of commerce and navigation;

2. The use for all commerce and industrial purposes and the construction, reconstruction, repair, maintenance of commercial and

industrial buildings, plants and facilities;

3. The establishment, improvement and conduct of railroad facilities, which facilities shall not be subject to Public Utilities Commission regulation, and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

4. The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

5. The preservation or restoration of marine resources consistent with the primary mission of the San Francisco Harbor;

6. The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the Harbor Commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds to be in the public interest, with moneys derived therefrom to be used by the commission in the furtherance of commerce and navigation. The moneys derived from such lease or leases, franchises, permits, licenses, and privileges shall be used solely for the furtherance of the purposes specified by this act.

CHAPTER 423

An act to repeal and add Section 19334 of the Government Code, relating to State Civil Service

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1 Section 19334 of the Government Code is repealed

SEC 2 Section 19334 is added to the Government Code, to read

19334. An appointing power shall grant a leave of absence without pay for the purposes of pregnancy, childbirth or the

recovery therefrom for a period as determined by the employee not exceeding one year to any permanent female employee under the jurisdiction of the appointing power. When the employee has notified the appointing power as to the period of the leave of absence required, any change in the length of the period of leave shall not be effective unless approved by the appointing power.

CHAPTER 424

An act to amend Sections 6444, 9222.3, 9261, 9263, 9464, 9481, and 9601 of the Education Code, relating to public schools.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 6444 of the Education Code is amended to read:

6444. The following definitions, unless the context otherwise requires, shall govern the construction of this article:

(a) "Instructional television" means television programs whose content is closely related to the adopted formal curriculum of the public schools

(b) "Instructional television programming" means all the functions necessary to the acquisition and production of instructional television.

(c) "Delivery system" means any form of telecommunications technology which may be used to transmit educational material, including but not limited to, one or more open-circuit broadcast stations, microwave systems, instructional television fixed service (ITFS), community antenna television (CATV), or other cable systems, broadcast translators, and computer-assisted information retrieval systems.

(d) "Open-circuit delivery system" means any public or noncommercial educational television station or any instructional television fixed service (ITFS) broadcast station.

(e) "Closed-circuit delivery system" means any microwave system or community antenna television system (CATV).

(f) "Regional organization" means any agency organized under the auspices of one or more county superintendents of schools, or one or more school districts, or any combination of county superintendents of schools and school districts, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, or other appropriate authority, with a demonstrated interest in and capacity for providing services related to instructional television to students, their parents, teachers, and administrators in the area served by the regional organization. A

regional organization shall include only county superintendents of schools or school districts of this state, or a combination of both. Regional organizations shall operate pursuant to such terms and conditions as may be adopted by the public school agency or the public school agencies comprising the regional organization and subject to the provisions of this article. The governing board of the regional organization shall include representation from students, teachers, administrators, at least one representative of all open-circuit delivery systems used, and at least one representative of all closed-circuit delivery systems used. The policies of the regional organization shall be adopted by a process which includes all interests represented in the regional organization.

(g) "State Instructional Television Advisory Committee" means a committee whose members shall be appointed by the State Board of Education on the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education and shall consist of eight representatives of regional organizations, with a maximum of one from each region, three public school administrators or classroom teachers or students or parents or any combination thereof, and one professional with expertise in television programming, and one professional actively engaged in the management of delivery systems. Members of the State Instructional Television Advisory Committee shall serve without compensation, except that members shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. Terms for members shall be for a period of three years. Terms for the first members appointed to the committee shall be determined by lot at the first official meeting, as follows:

(1) Terms of two representatives of regional organizations shall be for one year, three for two years, and three for three years.

(2) Terms of one public school administrator, classroom teacher, student, or parent shall be for one year, one for two years, and one for three years.

(3) Other representatives shall serve for an initial term of three years.

Members of the committee may be reappointed for succeeding terms.

SEC. 2. Section 9222.3 of the Education Code is amended to read:

9222 3. "Instructional materials set" means a collection of related instructional materials produced and submitted as a set by a single publisher or manufacturer and which are so designed that each part of the set is related to the same subject; however, not all parts of a set shall be necessary to promote the maximum efficiency of pupil learning in that subject. All parts of a set shall have a common educational purpose and methodology, and each part of a set shall be identified, marked, or imprinted with a common title or name.

SEC. 3. Section 9261 of the Education Code is amended to read:

9261. A publisher or manufacturer shall:

(a) Furnish the instructional materials offered by him at a price in the State of California which, including all costs of transportation to that place, shall not exceed the lowest price at which the publisher offers said instructional materials for adoption or sale to any state or school district in the United States.

(b) Automatically reduce the price of said instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

(c) Provide any instructional materials free of charge in the State of California to the same extent as that received by any state or school district in the United States.

(d) Guarantee that all copies of any instructional materials sold in California shall be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States, and shall be kept revised, free from all errors, and up to date as may be required by the state board.

(e) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the State of California.

(f) Maintain an office and depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.

For purposes of the preceding paragraph of this subdivision, "instructional materials" shall mean textbooks, or instructional materials systems or instructional materials sets which include textbooks.

For purposes of textbook purchases by governing boards pursuant to subdivision (b) of Section 9464 and Section 9601, the provisions of this subdivision shall apply to every publisher or manufacturer except one whose total orders for textbooks from all governing boards in California under any section of this division are or will be, for the particular school year, less than 1,000 copies of any single title or less than 10,000 copies of multiple titles.

(g) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the governing board in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subdivisions (a) and (b) and (e), and in the amount of three times the total value of the instructional materials and services which the governing board is entitled to receive free of charge under subdivision (c).

SEC. 4. Section 9263 of the Education Code is amended to read:

9263. Any governing board shall order any publisher or manufacturer who violates any provision of this division to cease to offer or sell any instructional materials to that governing board. If such an order is made, it shall be unlawful for such publisher or

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manufacturer to sell instructional materials to that governing board until such publisher or manufacturer has demonstrated, to the governing board which made such order, that it is no longer violating the specified provision of this division.

SEC. 5. Section 9464 of the Education Code is amended to read:

9464. (a) All district orders for state-adopted instructional materials shall be forwarded as directed by the Superintendent of Public Instruction for procurement of such materials in the most economical and timely manner pursuant to Article 5 (commencing with Section 9480) of this chapter. However, in cases where the district does not qualify as a city school district and is an elementary district with fewer than 901 average daily attendance or a unified district with fewer than 1,501 average daily attendance, the county superintendent of schools shall approve the orders for instructional materials by such districts before forwarding as directed by the Superintendent of Public Instruction.

(b) All district orders for instructional materials not adopted by the state shall be placed directly with the publisher or manufacturer at any of its offices in the State of California or at any publishers' or manufacturers' depository in the State of California, except that all district orders for instructional materials other than textbooks, and other than instructional materials systems and instructional materials sets which include textbooks, may be placed directly with the publisher or manufacturer. The provisions of this paragraph with respect to the purchase of textbooks are subject to the numerical limitations of subdivision (f) of Section 9261.

SEC. 6. Section 9481 of the Education Code is amended to read:

9481. The state board may acquire instructional materials included in any list adopted by the board for use in the elementary schools, by any one or more of the following means determined by the board to be in the best interests of the state:

(a) Purchase them directly from the publisher or manufacturer at any of its offices in the State of California or from any publishers' or manufacturers' depository in the State of California, except that instructional materials other than textbooks, and other than instructional materials systems and instructional materials sets which include textbooks, may be purchased directly from the publisher or manufacturer.

(b) Compile them, or cause them to be compiled and manufacture them.

(c) Lease films, dies, maps, engravings, or copyright or patented matter for use in manufacturing them.

(d) Contract for, or lease copyrights for use in compiling, printing, or publishing them.

(e) Provide for either the payment of royalties or for the leasing of films or both, or for making the whole or any part of the material and do any or all things that may be necessary for the purpose of procuring materials for use in the elementary schools.

(f) Arrange for the printing of textbooks by the Department of

General Services.

(g) Produce or contract for the production of textbooks in braille, large print, recordings or other media for the use of handicapped minors, including the visually handicapped.

For the purposes of acquiring the various parts of any instructional materials system adopted pursuant to Section 9400, the state board may use any one or combination of the foregoing means in order to acquire all or any part of the instructional materials system.

SEC. 7. Section 9601 of the Education Code is amended to read:

9601. The state board shall designate the kinds of books which shall be classified as textbooks for the purposes of this chapter. All textbooks and instructional materials systems and instructional materials sets which include textbooks, shall be purchased directly from the publisher or manufacturer at any of its offices in the State of California or from any publishers' or manufacturers' depository in the State of California. The provision of the preceding sentence, with respect to the purchase of textbooks, is subject to the numerical limitations of subdivision (f) of Section 9261. Instructional materials not classified as textbooks, and instructional materials sets or instructional materials systems not including textbooks, may be purchased by district boards without reference to the provisions of this chapter.

CHAPTER 425

An act to amend Section 11105 of the Penal Code, relating to criminal records, and making an appropriation therefor.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 11105 of the Penal Code is amended to read:

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

(b) Such information shall be furnished to all peace officers, district attorneys, prosecuting city attorneys, probation officers, and courts of the state, to United States officers or officers of other states, territories, or possessions of the United States, or peace officers of other countries duly authorized by the Attorney General to receive the same, and to any public defender or attorney representing such person in proceedings upon a petition for certificate of rehabilitation

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and pardon pursuant to Section 4852.08, upon application in writing accompanied by a certificate signed by the peace officer, public defender, or attorney, stating that the information applied for is necessary for the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person.

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

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

(e) Whenever information furnished pursuant to this section is to be used for employment, licensing, or certification purposes, the Department of Justice shall charge the requesting agency a fee which it determines to be sufficient to reimburse the department for the cost of furnishing the information, provided that no fee shall be charged a public law enforcement agency for records furnished to assist it in employing, licensing, or certifying a person who is applying for employment with the agency as a peace officer or criminal investigator. Any state agency required to pay a fee to the Department of Justice for information received under this section may charge its applicants a fee sufficient to reimburse the agency for such expense All moneys received by the department pursuant to this section, Section 12054 of the Penal Code, and Section 13588 of the Education Code are hereby appropriated, without regard to fiscal years, for the support of the Department of Justice in addition to such other funds as may be appropriated therefor by the Legislature.

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

CHAPTER 426

An act to add Section 2006 5 to the Streets and Highways Code, relating to county highways.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 2006.5 is added to the Streets and Highways Code, to read:

2006.5. Notwithstanding any other provision of law, the Board of Supervisors of Orange County may abolish the office of road commissioner if the board of supervisors transfers all duties of the road commissioner to an environmental management agency. The director of such environmental management agency shall not be required to have any special permit, registration, or license. Any civil engineering functions which are required to be performed by the road commissioner shall be performed by a registered civil engineer acting under the authority of the director of such agency.

The Legislature hereby finds and declares that this section, applicable only to Orange County, is necessary because of the unique and special problems of county road management in Orange County due to the extent of municipal incorporation found in the county.

CHAPTER 427

An act to amend Sections 14804.2 and 14910 of the Financial Code, relating to credit unions.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1 Section 14804.2 of the Financial Code is amended to read:

14804.2. Every credit union may invest in the shares of stock of a corporation organized solely for the purpose of providing services to credit unions, providing such corporation is formed by an organization composed of credit unions described in Section 14805.5(a) Every credit union may invest in the securities of any corporation which provides services to credit unions provided such investment is approved by the Commissioner of Corporations. Such investment shall not exceed in aggregate, 5 percent of its paid-in and unimpaired capital and surplus.

SEC 2. Section 14910 of the Financial Code is amended to read:

14910. No credit union shall:

(a) Make loans to any director, officer, member of the credit committee, or member of the supervisory committee directly or indirectly which results in such person owing an amount greater than the amount invested by him in the credit union unless all of the following requirements are satisfied:

(1) The loan complies with all lawful requirements of this division with respect to loans to other borrowers and is not on terms more favorable than those extended to other borrowers.

(2) Upon the making of the loan, the aggregate amount of loans

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outstanding, except loans fully secured by shares, to directors, officers, members of the credit committee and their alternates, or members of the supervisory committee will not exceed 10 percent of the unimpaired capital and surplus of the credit union.

(3) The loan, except any portion fully secured by shares, does not exceed 1 percent of the unimpaired capital and surplus of the credit union, or the maximum obligation to the credit union prescribed by Section 14904(b), whichever is less.

(4) The loan is approved by the credit committee and by the board of directors.

(5) The borrower takes no part in the consideration of his application and does not attend any committee or board meeting while his application is under consideration.

(6) The loan is reported to the Commissioner of the Department of Corporations in form satisfactory to him, providing the following information:

(i) Name of the director, officer, member of the credit committee, or member of the supervisory committee to whom the loan was made;

(ii) Amount, date, maturity, and interest rate of the loan;

(iii) Description of security, if any;

(iv) Names of members of the credit committee and board of directors who voted to authorize or ratify the loan.

The action of the credit committee and the board of directors in approving the loan shall be reported to the commissioner within five days after the final approval is given. When any loan required to be reported to the commissioner is paid, the credit union shall report such fact and the date thereof to the commissioner.

(b) Permit any director, officer, member of the credit committee, or member of the supervisory committee to become surety for any loan or advance made by the credit union.

For the purpose of this section "loan" includes any extension of credit in which the board of directors of the credit union fixes an aggregate amount of credit which may be extended during a given period not in excess of 12 months

The report to the commissioner required by subsection (6) shall be made within five days after the original approval of the extension of credit by the board of directors The credit union may make advances and renewals to the borrower pursuant to the board's authorization during the period without further report to the commissioner

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CHAPTER 428

An act to add Chapter 3 (commencing with Section 24380) to Division 20 of the Health and Safety Code, relating to containers.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Chapter 3 (commencing with Section 24380) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 3. BEVERAGE CONTAINERS

24380. As used in this chapter, unless the context requires otherwise:

(a) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.

(b) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

(c) "Flip-top container" means a metal beverage container so designed and constructed that a part of the container is severable in opening the containers.

(d) "In this state" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

(e) "Non-flip-top container" means a metal beverage container so designed and constructed that no part of the container is severable in opening the container.

24381. On and after January 1, 1979, no person shall sell or offer for sale in this state any metal beverage container so designed and constructed that a part of the container is severable in opening the container. Nothing in this section shall prohibit the sale in California of such containers for shipment out of state.

Any person who violates the provisions of this section is guilty of an infraction.

24382. The Secretary of the Resources Agency may extend permission to a manufacturer to sell flip-top containers for one or more periods of time for a total period not to exceed one year after January 1, 1979. The subsequent resale of these flip-top containers by other persons at wholesale or retail, empty or filled with beverages at any time subsequent to January 1, 1979, shall not be a violation of Section 24381.

In order to be eligible for such an extension of permission to sell flip-top containers after January 1, 1979, a manufacturer shall file a request for extension by July 1, 1978, with the Secretary of the Resources Agency and shall accompany such request with a report

which will indicate:

(a) The percentage of the total production of metal beverage containers made by the manufacturer in the calendar years of 1976 and 1977, and to May 31, 1978, which were non-flip-top containers manufactured for use within this state.

(b) The percentage of production of metal beverage containers the manufacturer shifted from flip-top containers to non-flip-top containers in the calendar years 1976 and 1977, and to May 31, 1978, for use within this state.

(c) The projected date when all production of metal beverage containers manufactured for use in this state will be non-flip-top containers.

(d) A general statement of the procedures the manufacturer is employing to effect the changeover to production of only non-flip-top containers for use within this state, and specific economic information regarding the manufacturer's planned investment in conversion to new equipment and techniques to effect the changeover to production of only non-flip-top containers for use within this state

The secretary shall make public disclosure of all such reports received.

24383. The Secretary of the Resources Agency shall conduct hearings upon the requests for extension prior to making decisions, at which members of the public and manufacturers may be heard, and shall receive evidence and make findings of fact. The secretary shall cause public notification of the time and place of such hearings 30 days prior to each hearing.

In order to grant such an extension of permission to sell flip-top containers after January 1, 1979, the Secretary of the Resources Agency must make a determination that the manufacturer requesting the extension has made good faith efforts to comply with the act, but is unable to meet the time requirement for conversion, and that the manufacturer will suffer severe economic hardship as a direct result of the requirements of conversion.

If an extension is granted, the Secretary of the Resources Agency may require reports as often as he deems necessary, indicating the progress of the manufacturer toward compliance.

24384. There shall be no administrative appeal of the secretary's decision regarding a request for an extension. Judicial review of the decision of the Secretary of the Resources Agency on any request for an extension may be made by the manufacturer. In addition, any member of the public, without damages, at his own expense, has standing to bring an action for the purpose of inquiring into the validity of a decision of the secretary on the grounds of the abuse of discretion where the findings are unsupported by the evidence. This section shall not be construed to prohibit the use of any other remedy available under any other provision of law.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that

section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 429

An act to repeal Chapter 3 (commencing with Section 16900) of Part 2 of Division 7 of the Business and Professions Code, relating to resale price maintenance.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Chapter 3 (commencing with Section 16900) of Part 2 of Division 7 of the Business and Professions Code is repealed.

CHAPTER 430

An act to add Sections 19061 and 19062 to the Government Code, relating to state civil service appointments.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 19061 is added to the Government Code, to read:

19061. Notwithstanding any other provision of law, a person appointed to a trade-rate apprentice class in the Office of State Printing shall be appointed to the appropriate journeyman trade-rate class upon completion of the apprenticeship.

A person who is first appointed to a trade-rate apprentice class on or after January 1, 1976, shall, while in that class, accrue seniority points at one-half of the rate of a journeyman.

SEC. 2. Section 19062 is added to the Government Code, to read:

19062. If there are no vacancies in the appropriate journeyman trade-rate class, the employee completing an apprenticeship under Section 19061 shall be afforded the opportunity to elect one of the following:

(a) If the employee's seniority rating at the time of appointment to the appropriate journeyman trade-rate class is higher than that of

any journeyman holding a permanent appointment in the appropriate journeyman trade-rate class, the employee shall be appointed to a permanent position.

(b) If there is a reemployment list for the appropriate journeyman trade-rate class, the employee shall be placed on the reemployment list of that class. The position of the employee on the reemployment list shall be established by provisions of Section 19533 at the time of the employee's appointment to the appropriate journeyman trade-rate class.

(c) Demotion under the provisions of Section 19535 of the Government Code.

CHAPTER 431

An act to amend Sections 1411, 1412, 1413, 1419, 1420, 1432, and 1432.5 of the Labor Code, relating to fair employment practices.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 1411 of the Labor Code is amended to read:

1411. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex.

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for such reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advance, and substantially and adversely affects the interests of employees, employers, and the public in general.

This part shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the State of California.

SEC. 2. Section 1412 of the Labor Code is amended to read:

1412. The opportunity to seek, obtain and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex is hereby recognized as and declared to be a civil right.

SEC. 3. Section 1413 of the Labor Code is amended to read:

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

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(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

(e) "Employee" does not include any individual employed by his parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

(g) "Affirmative actions" means any educational activity for the purpose of securing greater employment opportunities for members of racial, religious, or nationality minority groups and any promotional activity designed to secure greater employment opportunities for the members of such groups on a voluntary basis.

(h) "Physical handicap" includes impairment of sight, hearing, or speech, or impairment of physical ability because of amputation or loss of function or coordination, or any other health impairment which requires special education or related services.

(i) "Medical condition" means any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence.

SEC. 4. Section 1419 of the Labor Code is amended to read:

1419. The commission shall have the following functions, powers and duties:

(a) To establish and maintain a principal office and such other offices within the state as the Legislature authorizes.

(b) To meet and function at any place within the state.

(c) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(d) To obtain upon request and utilize the services of all governmental departments and agencies.

(e) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this part.

(f) To receive, investigate and pass upon complaints alleging discrimination in employment because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

(h) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex.

(j) To investigate, approve, and certify equal employment opportunity programs proposed by a contractor to be engaged in pursuant to subdivision (b) of Section 1431, and to fix and collect such fees as are necessary for the cost of the investigation, approval or certification. The fees collected shall be paid into the General Fund of the State Treasury.

(k) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

SEC. 5. Section 1420 of the Labor Code is amended to read:

1420 It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex of any person, to refuse to hire or employ him or to refuse to select him for a training program leading to employment, or to bar or to discharge such person from employment or from a training program leading to employment, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(1) Nothing in this part shall prohibit an employer from refusing to hire or discharging a physically handicapped employee, or subject an employer to any legal liability resulting from the refusal to employ or the discharge of a physically handicapped employee, where the employee, because of his physical handicap, is unable to perform his duties, or he cannot perform such duties in a manner which would

not endanger his health or safety or the health and safety of others.

(2) Nothing in this part shall prohibit an employer from refusing to hire or discharging an employee who, because of his medical condition, is unable to perform his duties, or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others. Nothing in this part shall subject an employer to any legal liability resulting from the refusal to employ or the discharge of an employee who, because of his medical condition, is unable to perform his duties, or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others.

(b) For a labor organization, because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate against any person because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex of such person in the election of officers of the labor organization or in the selection of the labor organization's staff or to discriminate in any way against any of its members or against any employer or against any person employed by an employer

(c) For any person to discriminate against any person in the selection or training of that person in any apprenticeship training program or any other training program leading to employment because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex of the person discriminated against.

(d) For any employer or employment agency, unless specifically acting in accordance with federal equal employment opportunity guidelines and regulations approved by the commission, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex, or any intent to make any such limitation, specification or discrimination Nothing in this subdivision shall prohibit any employer from making, in connection with prospective employment, an inquiry as to, or a request for information regarding, the physical fitness or medical condition of applicants if that inquiry or request for information is directly related and pertinent to the position the applicant is applying for.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part

(f) For any person to aid. abet, incite, compel, or coerce the doing

of any of the acts forbidden under this part, or to attempt to do so.

SEC 6 Section 1432 of the Labor Code is amended to read:

1432. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this part shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, or sex.

Nothing contained in this part shall be deemed to repeal or affect the provisions of any ordinance relating to such discrimination in effect in any city, city and county, or county at the time this part becomes effective, insofar as proceedings theretofore commenced under such ordinance or ordinances remain pending and undetermined. The respective administrative bodies then vested with the power and authority to enforce such ordinance or ordinances shall continue to have such power and authority, with no ouster or impairment of jurisdiction, until such pending proceedings are completed, but in no event beyond one year after the effective date of this part.

Nothing contained in this part relating to discrimination on account of sex or medical condition shall be deemed to affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided such terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.

SEC. 7. Section 1432.5 of the Labor Code is amended to read:

1432.5. Nothing in this part shall be construed to require an employer to alter his premises to accommodate employees who have a physical handicap or medical condition, as defined in Section 1413, beyond safety requirements applicable to other employees.

CHAPTER 432

An act to amend Sections 9702.2, 9717, 9751, 9752, 9753, 9754, 9755, 9756, 9757, 9757.5, 9759, 9760, 9761, 9762, 9763, 9764, and 9765 of the Business and Professions Code, relating to cemeteries, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 9702.2 of the Business and Professions Code is amended to read:

9702.2. All cemetery brokers who do not possess a certificate of authority shall in addition to the requirements of this chapter file

with said board a satisfactory bond to the people of the State of California, duly executed by a sufficient surety or sureties to be approved by the board, in the amount of ten thousand dollars ($10,000). Said bond shall be conditioned for the honest and faithful performance by such broker and his salesmen and employees of any undertaking as a licensed cemetery broker or salesman or employee of said broker at any time when licensed under this chapter, and the strict compliance with the provisions of this chapter and of Division 8 of the Health and Safety Code relating to cemeteries, and the honest and faithful application of all funds received. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this chapter or of Division 8 of the Health and Safety Code relating to cemeteries, or by reason of the violation of the obligation of such broker as an agent, as such obligations are laid down by the Civil Code of the State of California, or by reason of any fraud connected with or growing out of any transactions contemplated by this chapter or Division 8 of the Health and Safety Code.

SEC. 2. Section 9717 of the Business and Professions Code is amended to read:

9717. Upon receipt of an application for a certificate of authority, the board may cause an investigation to be made of the physical status, plans, specifications and financing of the proposed cemetery, the character of the applicant, including its officers, directors, shareholders, or members, and any other qualifications required of the applicant under this act, and for this purpose may subpoena witnesses, administer oaths. and take testimony.

At the time of the filing of the application required by this section, the applicant shall pay to the Cemetery Fund the sum fixed by the board at not in excess of four hundred dollars ($400) to defray the expenses of investigation. In the event the sum shall be insufficient to defray all of the expenses, the applicant shall within five days after request therefor deposit an additional sum sufficient to defray such expenses, provided that the total sum shall not exceed the sum of nine hundred dollars ($900).

SEC. 3. Section 9751 of the Business and Professions Code is amended to read:

9751. The original cemetery broker's license fee shall be fixed by the board at not more than four hundred dollars ($400)

SEC. 4. Section 9752 of the Business and Professions Code is amended to read:

9752. The original cemetery broker's license fee is payable at the time of the filing of an application for an original cemetery broker's license.

If the applicant fails the required written examination, he may be permitted to take another examination upon the filing of an application for re-examination and the payment of a re-examination fee. This re-examination fee shall be fixed by the board at not more

than one hundred dollars ($100).

No part of any original cemetery broker's license fee or re-examination fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

SEC. 5. Section 9753 of the Business and Professions Code is amended to read:

9753. The annual renewal fee for a cemetery broker's license shall be fixed by the board at not more than three hundred dollars ($300).

SEC. 6. Section 9754 of the Business and Professions Code is amended to read:

9754. If the licensee is a cemetery brokerage corporation, the license issued to it entitles one officer only, on behalf of such corporation, to engage in the business of a cemetery broker without the payment of further fee, such officer to be designated in the application of the corporation for a license. For each other officer of a licensed cemetery brokerage corporation, through whom it engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the corporation, shall be fixed by the board at not more than one hundred dollars ($100).

SEC. 7. Section 9755 of the Business and Professions Code is amended to read:

9755. If the licensee is a cemetery brokerage copartnership, the license issued to it entitles one member only of the copartnership to engage on behalf of the copartnership in the business of a cemetery broker, which member shall be designated in the application of the copartnership for a license. For each other member of the copartnership who on behalf of the copartnership engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the copartnership, shall be fixed by the board at not more than one hundred dollars ($100).

SEC. 8. Section 9756 of the Business and Professions Code is amended to read:

9756. The original cemetery salesman's license fee shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 9. Section 9757 of the Business and Professions Code is amended to read:

9757. An original cemetery salesman's license fee is payable on each filing of an application for an original cemetery salesman's license.

If the applicant fails the required written examination, he may be permitted to take another examination upon the filing of an application for re-examination and the payment of a re-examination fee which shall be fixed by the board at not more than fifteen dollars ($15).

SEC. 10. Section 9757.5 of the Business and Professions Code is amended to read:

9757.5. The temporary cemetery salesman's license fee shall be

fixed by the board at not more than twenty-five dollars ($25) and shall be payable at the time of each filing of an application for such license.

SEC. 11. Section 9759 of the Business and Professions Code is amended to read:

9759. The annual renewal fee for a cemetery salesman's license shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 12. Section 9760 of the Business and Professions Code is amended to read:

9760. For a branch office broker's license, the fee shall be fixed by the board at not more than one hundred dollars ($100).

SEC. 13. Section 9761 of the Business and Professions Code is amended to read:

9761. For change of name or of address of licensee on the records of the board, the fee shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 14. Section 9762 of the Business and Professions Code is amended to read:

9762. For transfer of a salesman's license on change of employer, the fee shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 15 Section 9763 of the Business and Professions Code is amended to read:

9763. For a duplicate license the fee shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 16. Section 9764 of the Business and Professions Code is amended to read:

9764. For reinstatement of a license within the fiscal year, the fee shall be fixed by the board at not more than twenty-five dollars ($25).

As used in this section, "reinstatement of a license" means the reissuance of a canceled cemetery broker's license, or a cemetery salesman's license which was canceled during the year for which it was issued upon the salesman's withdrawal from the employ of a cemetery broker.

SEC. 17. Section 9765 of the Business and Professions Code is amended to read:

9765. Every cemetery authority operating a cemetery shall pay an annual regulatory charge for each cemetery to be fixed by the board at not more than four hundred dollars ($400), plus an additional charge of not more than fifty cents ($0.50), per interment made during the preceding full calendar year, which charges shall be deposited in the Cemetery Fund.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the Cemetery Board to have sufficient funds to continue enforcement of the provisions of law providing consumer protection in the areas of trust funds, mausoleum construction and

licensing of cemeteries, cemetery salesmen and cemetery brokers, an increase in license fees is required Therefore, it is necessary that this act take effect immediately.

CHAPTER 433

An act to amend Section 5401 of the Public Resources Code, relating to parks.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 5401 of the Public Resources Code is amended to read:

5401. (a) No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon.

(b) Where the operating entity and the acquiring entity are one and the same, the entity is subject to the provisions of this chapter pertaining to both operating and acquiring entities, and the entity is, as acquiring entity, required to make funds or land, or both, available pursuant to Section 5405 or 5407.2, and, as operating entity, required to acquire or improve park lands and facilities pursuant to Sections 5404, 5407, 5407.1, and 5407 2.

CHAPTER 434

An act to amend Section 1073 of the Streets and Highways Code, relating to county highways

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 1073 of the Streets and Highways Code is amended to read:

1073. At the time specified in the notice, the board shall publicly

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open all bids received and shall award the contract for the work to the lowest responsible bidder, unless the board finds that the bids are too high, and that the work can be done more cheaply by day labor. In such case, the board shall reject the bids and order the work to be done by the road commissioners in whose districts the work is situated. In any case, the board may reject all bids and advertise for new bids in the manner specified in this article. The board may provide, by resolution, that the bids be opened, examined, and declared by an officer designated in the resolution. Any such resolution shall require that the bids be opened at a public meeting called by the officer and that the results of the bidding be reported to the board at a subsequent regular board meeting. The notice inviting bids shall state the time and place of the public meeting and the name of the designated officer

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CHAPTER 435

An act to amend Section 8842 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 8842 of the Fish and Game Code is amended to read·

8842. Trawl nets of such design as may be prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the department and under such regulations as the commission shall prescribe.

Sections 8831, 8833, 8835, and 8836 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section It is unlawful to possess in excess of 500 pounds of any species of shark, or 500 pounds of any fish other than sharks, caught incidentally with shrimp or prawns on any boat operating under a permit as provided in this section, except salmon may be taken subject to Sections 8210 to 8225, inclusive.

CHAPTER 436

An act to add Section 35252 to the Vehicle Code, relating to vehicles

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 35252 is added to the Vehicle Code, to read:

35252. Notwithstanding Section 35250, no trailer coach, as defined in Section 635, required to be moved under permit, shall exceed a height of 14 feet, measured from the surface upon which the vehicle stands.

CHAPTER 437

An act to amend Section 1752.8 of the Welfare and Institutions Code, relating to the Youth Authority, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 1752.8 of the Welfare and Institutions Code is amended to read:

1752.8. The Director of the Youth Authority may deposit any funds of wards committed to the authority in his possession in trust with the Treasurer pursuant to Section 16305.3 of the Government Code or in trust in insured bank or savings and loan accounts bearing interest at rates up to the maximum permitted by law, and for the purpose of deposit only may mingle the funds of any ward with the funds of other wards.

Such funds together with the interest paid thereon may be paid over to the ward upon his request, and shall be paid over to the ward upon his discharge from the Youth Authority.

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

At the present time there is no statutory authority for the Director of the Youth Authority to deposit the funds of 18-, 19- or 20-year-old Youth Authority wards in interest-bearing accounts. Therefore, these wards are being denied the opportunity to benefit financially from their resources. This act is necessary to relieve such condition by enabling the Director of the Youth Authority to deposit and invest funds of all wards in interest-bearing bank accounts.

CHAPTER 438

An act to amend Section 8254 of, and to repeal Section 8254.5 of, the Fish and Game Code, relating to lobsters

[Approved by Governor August 28, 1975 Filed with Secretary of State August 28, 1975]

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

SECTION 1 Section 8254 of the Fish and Game Code is amended to read:

8254. Lobsters may not be taken for commercial purposes except in Districts 18, 19, 20A and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe

Every person who takes, assists in taking, possesses or transports lobsters while on any boat, barge or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line or other appliance to take lobsters, must have a valid lobster permit issued to him and must be in possession of said permit while engaged in any of such activities

Such permits may be issued annually by the department and shall be for the period of the commercial lobster season. The permit fee is one hundred dollars ($100). However, any person who has had such a permit revoked may be required by the commission to appear before it and no new permit may be issued to such person unless the commission finds that such issuance will be in the best interests of lobster fishing.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received in accordance with the provisions of this section.

SEC. 2. Section 8254.5 of the Fish and Game Code is repealed.

CHAPTER 439

An act to amend Sections 10471 and 10472 of, and to repeal Sections 10481 and 10482 of, the Business and Professions Code, relating to real estate.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 28, 1975]

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

SECTION 1. Section 10471 of the Business and Professions Code is amended to read:

10471. When any aggrieved person obtains a final judgment in any court of competent jurisdiction against any person or persons licensed under this part, under grounds of fraud, misrepresentation, deceit, or conversion of trust funds arising directly out of any transaction when the judgment debtor was licensed and performed acts for which a license is required under this part, and which cause of action occurred on or after July 1, 1964, the aggrieved person may, upon the judgment becoming final, file a verified application in the court in which the judgment was entered for an order directing payment out of the Real Estate Education, Research and Recovery Fund of the amount of actual and direct loss in such transaction up to the sum of ten thousand dollars ($10,000) of the amount unpaid upon the judgment, provided that nothing shall be construed to obligate the fund for more than ten thousand dollars ($10,000) per transaction regardless of the number of persons aggrieved or parcels of real estate involved in such transaction

In the case of a small claims court judgment, the aggrieved person shall file the verified application in the justice or municipal court in which the judgment was entered in favor of the aggrieved person. Such court shall then make a determination as to whether the small claims court judgment was based on facts constituting grounds for recovery under this section and may enter an order directing payment of such small claims court judgment out of the Real Estate Education, Research and Recovery Fund.

A copy of the verified application shall be served upon the commissioner and the judgment debtor and a certificate or affidavit of such service filed with the court.

SEC 2. Section 10472 of the Business and Professions Code is amended to read:

10472. The court shall conduct a hearing upon such application 30 days after service of the application upon the Real Estate Commissioner. Upon petition of the Real Estate Commissioner, the court shall continue the hearing up to 60 days further; and upon a showing of good cause may continue the hearing for such further period as the court deems appropriate. At the hearing the aggrieved person shall be required to show:

(a) He is not a spouse of debtor, or the personal representative of such spouse

(b) He has complied with all the requirements of this article.

(c) He has obtained a judgment as set out in Section 10471, stating the amount thereof and the amount owing thereon at the date of the application.

(d) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(e) That by such search he has discovered no personal or real

property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(f) That he has diligently pursued his remedies against all the judgment debtors and all other persons liable to him in the transaction for which he seeks recovery from the Real Estate Education, Research and Recovery Fund.

(g) That he is making said application no more than one year after the judgment becomes final.

SEC. 3. Section 10481 of the Business and Professions Code is repealed.

SEC. 4. Section 10482 of the Business and Professions Code is repealed.

CHAPTER 440

An act to amend Sections 38200 and 38246 of the Vehicle Code, relating to off-highway vehicles, and making an appropriation therefor.

[Approved by Governor August 28, 1975
Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 38200 of the Vehicle Code is amended to read:

38200. (a) Every licensed dealer upon transferring by sale, lease, or otherwise any off-highway motor vehicle subject to identification, whether new or used, of a type subject to identification under this division, shall, not later than the end of the fifth calendar day thereafter, not counting the day of sale, lease, or other transfer, give written notice of the transfer to the department upon an appropriate form provided by it; but a dealer need not give the notice when selling or transferring a new unidentified off-highway motor vehicle subject to identification to another dealer.

A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

(b) Every dealer of off-highway motor vehicles subject to identification who is not licensed with the department, and who engages only in the sale of vehicles of a type not properly equipped for operation upon the highway and that are restricted to

off-highway operation or use, shall comply with the provisions of Section 5900, or such regulations as the director determines are necessary to carry out the provisions of this division.

SEC. 2. Section 38246 of the Vehicle Code is amended to read:

38246. (a) A penalty shall be added upon any application for renewal of identification made on or after the day following the expiration date except as provided in Section 38122.

(b) If the fee specified in subdivision (a) or (c) of Section 38255 is not paid within 10 days after such fee becomes delinquent, a penalty shall be added thereto.

(c) When renewal fee penalties have not accrued and the ownership of the vehicle is transferred, the transferee shall have a period of 20 days from the date of such transfer to pay any identification fees which become due without payment of any penalties that would otherwise be required as provided in subdivision (a)

(d) Except as otherwise provided in this section, if any fee is not paid within 20 days after such fee becomes delinquent a penalty shall be added thereto.

CHAPTER 441

An act relating to county ambulance service.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1 The Board of Supervisors of San Diego County may provide county ambulance service authorized by Section 1444 of the Health and Safety Code at less than actual cost if such service is of an emergency nature which provides transportation to a hospital licensed to provide emergency care.

SEC. 2. The Legislature finds and declares that private ambulance service in San Diego County is not generally available to the citizens of portions of the county. To provide adequate ambulance services to these citizens at a cost at least equal to the actual cost involved would be financially prohibitive to such citizens. Thus, the Legislature finds and declares that because of these circumstances particular to San Diego County, a general statute within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable.

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CHAPTER 442

An act to amend Section 10000 and 18907 of the Welfare and Institutions Code, relating to discrimination.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. Section 10000 of the Welfare and Institutions Code is amended to read:

10000. The purpose of this division is to provide for protection, care, and assistance to the people of the state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate aid and services to all of its needy and distressed. It is the legislative intent that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, national origin or ancestry, religion, political affiliation, or sex; and that aid shall be so administered and services so provided as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.

SEC 2. Section 18907 of the Welfare and Institutions Code is amended to read:

18907. In the determination of eligibility for the purchase of food stamps, there shall be no discrimination against any household by reason of race, color, religious creed, national origin, political belief, or sex.

CHAPTER 443

An act relating to air transportation.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 29, 1975]

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

SECTION 1. That allocation of ten thousand five hundred ten dollars and twenty-two cents ($10,510.22) made pursuant to Sections 21682 and 21684 of the Public Utilities Code to the County of Mariposa during the period July 1, 1970, to and including June 30, 1973, for airport assistance in connection with the Mariposa-Yosemite Airport is hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the County of Mariposa, and not generally applicable, make the

accomplishment of this purpose impossible by any general law. There is a dispute as to the validity of an allocation made to the County of Mariposa pursuant to Sections 21682 and 21684 of the Public Utilities Code for engineering services related to airport purposes based on a good-faith expenditure of these funds. The Legislature further finds and declares that this is the only such expenditure involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the County of Mariposa is therefore necessary.

CHAPTER 444

An act to add and repeal Article 7 (commencing with Section 25060) of Chapter 13 of Division 18 of the Education Code, relating to California State University and Colleges.

[Approved by Governor August 28, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Article 7 (commencing with Section 25060) is added to Chapter 13 of Division 18 of the Education Code, to read:

Article 7. Pilot Project for California Residents 60 Years of Age or Older

25060 The Trustees of the California State University and Colleges may authorize the establishment at two institutions of the California State University and Colleges of a two-year pilot project which allows persons 60 years of age or older to enroll in regular credit courses without requiring the payment of the application for admission fee or regular session registration fees.

25061. The pilot project established pursuant to this article shall be maintained in accordance with the following standards:

(a) Enrollment shall be limited to qualified persons who are residents, as defined by Section 22812, and are 60 years of age or older on the residence determination date.

(b) Persons enrolling in the project shall be registered last, after regular students have been registered for classes.

(c) No special classes limited to, or designed particularly for, senior citizens shall be established.

25062. Fee waivers authorized pursuant to this article shall not be in place of fee waivers for disadvantaged students

25063 The Trustees of the California State University and Colleges shall adopt regulations for the effective administration of this article

25064. The Trustees of the California State University and

Colleges shall make a preliminary report after the first year of the pilot project established pursuant to this article and a final report after the second year of the pilot project to the Governor, the Legislature, and the California Postsecondary Education Commission on the operation of the pilot project, including, but not limited to, the characteristics of the students participating in the pilot project and a breakdown of the costs incurred.

25065. This article shall remain in effect only until July 1, 1978, and as of that date is repealed.

CHAPTER 445

An act to add Section 240 to the Labor Code, relating to wages

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 240 is added to the Labor Code, to read:

240. If any employer has been convicted of a violation of any provision of this article, or if any judgment against an employer for nonpayment of wages remains unsatisfied for a period of 10 days after the time to appeal therefrom has expired, and no appeal therefrom is then pending, the Labor Commissioner may require such employer to deposit with him a bond in such sum as the Labor Commissioner may deem sufficient and adequate in the circumstances, together with two or more sureties or a duly authorized surety company, to be approved by the Labor Commissioner. The bond shall be payable to the Labor Commissioner and shall be conditioned that the employer shall, for a definite future period, not exceeding six months, pay his employees in accordance with the provisions of this article, and shall be further conditioned upon the payment by the employer of any judgment which may be recovered against such employer pursuant to the provisions of this article.

If within 10 days after demand for such bond, which demand may be made by mail, such employer shall fail to deposit the same, the Labor Commissioner may bring an action in the name and on behalf of the people of the State of California against such employer in a court of competent jurisdiction to compel such employer to furnish such a bond or to cease doing business until he has done so. The employer shall have the burden of proving either that such a bond is unnecessary or that the amount demanded is excessive. If the court finds that there is just cause for requiring the bond, and that same is reasonably necessary or proper to secure prompt payment of the wages of the employees of such employer and his compliance with the provisions of this article, the court may enjoin such employer,

whether an individual, partnership, corporation, company, trust, or association, and such other person or persons as may have been or may be concerned with or in any way participating in the failure to pay the wages resulting in such conviction or in such judgment, from doing business until the requirement is met, and make other and further orders appropriate to compel compliance with the requirement.

CHAPTER 446

An act to amend Section 4003 of the Unemployment Insurance Code, relating to federal-state extended benefits, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 4003 of the Unemployment Insurance Code is amended to read:

4003. (a) The provisions and definitions of terms in the "Federal-State Extended Unemployment Compensation Act of 1970" apply to this part. "Federal-state extended benefits" means benefits payable under this part.

(b) Effective with respect to compensation for weeks of unemployment beginning before January 1, 1977, and beginning after December 31, 1973, the determination of whether there has been a state "on" or "off" indicator beginning or ending any extended benefit period shall be made as provided in subsection (e) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by the Emergency Unemployment Compensation Act of 1974 (P.L. 93-572), as if subparagraph (A) of paragraph (1) of such subsection (e) did not exist.

(c) Effective with respect to compensation for weeks of unemployment beginning before December 31, 1976, and beginning after December 31, 1974, the determination of whether there has been a national "on" or "off" indicator beginning or ending any extended benefit period shall be made under subsection (d) of Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended by the Emergency Unemployment Compensation Act of 1974 (P L. 93-572), as if the phrase "4.5 per centum" contained in paragraphs (1) and (2) of subsection (d) of Section 203 of such act read "4 per centum."

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or

responsibilities imposed on local entities in 1975–76 by this act. However, there are state-mandated local costs in this act in 1976–77 and subsequent years that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular budget process.

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

Higher levels of unemployment are anticipated in the immediate future, and existing state law is effective only until April 30, 1975, while federal legislation is effective until December 31, 1976. Therefore, in order for the state to benefit from the federal legislation, this act must take effect immediately.

CHAPTER 447

An act to amend Section 453 of the Public Utilities Code, relating to public utilities.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975.]

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

SECTION 1. Section 453 of the Public Utilities Code is amended to read:

453. (a) No public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage.

(b) No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service.

(c) No public utility shall include with any bill for services or commodities furnished any customer or subscriber any advertising or literature designed or intended (1) to promote the passage or defeat of a measure appearing on the ballot at any election whether local, statewide, or national, (2) to promote or defeat any candidate for nomination or election to any public office, (3) to promote or defeat the appointment of any person to any administrative or executive position in federal, state or local government, or (4) to promote or defeat any change in federal, state, or local legislation or regulations

(d) The commission may determine any question of fact arising under this section.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and

Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 448

An act to add and repeal Article 2.3 (commencing with Section 5811) to Chapter 6 of Division 6 of the Education Code, relating to public schools.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Article 2 3 (commencing with Section 5811) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 2 3. Alternative Schools

5811 The governing board of any school district may establish and maintain one or more alternative schools within the district

For the purposes of this article, an alternative school is defined as a school or separate class group within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy

(b) Recognize that the best learning takes place when the student learns because of his desire to learn

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process

(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located

5811 5 The following notice shall be sent along with the notification of parents and guardians required by Section 10921:

"Notice of Alternative Schools

California state law authorizes all school districts to provide for alternative schools. Section 5811 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

(a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.

(b) Recognize that the best learning takes place when the student learns because of his desire to learn.

(c) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.

(d) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.

(e) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located

In the event any parent, pupil, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information. This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district."

Further, a copy of the notice shall be distributed to each teacher of the district before March 1 of each year and copies shall be posted in at least two places normally visible to pupils, teachers, and visiting parents in each attendance unit for the entire month of March in each year.

5811.6. The parent or guardian of any pupil may request the governing board of a school district to establish an alternative school program or programs in the district pursuant to this article.

5812. Teachers employed and students enrolled in the alternative school shall be selected entirely from volunteers.

5812.5. Previous classroom performance shall not be a criterion limiting any student from the opportunity of attending an alternative school

5813. Each school district may enroll not more than 10 percent of its total average daily attendance during the preceding fiscal year in alternative schools. A district may establish alternative schools in each attendance area or on a districtwide basis, with enrollment open to all students districtwide, or any combination thereof.

5813.5. The maximum percentage prescribed by Section 5813 may be waived by the Superintendent of Public Instruction on a

showing by the district that it has been or is in a position to continue to operate its program in an alternative school manner without the loss of its experimental value. However, if any school district has more than 10 percent of its total average daily attendance during the preceding fiscal year in alternative schools, the Superintendent of Public Instruction shall not be permitted to waive any provision of this code in the operation of such schools as otherwise authorized pursuant to Section 5816.

5814. Alternative schools shall be operated in a manner to maximize the opportunity for improvement of the general school curriculum by innovative methods and ideas developed within the alternative school operation and to improve the general level of education in the State of California as provided in Section 5816.5.

Any alternative school shall be maintained and funded by the school district at the same level of support as other educational programs for children of the same age level operated by the district.

5815. There shall be no racial , sex, or ethnic discrimination in any aspect of the operation of alternative schools.

5816 For the operation of alternative schools as herein defined, the Superintendent of Public Instruction may, upon application of a school district, waive any provisions of this code other than those relating to earthquake safety and the provisions of this article.

5816 5. Each district operating an alternative school shall annually evaluate such school. The evaluation shall include pre- and post-testing of basic skills for student participants, and must identify the variables which may have affected student academic achievement The process of evaluation shall also include teacher, parent, and student input from the alternative school itself. These evaluation reports will be sent to the Superintendent of Public Instruction on or before August 1st of the following year.

5817. The Superintendent of Public Instruction shall establish minimum standards to further implement the definition of alternative schools as used in Section 5811 and may also establish such further guidelines as may be deemed by him necessary to the proper administration of this article.

5818. The governing board of a school district maintaining an alternative school may provide in whole or in part for the transportation of a pupil attending the alternative school. In lieu of providing such transportation, the governing board may pay to the parents or guardian of the pupil a sum not to exceed the cost of actual and necessary travel incurred in transporting such pupils in cases where transportation is provided by or paid for by the parents or guardian; provided, that in no case shall the district's state apportionment for transportation expenses be increased because of the operation of an alternative school

5819 On or before February 1st of each year, the Superintendent of Public Instruction shall submit to the Legislature a report showing the number and type of alternative schools operated by school districts pursuant to Section 5816 and the success of such programs

as reported by the district operating them. The superintendent shall include in such report his comments regarding the effectiveness of alternative school programs.

5819.5. The article shall become operative on July 1, 1976, shall cease to be operative on July 1, 1980, and, as of July 1, 1980, is repealed.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency because the Legislature hereby determines and finds that in this act there are no duties, obligations, or responsibilities imposed on local governmental entities or school districts.

CHAPTER 449

An act to amend Sections 13707 and 13707.1 of the Education Code.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975.]

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

SECTION 1. Section 13707 of the Education Code is amended to read:

13707. One member of the commission shall be appointed by the governing board of the district and one member, nominated by the classified employees of the district, shall be appointed by the governing board of the district. Those two members shall, in turn, appoint the third member.

As used in this section, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the district as determined by the board exercising its authority under Section 13087 of this code. If there is no such organization existing within the district the governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

SEC. 2 Section 13707.1 of the Education Code is amended to read:

13707.1. (a) Within 30 days after adoption of the system the governing board shall publicly announce its intended appointee, and the appointee nominated by its classified employees. As soon after their appointment as practicable but within 30 days, the two members shall appoint the third member. They may consider the recommendations of the governing board, the classified employees, or other concerned citizens. If such two members do not make an appointment within the 30-day period, the Executive Officer of the State Personnel Board shall make the appointment.

"Adoption of the system" means, in the case of Section 13596, the

day on which a successful election is certified to the governing board or, in the case of Section 13596.3, the day the governing board approves a motion, order, or resolution to adopt the system regardless of the date specified for operational commencement of the system.

(b) Where a system is already in existence and a vacancy will exist on December 1, by not later than September 30:

(1) The governing board shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.

(2) The appointee of the governing board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint, if the vacancy is their appointee.

(c) Where a system is already in existence and a vacancy in the position nominated by the classified employees will occur, the classified employees shall submit the name of its nominee to the governing board at least 30 days prior to the date on which the vacancy will occur and the governing board shall appoint that nominee to be effective on the date on which the vacancy would occur

(d) At a board meeting to be held after 30 and within 45 days of the dates specified in subdivision (a) and subdivision (b) (1), as the case may be, the governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the governing board for appointment.

The board at the time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

In the case of the nominees of the classified employees, the board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the board shall then appoint the new nominee.

(e) In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the board may make an emergency appointment as authorized in subdivision (b) of Section 13707.3. If there is no personnel director, the board may nevertheless make an emergency interim appointment under this subdivision.

CHAPTER 450

An act to amend Section 21658 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 21658 of the Vehicle Code is amended to read:

21658. Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device.

CHAPTER 451

An act to add Chapter 5 (commencing with Section 2781) to Part 2 of Division 1 of the Public Utilities Code, relating to electrical cooperatives, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Chapter 5 (commencing with Section 2781) is added to Part 2 of Division 1 of the Public Utilities Code, to read:

CHAPTER 5. ELECTRICAL COOPERATIVES

2781. As used in this chapter, the term "electrical cooperative" means any private corporation or association organized for the purposes of transmitting or distributing electricity exclusively to its stockholders or members at cost.

2782. The commission shall have no authority to establish rates or regulate the borrowing of money, the issuance of evidences of indebtedness, or the sale, lease, assignment, mortgage, or other disposal or encumbrance of the property of any electrical cooperative.

2783. Except as otherwise specified in this chapter, every electrical cooperative is subject to the provisions of Part 1 (commencing with Section 201) of this division.

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

The few remaining electrical cooperatives operating in this state are losing money because of the expense and delays caused by the necessity of obtaining Public Utilities Commission approval to establish rates, borrow money, or dispose of or encumber property even though the stockholders or members have approved. In order for this act to provide much needed relief as soon as possible, it is necessary that it become effective immediately.

CHAPTER 452

An act to amend Section 15459.1 of the Education Code, relating to school buildings.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 15459.1 of the Education Code is amended to read:

15459.1 As of January 1, 1976, any person employed to inspect the construction, reconstruction or alteration of any school building shall be a person who is either: (a) registered as a construction inspector in the division in which he is to be used, as defined by Section 9101 of the Business and Professions Code, or (b) is regularly employed for building code enforcement by the local agency having responsibility for such inspection, and is qualified to perform such inspections under the civil service laws or regulations of such local agency. This section shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing within the provisions of the law under which he is registered.

CHAPTER 453

An act to amend Sections 42793 and 42795 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 42793 of the Food and Agricultural Code is amended to read·

42793. (a) The board of supervisors of the county may establish

a schedule of fees for the certificates to be paid by owners, shippers, or other interested parties that request such certificates. The schedule of fees which is established for such certificates shall be based upon the approximate cost of the inspection which is necessary to determine that the fruits, nuts, or vegetables have met the requirements of this division or the requirements of the state or country of intended destination.

(b) The schedule of fees may include fees for certification of fruits, nuts, or vegetables which are exempted from the general standards of the state, as provided by statute, or by regulation pursuant to Section 42682 or 42684 when shipped out of the state for commercial processing, preserving, or manufacturing under a permit of the county commissioner.

SEC 2. Section 42795 of the Food and Agricultural Code is amended to read:

42795. The board of supervisors of the county may establish reasonable fees to cover the cost incurred by commissioners in the enforcement of quality standards for chopped lettuce established pursuant to Section 42684.

The fees shall be based on the approximate cost of the inspection necessary to enforce such quality standards, and shall be paid by persons engaged in the chopping or shredding of lettuce.

CHAPTER 454

An act to add Section 12024.9 to the Business and Professions Code, relating to sales of meat.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 12024.9 is added to the Business and Professions Code, to read:

12024.9. (a) All terms contained in this section which are defined by the United States Department of Agriculture shall have the same meaning as defined by such department.

(b) "Retail cuts" as used in this section shall mean a cut of meat from a primal cut for direct sale to the consumer.

(c) "Freezer meat" as used in this section means any uncooked meat which is sold directly to the consumer on the basis of primal cuts, carcass weight or any specified portion of a carcass, other than retail cuts.

(d) "Variety pack" as used in this section means freezer meat cut or packaged, or both, into retail cuts or other frozen food products, or both, sold for a stipulated total price.

(e) "Consumer" as used in this section means any purchaser of

freezer meat or variety pack meat.

(f) Whenever any retail cuts of meat are sold in a variety pack the retailer shall furnish, at the time of sale, an itemization of the total net weight of each of the various retail cuts sold and the total net weight of the entire meat purchase, and a separate itemization shall be furnished for frozen food products other than meat indicating price and weight of each product.

(g) Whenever freezer meat is sold directly to the consumer, the consumer shall be supplied at the time of sale with the weight of the carcass or primal cuts before cutting and a complete and accurate inventory which shall contain the net weight of meat delivered. The consumer shall also be supplied with complete cutting instructions for each cut of meat processed and an exact inventory of each such cut. The consumer shall also be furnished with the total weight of ground meat from carcass or primal cuts.

(h) A half of beef shall consist of a forequarter and a hindquarter from the same animal. When beef is sold as a half of beef, the consumer shall be furnished an invoice listing the weight of each such quarter Not more than 8 percent tolerance differential shall be allowed.

(i) Whenever the consumer buys freezer meats or variety packs, the entire order shall be delivered to the consumer or held and maintained in storage and available for such consumer.

CHAPTER 455

An act to amend Section 1230 of the Education Code, relating to school district elections.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 1230 of the Education Code is amended to read:

1230. Notwithstanding any other provision of law, when elections for school district governing board members in existing or newly formed school districts are conducted in conjunction with the municipal election of a chartered city on other than the first Tuesday after the first Monday in March, newly elected members, unless the charter provides otherwise, shall take office 37 days after the day of election; provided, however, if the charter of a city provides for a municipal nominating or primary election and a general municipal election, the newly elected members shall take office 37 days after the date fixed by the charter for the general municipal election The terms of office of outgoing members and shall expire on the day before such newly elected members take office

CHAPTER 456

An act to amend Section 10751 of the Education Code, relating to pupil records, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil. Such parent or guardian shall have access to all written records relating to his child or ward maintained by the school, and need only appear in person during regular hours of the schoolday and request to see such records. No written material concerning his child or ward shall be edited or withheld, and the parent or guardian shall be entitled to read such material personally.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

(h) A member of a hearing panel convened pursuant to Section 10761.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel

concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, the names and addresses of pupils may be released to parent-teacher associations of the schools which the pupils attend. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials, or to a commissioned officer, or his designee, in charge of recruitment for the National Guard or an active or reserve component of the armed forces, as defined pursuant to Section 18540 of the Government Code, seeking information in the course of his recruitment duties.

SEC. 2. Section 10751 of the Education Code is amended to read:

10751 No teacher, principal, employee, or governing board member of any public, private, or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil Such parent or guardian shall have access to all written records relating to his child or ward maintained by the school, and need only appear in person during regular hours of the schoolday and request to see such records. No written material concerning his child or ward shall be edited or withheld, and the parent or guardian shall be entitled to read such material personally.

(b) A person designated, in writing, by such pupil if he is an adult,

or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

(f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency

(g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

(h) A member of a hearing panel convened pursuant to Section 10761.

(i) A designated member of a school attendance review board as to a pupil referred to that board All materials and information acquired by a school attendance review board pursuant to this section shall be kept in strict confidence by the members of the board and be used only for the purposes of the board. No member of a school attendance review board who is permitted access to, or informed as to the contents of, a pupil's written record shall permit access to, or release any information as to the contents of, such record to another party without the written consent of the pupil's parent or guardian.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades

received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, the names and addresses of pupils may be released to parent-teacher associations of the schools which the pupils attend. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials, or to a commissioned officer, or his designee, in charge of recruitment for the National Guard or an active or reserve component of the armed forces, as defined pursuant to Section 18540 of the Government Code, seeking information in the course of his recruitment duties.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No 524 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 10751 of the Education Code, and this bill is chaptered after Senate Bill No. 524, that the amendments to Section 10751 proposed by both bills be given effect and incorporated in Section 10751 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 524 are both chaptered and become effective on or before January 1, 1976, both amend Section 10751, and this bill is chaptered after Senate Bill No. 524, in which case Section 1 of this act shall not become operative.

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

Presently, existing California law is in conflict with federal law with respect to the release of pupil record directory information. In order to bring California law into substantial compliance with recent federal law with respect to the release of pupil record directory information to parent-teacher associations and to permit school districts to release the names and addresses of pupils to such associations, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 457

An act to add Section 69585.5 to the Government Code, relating to courts, and making an appropriation therefor

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 69585.5 is added to the Government Code, to read:

69585.5 In the County of Kings there shall be two judges of the superior court.

SEC 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for payment to Kings County as a state block grant to meet the requirements of Section 2231 of the Revenue and Taxation Code, provided, that the amount appropriated by this bill shall be deemed the full annual costs of the mandated program, and further provided, disbursement of the funds herein shall not diminish payment by the state under provisions of Government Code Sections 68206 and 75101.

CHAPTER 458

An act to add Chapter 5.5 (commencing with Section 25450) to Division 15 of the Public Resources Code, relating to oil and gas.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. The Legislature hereby finds and declares that the need to develop petroleum on outer continental shelf lands off the coast of California and the need for additional development on state offshore lands has not been demonstrated by reliable and independent data.

SEC. 2. The Legislature further finds and declares that such need is not only unverified but that the uncertainty of the situation is compounded by the following private and public activities including:

(a) A potential net surplus situation in California if outer continental shelf, state offshore, and Alaskan production are not developed in proper sequence

(b) Insufficient preplanning by both government and private industry that may result in exporting domestically produced petroleum because of a lack of transstate shipping facilities to move the entire surplus into interstate commerce.

(c) The lack of evaluation of present sources of imported petroleum and petroleum products relative to security of supply or sensitivity of such supplies to domestic market dynamics in terms of their national financial requirements.

(d) The plans of certain private corporations apparently to continue petroleum and petroleum product importation by construction of major facilities to receive very large crude carriers of a size not required for domestic transshipment.

(e) The lack of analysis of price structures to determine the value, if any, to domestic consumers from development of relatively inexpensive outer continental shelf and California offshore petroleum resources.

(f) The absence of federal guarantees requiring private sector benefits and commensurate consumer use will be confined to achieving national domestic goals by restricting foreign or multinational direct or indirect intervention with potential goals and values not in concert with national policy.

SEC. 3. The Legislature further finds and declares that currently no mandated federal program to eliminate the wasteful, unnecessary, and uneconomic uses of energy has been enacted and that an energy policy must be developed to bring energy supply and demand into an acceptable equilibrium in terms of resource availability as well as environmental, economic, and social costs. The federal government has sponsored but has failed to implement, a variety of studies which have recommended more efficient uses of energy, including, but not limited to:

(a) Standards for new commercial and residential building construction.

(b) Energy budget requirements for certain commercial buildings.

(c) Appliance efficiency standards.

(d) Effective pricing mechanisms to reduce selectivity and specific end uses which result in the wasteful and uneconomic uses of energy.

SEC. 4. The Legislature finds and declares that not only have energy needs and alternatives not been fully explored nor demand constrained by requirements for efficient uses, but that current federal plans fail to ensure a minimum of social, environmental, and aesthetic costs by not:

(a) Directing the application of state drilling and casing regulations to federally permitted outer continental shelf development operations.

(b) Requiring, upon approval, that development leases include joint development and mandatory unitization in order to reduce environmental impact by methods including subsea completion and joint development of pipeline corridors, tank storage facilities, and drilling platforms.

(c) Delaying or modifying the sequence of united lease sales with knowledge of the full nature and extent of the resources to be obtained to ensure full utilization with minimal impact.

(d) Developing contingent plans with respect to local concerns through protection of specific sanctuaries designated by state law and the elimination of certain tracts to minimize aesthetic impacts.

SEC. 5. The Legislature finds and declares that California's coastal zone resources planning and management program, established by the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000), is now nearing completion, and will be affected by any new offshore oil and gas development activities. In order to avoid conflicts, any new offshore oil and gas development activities should be carried out in a manner consistent with such program.

SEC. 6. Chapter 5.5 (commencing with Section 25450) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 5.5. PETROLEUM RESOURCES MANAGEMENT

25450. No person shall construct, expand, place, or locate any oil or gas pipeline or associated facilities for the transportation of oil or gas from an offshore oil or gas extraction operation on or across tidelands or submerged lands within the permit area of the coastal zone as defined in Section 27104, unless such project has been permitted or exempted by a regional coastal zone conservation commission and if appealed, by the California Coastal Zone Conservation Commission previous to the enactment of this statute, until either implementation by the Legislature of the California Coastal Zone Conservation Plan prepared pursuant to Section 27300 or December 31, 1977, whichever occurs first.

25450.5. This chapter shall not apply to the construction, expansion, placement, or location of any oil or gas pipeline or associated facilities on or across tidelands or submerged lands within the state:

(a) If the lease or agreement pursuant to which such pipelines or facilities are to be constructed, expanded, placed, or located was approved by the State Lands Commission on or before January 1, 1975, including any lease or agreement in litigation with the State Lands Commission on or before such date, or

(b) If such pipelines and facilities are to be constructed, placed, or located for the purpose of replacing that certain existing pipeline and associated facility as described in Burmah Oil and Gas Company narrative description of facilities Dos Pueblos Marine Terminal dated September 25, 1974, attached to Application to the County of Santa Barbara, Department of Planning, for Rezoning and Amendment to General Plan, Nos. 74-GP-16 and 74-RZ-28

And in each case such pipelines or facilities have been or may be permitted or exempted by a regional coastal zone conservation commission and if appealed by the California Coastal Zone Conservation Commission, or by the California Coastal Zone Conservation Act of 1972.

25451. Any person who violates any provision of this chapter shall be subject to a civil fine not to exceed one hundred thousand dollars ($100,000)

25452 In addition to any other penalties, any person who

performs any development in violation of this chapter shall be subject to a civil fine not to exceed five thousand dollars ($5,000) per day for each day in which such violation persists.

25453. Any person may maintain an action for the recovery of civil penalties provided in Sections 25451 and 25452.

25454. Any person may maintain an action for declaratory and equitable relief to restrain violation of this chapter. No bond shall be required for an action under this section.

25455. Any person who prevails in a civil action he brought to enjoin a violation of this chapter or to recover civil penalties shall be awarded his costs, including reasonable attorneys fees.

CHAPTER 459

An act to amend Section 69610 of the Government Code, relating to superior court judges, and making an appropriation therefor.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 69610 of the Government Code is amended to read:

69610. In the County of Yolo there shall be three judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for payment to Yolo County as a state block grant to meet the requirement of Section 2231 of the Revenue and Taxation Code, provided that the amount appropriated by this act shall be deemed the full annual cost of the mandated program, and further provided that disbursement of the funds herein shall not diminish payment by the state pursuant to Sections 68206 and 75101 of the Government Code.

CHAPTER 460

An act to add Section 12821.5 to the Education Code, relating to public schools

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 12821.5 is added to the Education Code, to read:

12821.5. No school district shall administer, in connection with the statewide testing program, or otherwise, any standardized group test which provides or attempts to provide a single measure of general scholastic aptitude of a pupil, to any pupil or group of pupils in the district, except:

(a) A school district may administer or allow to be administered scholastic aptitude tests for placement in special educational programs for mentally gifted minors provided pursuant to Article 14 (commencing with Section 6421) of Chapter 6 of Division 6 or in postsecondary education or for the purpose of determining eligibility of students for scholarship awards, grants, or other awards relating to postsecondary education.

(b) A school district, with the prior approval of the Superintendent of Public Instruction, may administer group scholastic aptitude tests for research purposes, provided, that the district has a Superintendent of Public Instruction approved group testing plan which includes:

(1) A current schedule of testing;

(2) A statement of purposes of the uses of the tests; and

(3) Provisions that such tests are administered and the results interpreted under the direct supervision of a qualified school psychologist, psychometrist, or school counselor.

CHAPTER 461

An act to add Section 612.5 to the Code of Civil Procedure, relating to trials.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 612.5 is added to the Code of Civil Procedure, to read:

612.5. Upon retiring for deliberation the jury may, at the discretion of the court, take with them a copy of the written instructions given.

CHAPTER 462

An act to amend Section 22712 of, and to add Section 22504.2 to, the Education Code, relating to postsecondary education, and making an appropriation therefor.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975.]

I am reducing the appropriation contained in Section 5 of Assembly Bill No 622 from $20,000 to $10,000

In view of the Commission's resources, I think the study required by this bill can be done for less

With this reduction, I approve Assembly Bill No 622

EDMUND G BROWN JR , Governor

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

SECTION 1. Section 22504.2 is added to the Education Code, to read:

22504.2. The Legislature hereby finds and declares that there is a great need of providing students with a true economic and academic freedom of choice in selecting a college or university they wish to attend. The Legislature further finds that this need shall be met by offering students financial assistance who wish to attend public or independent colleges and universities and who have demonstrated financial need.

SEC. 2. Section 22712 of the Education Code is amended to read:

22712. The commission shall have the following functions and responsibilities in its capacity as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and Governor:

(1) It shall require the governing boards of the segments of public postsecondary education to develop and submit to the commission institutional and systemwide long-range plans in a form determined by the commission after consultation with the segments.

(2) It shall prepare a five-year state plan for postsecondary education which shall integrate the planning efforts of the public segments and other pertinent plans. The commission shall seek to resolve conflicts or inconsistencies among segmental plans in consultation with the segments. If such consultations are unsuccessful the commission shall report the unresolved issues to the Legislature with recommendations for resolution.

In developing such plan, the commission shall consider at least the following factors: (a) the need for and location of new facilities, (b) the range and kinds of programs appropriate to each institution or system, (c) the budgetary priorities of the institutions and systems of postsecondary education, (d) the impact of various types and levels of student charges on students and on postsecondary educational programs and institutions, (e) appropriate levels of

state-funded student financial aid, (f) access and admissions of students to postsecondary education, (g) the educational programs and resources of private postsecondary institutions, and (h) the provisions of this division differentiating the functions of the public systems of higher education.

(3) It shall update the state plan annually.

(4) It shall participate in appropriate stages of the executive and legislative budget processes as requested by the executive and legislative branches and shall advise the executive and legislative branches as to whether segmental programmatic budgetary requests are compatible with the state plan. It is not intended that the commission hold independent budget hearings.

(5) It shall advise the Legislature and Governor regarding the need for and location of new institutions and campuses of public higher education.

(6) It shall review proposals by the public segments for new programs and make recommendations regarding such proposals to the Legislature and the Governor.

(7) It shall, in consultation with the public segments, establish a schedule for segmental review of selected educational programs, evaluate the program review processes of the segments, and report its findings and recommendations to the Governor and the Legislature.

(8) It shall serve as a stimulus to the segments and institutions of postsecondary education by projecting and identifying societal and educational needs and encouraging adaptability to change.

(9) It shall develop and submit plans to the Legislature and the Governor for the funding and administration of a program to encourage innovative educational programs by institutions of postsecondary education.

(10) It shall collect or conduct or both collect and conduct studies of projected manpower supply and demand, in cooperation with appropriate state agencies, and disseminate the results of such studies to institutions of postsecondary education and to the public in order to improve the information base upon which student choices are made

(11) It shall periodically review and make recommendations concerning the need for and availability of postsecondary programs for adult and continuing education.

(12) It shall develop criteria for evaluating the effectiveness of all aspects of postsecondary education.

(13) It shall maintain and update annually an inventory of all off-campus programs and facilities for education, research and community service operated by public and private institutions of postsecondary education

(14) It shall act as a clearinghouse for postsecondary education information and as a primary source of information for the Legislature, the Governor, and other agencies, and develop a comprehensive data base insuring comparability of data from diverse sources

(15) It shall establish criteria for state support of new and existing programs, in consultation with the public segments, the Department of Finance, and the Joint Legislative Budget Committee

(16) It shall comply with the appropriate provisions of the Education Amendments of 1972 (P.L. 92-318) as specified in Section 22750.

(17) It shall consider the relationships between academic and occupational and vocational education programs and shall actively encourage the participation of state and local and public and private persons and agencies with a direct interest in these areas.

(18) It shall review all proposals for changes in eligibility pools for admission to public institutions and segments of postsecondary education and shall make recommendations to the Legislature, Governor, and institutions of postsecondary education.

(19) It shall report annually on or before January 1st to the Legislature and the Governor regarding the financial conditions of independent institutions, their enrollment and application figures, the number of student spaces available, and the respective cost of utilizing those spaces as compared to providing additional public spaces. Such reports shall include recommendations concerning state policies and programs having a significant impact on independent institutions

(20) It shall, upon request of the Legislature or the Governor, submit to the Legislature and the Governor a report on all matters so requested which are compatible with its role as the statewide postsecondary education planning and coordinating agency and may, from time to time, submit to the Governor and the Legislature a report which contains recommendations as to necessary or desirable changes, if any, in the functions, policies, and programs of the several segments of public and private postsecondary education

(21) It may undertake such other functions and responsibilities as are compatible with its role as the statewide postsecondary education planning and coordinating agency.

SEC. 3. No comprehensive studies exist with respect to the amount, effectiveness, and impact of state aid that is made available to independent colleges and universities. In addition, accurate and verifiable data that indicate current and long-range trends regarding the financial condition of independent colleges and universities, and the advisability of diverting students to such institutions, is generally scarce. It is therefore, the intent of the Legislature that a comprehensive study of independent colleges and universities be made.

SEC. 4. The California Postsecondary Education Commission shall conduct a study of independent colleges and universities and make a preliminary report of its findings and recommendations to the Governor and the Legislature on or before February 1, 1976, and a final report on or before June 1, 1976 The study shall, at a minimum:

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(a) Determine the amount of past and projected annual levels of state aid to independent colleges and universities;

(b) Determine the goals, objectives, and priorities of state aid to independent colleges and universities;

(c) Recommend policies which might guide the delivery of state assistance;

(d) Develop criteria for determining the appropriate level of assistance;

(e) Develop criteria for assessing the financial condition of independent colleges and universities;

(f) Develop a data base related to independent colleges and universities including: (1) a determination of the data elements that should be collected annually that relate to criteria required for measuring the financial condition specified in subdivisions (a) through (e), and (2) the designing of a cooperative process for collecting necessary data, including the possible auditing or verification of data, or both, that is obtained from independent colleges and universities;

(g) Recommend possible modifications in existing programs that currently provide aid to independent institutions; and

(h) Assess the contributions made to postsecondary education and to California by independent colleges and universities in California;

(i) Assess the degree to which state aid will in the future result in a net savings to the state by diverting students to independent colleges and universities.

SEC. 5. There is hereby appropriated from the General Fund to the California Postsecondary Education Commission the sum of twenty thousand dollars ($20,000) for the purpose of conducting the study described in Section 4 of this act.

CHAPTER 463

An act to amend Section 3106 of the Education Code, relating to school district unification, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975.]

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

SECTION 1. Section 3106 of the Education Code is amended to read:

3106. (a) An elementary school which has been included in a unified district because of a reorganization of districts under provisions of this chapter shall be maintained as an elementary school by the unified district unless discontinued as provided in this section. The governing board of the unified district may adopt a

resolution or order to discontinue the elementary school at any regular or special meeting of the board and the order or resolution shall be in effect after 30 days unless within this period of time a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, who are eligible to attend such school at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petitions shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district, and shall be qualified electors within such district at the time the petition is filed, and shall have children of elementary school age who attend or are eligible to attend such school. An elementary school which is continued in operation by the filing of a petition pursuant to this section, shall remain in continuance for a period of three school years, unless the petition provides for a shorter period of continuance. If the governing board intends to discontinue the elementary school at the expiration of such period, it shall, commencing at least 90 days prior to the expiration of such period, publish in a newspaper of general circulation in the county, once each week for at least three weeks, a notice of intended discontinuance, and may thereafter adopt a resolution or order as heretofore provided. If a school is discontinued as herein provided, the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

(b) Subdivision (a) of this section does not apply to any unified school district which has an average daily attendance of 15,000 or more or to a school which is five miles or less from another elementary school.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are no state-mandated local costs in this act and any revenue loss implied herein is not reimbursable under Section 2231 of the Revenue and Taxation Code.

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

In order to insure that certain elementary schools of component school districts that existed prior to the establishment of a unified school district and which are still needed to meet the educational needs of the community will be continued in existence, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 464

An act to amend Section 484b of the Penal Code, relating to theft.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 484b of the Penal Code is amended to read:

484b. Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment and willfully fails to apply such money for such purpose by either willfully failing to complete the improvements for which funds were provided or willfully failing to pay for services, labor, materials or equipment provided incident to such construction, and wrongfully diverts the funds to a use other than that for which the funds were received, shall be guilty of a public offense and shall be punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding two years, or in the county jail not exceeding one year, or by both such fine and such imprisonment if the amount diverted is in excess of one thousand dollars ($1,000) If the amount diverted is less than one thousand dollars ($1,000), the person shall be guilty of a misdemeanor

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CHAPTER 465

An act to amend Section 15516.5 of, and to add Sections 15518.1 and 19700.7485 to, the Education Code, relating to school building aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 15516.5 of the Education Code is amended to read:

15516.5 Notwithstanding any other provision of this article or Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, whenever a school district does not have funds available to repair, reconstruct, or replace the school buildings referred to in this article or Section 19700.605, the school district shall apply for such funds as may be necessary to accomplish such repair, reconstruction, or replacement pursuant to the provisions of Article 9. The school district shall also accept such funds as are disbursed to the district pursuant to Article 9, whether or not the funds constitute the maximum amount applied for, and shall repay such funds in

accordance with the provisions of Article 9. In cases in which funds derived from a tax increase levied pursuant to Section 15518 or 15518.1 are utilized to match amounts disbursed to a school district under an apportionment made pursuant to Article 9 (commencing with Section 19700.51) of Chapter 10 of Division 14, such disbursement and repayment may be made without the necessity of a vote of the electorate of the district as prescribed in any provision of Chapter 10 (commencing with Section 19551) of Division 14.

SEC 2. Section 15518.1 is added to the Education Code, to read:

15518.1. Notwithstanding the provisions of Section 15518, a district having an approved application under the provisions of Section 19700 7485 may levy a tax at the rate of twenty cents ($0.20) per one hundred dollars ($100) of assessed valuation for the 1975–76 fiscal year only.

SEC. 3. Section 19700.7485 is added to the Education Code, to read:

19700.7485 Notwithstanding any provisions of this article to the contrary, any district which does not have sufficient matching funds for a particular project as required under this article may file an application under Section 19700.748, and the board may approve the project conditioned upon the district levying in the 1975–76 fiscal year the entire twenty-cent ($0.20) tax rate per one hundred dollars ($100) of the assessed valuation permitted under Section 15518.1 in lieu of the tax authorized by Section 19700.748 and applying the entire proceeds of such levy as local matching funds for such project providing:

(a) The district has levied a tax at the rate of at least ten cents ($0.10) per one hundred dollars ($100) of assessed valuation of the tax permitted under Section 15518 for the 1973–74 fiscal year and of at least nine cents ($0.09) per one hundred dollars ($100) of assessed valuation of the tax permitted under Section 15518 for the 1974–75 fiscal year.

(b) The district has sold the facilities to be replaced to a county prior to June 1972, but continued to use the facilities after the sale until June 1972.

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

In order that school districts covered by this act may provide for the orderly and efficient replacement of structurally inadequate school buildings without undue disruption of the educational program and dislocation of pupils, it is necessary that this act take effect immediately

CHAPTER 466

An act to amend Sections 24000.1 and 24002 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 24000.1 of the Education Code is amended to read:

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

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

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

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

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

(e) Cafeteria replacement funds

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

(g) Fees and charges for services and materials authorized by Section 23751 where such fees or charges are required of those persons who, at their option, use the services or are provided the materials, for which the fees or charges are made. Fees and charges so received and deposited shall be used solely to meet the costs of providing such services and materials.

SEC. 2. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616. all money received under an agreement entered into pursuant to Section 23608, and except as to the fees and charges specified in subdivision (g) of Section 24000.1, all money collected as fees from students in any state university or college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, 24000, and 24000.1, and by reason of Section 20809 of the Civil Code, is hereby appropriated for the support of the California State University and

Colleges in addition to such other amounts as may be appropriated therefor by the Legislature. Money received under Sections 24000 and 24000.1, or received by reason of Section 2080 9 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans, and provided further, that money received by reason of Sections 24000 and 24000.1 may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest and other earnings received pursuant to such investment shall also be used for such purposes as may be established by the trustees consistent with the terms and conditions of the gift, bequest, devise, donation, or agreement under Sections 24000 and 24000.1 Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code and Sections 24000 and 24000.1 of the Education Code, all money received pursuant to this section shall augment the support appropriation to the California State University and Colleges for the fiscal year to which the collections apply.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state university or college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for the acquisition and improvement of real property for such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state university or college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state university or college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance Such money shall augment such support or capital outlay appropriation of the California State University and Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

CHAPTER 467

An act to add Section 939 91 to the Penal Code, relating to grand juries.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 939.91 is added to the Penal Code, to read:

939.91. (a) A grand jury which investigates a charge against a person, and as a result thereof cannot find an indictment against such person, shall, at the request of such person and upon the approval of the court which impaneled the grand jury, report or declare that a charge against such person was investigated and that the grand jury could not as a result of the evidence presented find an indictment. The report or declaration shall be issued upon completion of the investigation of the suspected criminal conduct, or series of related suspected criminal conduct, and in no event beyond the end of the grand jury's term.

(b) A grand jury shall, at the request of the person called and upon the approval of the court which impaneled the grand jury, report or declare that any person called before the grand jury for a purpose, other than to investigate a charge against such person, was called only as a witness to an investigation which did not involve a charge against such person. The report or declaration shall be issued upon completion of the investigation of the suspected criminal conduct, or series of related suspected criminal conduct, and in no event beyond the end of the grand jury's term.

CHAPTER 468

An act to amend Section 1120 of the Probate Code, relating to administration of testamentary trusts.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 1120 of the Probate Code is amended to read:

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of

settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate. If the trustee dies or becomes incompetent, such account and report shall be presented by the trustee's executor, administrator, guardian or conservator In the event the the trustee dies or becomes incompetent, and there is no executor, administrator, guardian, or conservator appointed for the trustee's estate, or in the event the trustee absconds, the court may compel the attorney for such deceased, incompetent, or absconding trustee to present such account and report to the extent that the attorney has information or records available for that purpose. The account and report of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this service.

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than the estate of the decedent, and for authority to exercise the powers authorized by Section 1120.2 of this code. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him. When the trustee files any such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing the petition and before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him or seeks authority to exercise the powers authorized by Section 1120.2, the petition shall set forth the particulars of and the necessity for the action sought to be taken

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the

beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 1120.2, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

SEC. 2. Section 1120 of the Probate Code is amended to read:

1120. (a) When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate. If the trustee dies or becomes incompetent, such account and report shall be presented by the trustee's executor, administrator, guardian or conservator. In the event the trustee dies or becomes incompetent, and there is no executor, administrator, guardian, or conservator appointed for the trustee's estate, or in the event the trustee absconds, the court may compel the attorney for such deceased, incompetent, or absconding trustee to present such account and report to the extent that the attorney has information or records available for that purpose. The account and report of the attorney need not be verified A fee shall be allowed to the attorney by the court for this service.

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than the estate of the decedent, and for authority to exercise the powers authorized by Section 1120.2 of this code. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him When the trustee files any

such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing the petition and before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him or seeks authority to exercise the powers authorized by Section 1120.2, the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 1120.2, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

(b) In addition to the provisions of subdivision (a), the personal representative of the decedent's estate, prior to final distribution, or the trustee, beneficiary, or remainderman, before or after final distribution, may petition the superior court to amend or conform the trust provisions of the decedent's will in the manner required to qualify the decedent's estate for the charitable estate tax deduction permitted by federal law. Such petition may include a request to add to the trust provisions of the decedent's will the mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States Internal Revenue Service. Notice of such petition shall be given to the Attorney General. No amendment or conformation may be ordered by the court without having first received written agreement to the proposed changes or disclaimer of interest from all interested parties in the trust. The entry into such agreement shall

not be construed to be a contest under any provisions of the will prohibiting the same. The existence of a spendthrift or similar protective provision in the trust shall not make this subdivision inapplicable to such trust.

SEC. 3 It is the intent of the Legislature, if this bill and Assembly Bill No. 1869 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 1120 of the Probate Code, and this bill is chaptered after Assembly Bill No. 1869, that Section 1120 of the Probate Code, as amended by Section 1 of Assembly Bill No 1869, be further amended on the effective date of this act in the form set forth in Section 2 of this act to incorporate the changes in Section 1120 proposed by this bill. Therefore, if this bill and Assembly Bill No. 1869 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1869 is chaptered before this bill and amended Section 1120, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not become operative

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CHAPTER 469

An act to amend Section 602 of the Code of Civil Procedure, relating to jurors

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 602 of the Code of Civil Procedure is amended to read:

602. Challenges for cause may be taken on one or more of the following grounds:

(1) A want of any of the qualifications prescribed by this code to render a person competent as a juror

(2) Consanguinity or affinity within the fourth degree to any party or to an officer of a corporation which is a party.

(3) Standing in the relation of, or being the parent, spouse, or child of one who stands in the relation of, guardian and ward, master and servant, employer and clerk, or principal and agent, or debtor and creditor, to either party or to an officer of a corporation which is a party, or being a member of the family of either party; or a partner in business with either party; or surety on any bond or obligation for either party, or being the holder of bonds or shares of capital stock of a corporation which is a party; or having stood within one year previous to the filing of the complaint in the action in the relation of attorney and client with either party or with the attorney for either party. A depositor of a bank or a holder of a savings account in a savings and loan association shall not be deemed a creditor of

such bank or savings and loan association for the purpose of this subsection solely by reason of his being such a depositor or account holder.

(4) Having served as a juror in a civil action or been a witness on a previous trial between the same parties, for the same cause of action; or having served as a juror within one year previously in any civil action or proceeding in which either party was plaintiff or defendant.

(5) Interest on the part of the juror in the event of the action, or in the main question involved in the action, except his interest as a member or citizen or taxpayer of a county, city and county, incorporated city or town, or other political subdivision of a county, or municipal water district.

(6) Having an unqualified opinion or belief as to the merits of the action founded upon knowledge of its material facts or of some of them.

(7) The existence of a state of mind in the juror evincing enmity against or bias to either party.

(8) That he is a party to an action pending in the court for which he is drawn and which action is set for trial before the panel of which he is a member.

CHAPTER 470

An act to add Section 29007 to the Vehicle Code, relating to vehicles.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 29007 is added to the Vehicle Code, to read:

29007 The requirements of Section 29004 shall not apply to vehicles engaged in driveaway-towaway operations if all the following conditions are met:

(a) The towed vehicle has one end supported by the towing vehicle.

(b) The towed vehicle is secured to the towing vehicle by a device designed and constructed as to be readily demountable and to perform the functions of a fifth-wheel-type connection.

(c) The fifth-wheel-type connection device is securely affixed to the vehicles to prevent shifting of the device on the vehicles to which it is attached.

(d) The fifth-wheel-type connection device provides a means of variation of inclination between the towing and towed vehicle due to vertical curvatures of the highway Such means shall not depend upon either the looseness or deformation of the connection or the

vehicles to provide for such variation.

CHAPTER 471

An act to amend Section 1122 of the Education Code, relating to school district governing boards.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 1122 of the Education Code is amended to read:

1122. Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district the county committee on school district organization shall have the power to establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas and increase to seven or decrease to five the number of members of the governing board, or to adopt one of the alternative methods of electing governing board members specified in Section 1128.

Any such proposal may be initiated by the county committee or made to the county committee by a petition signed by at least 2 percent or 50, whichever is the lesser, of the qualified electors residing in the district, or by resolution of the governing board of the district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter. At the conclusion of the hearing, the county committee shall approve or disapprove the proposal.

SEC. 2. Section 1122 of the Education Code is amended to read:

1122. Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district the county committee on school district organization shall have the power to establish trustee areas, rearrange the boundaries of trustee areas, and increase to seven or decrease to five the number of members of the governing board, consistent with the provisions of Sections 923, 923.5, 1128 and 1224.

Any such proposal may be initiated by the county committee or made to the county committee by a petition signed by at least 2 percent or 50, whichever is the lesser, of the qualified electors residing in the district, or by resolution of the governing board of the district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter. At the conclusion of the hearing, the county committee shall approve or disapprove the proposal.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 824 are both chaptered and become effective January 1, 1976, both bills amend Section 1122 of the Education Code, and this bill is chaptered after Assembly Bill No 824, that the amendments to Section 1122 proposed by both bills be given effect and incorporated in Section 1122 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 824 are both chaptered and become effective January 1, 1976, both amend Section 1122, and this bill is chaptered after Assembly Bill No. 824, in which case Section 1 of this act shall not become operative.

CHAPTER 472

An act relating to the payment of interest on the salary of state employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. When state employees receive that amount that would have been paid to them pursuant to salary increases authorized between July 1, 1973, and April 30, 1974, but was not paid because of action taken by the Federal Cost of Living Council, they shall receive, in addition to such amount, an amount equal to the interest, computed annually at a rate of 7 percent, on such unpaid amount.

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

In order to pay interest on the 1973–74 state employee salary funds withheld by the Cost of Living Council during the calendar year 1975, it is necessary that this statute take effect immediately.

CHAPTER 473

An act to amend Section 27361.3 of the Government Code, relating to releases.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 27361.3 of the Government Code is amended to read:

27361.3. Notwithstanding any contrary provision of the law, the fee for recording every release of lien, encumbrance, or notice executed by the state, or any municipality, county, city, district or other political subdivision shall be six dollars ($6) if the original lien, encumbrance, or notice was recorded without fee as provided by Section 27383 of the Government Code.

No fee shall be charged for recording a release of lien, encumbrance, or notice which was recorded in error by the state, or any municipality, county, city, district or other political subdivision if there is noted on the face of the release of lien, encumbrance or notice a statement to that effect

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CHAPTER 474

An act to amend Sections 1120, 1138 1, and 1138.6 of the Probate Code, relating to charitable trusts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 1120 of the Probate Code is amended to read·

1120 (a) When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in the case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than

the estate of the decedent, and for authority to exercise the powers authorized by Section 1120.2 of this code. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him. When the trustee files any such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing the petition and before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires the notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him or seeks authority to exercise the powers authorized by Section 1120.2, the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 1120.2, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

(b) In addition to the provisions of subdivision (a), the personal representative of the decedent's estate, prior to final distribution, or the trustee, beneficiary, or remainderman, before or after final distribution, may petition the superior court to amend or conform the trust provisions of the decedent's will in the manner required to qualify the decedent's estate for the charitable estate tax deduction permitted by federal law. Such petition may include a request to add to the trust provisions of the decedent's will the mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States Internal Revenue Service. Notice of such petition shall be given to

the Attorney General. No amendment or conformation may be ordered by the court without having first received written agreement to the proposed changes or disclaimer of interest from all interested parties in the trust. The entry into such agreement shall not be construed to be a contest under any provisions of the will prohibiting the same. The existence of a spendthrift or similar protective provision in the trust shall not make this subdivision inapplicable to such trust.

SEC. 1.5. Section 1120 of the Probate Code is amended to read:

1120. (a) When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate. If the trustee dies or becomes incompetent, such account and report shall be presented by the trustee's executor, administrator, guardian or conservator. In the event the trustee dies or becomes incompetent, and there is no executor, administrator, guardian, or conservator appointed for the trustee's estate, or in the event the trustee absconds, the court may compel the attorney for such deceased, incompetent, or absconding trustee to present such account and report to the extent that the attorney has information or records available for that purpose. The account and report of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this service.

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than the estate of the decedent, and for authority to exercise the powers authorized by Section 1120.2 of this code. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him. When the trustee files any such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing the petition and

before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him or seeks authority to exercise the powers authorized by Section 1120.2, the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 1120.2, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

(b) In addition to the provisions of subdivision (a), the personal representative of the decedent's estate, prior to final distribution, or the trustee, beneficiary, or remainderman, before or after final distribution, may petition the superior court to amend or conform the trust provisions of the decedent's will in the manner required to qualify the decedent's estate for the charitable estate tax deduction permitted by federal law. Such petition may include a request to add to the trust provisions of the decedent's will the mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States Internal Revenue Service. Notice of such petition shall be given to the Attorney General. No amendment or conformation may be ordered by the court without having first received written agreement to the proposed changes or disclaimer of interest from all interested parties in the trust The entry into such agreement shall not be construed to be a contest under any provisions of the will prohibiting the same. The existence of a spendthrift or similar protective provision in the trust shall not make this subdivision inapplicable to such trust

SEC. 2 Section 1138.1 of the Probate Code is amended to read:

1138.1. (a) A trustee, beneficiary, or remainderman may

petition the superior court for any of the following purposes:

(1) Determining to whom the property shall pass or be delivered upon final or partial termination of the trust, to the extent such determination is not concluded by the trust instrument.

(2) Settling the accounts and passing upon the acts of the trustee.

(3) Authorizing the trustee to accept additions to the trust when the trust instrument does not prohibit such additions.

(4) Instructing the trustee.

(5) Compelling the trustee to submit his accounts and report his acts as trustee to a beneficiary or remainderman when it appears that the trustee has failed to submit an accounting and report within 60 days after written request of a beneficiary or remainderman and no accounting and report has been made within six months preceding such request.

(6) Granting to the trustee powers not expressly contained in the trust instrument to the extent provided in Section 1120.2.

(7) Fixing, directing, or allowing payment of compensation to the trustee in accordance with Section 2274 of the Civil Code.

(8) Appointing a trustee.

(9) Accepting the resignation of a trustee

(10) Removing a trustee.

(11) Authorizing or directing removal of the trusts or assets of the trust to another jurisdiction pursuant to the procedure provided in Article 3 (commencing with Section 1139) Chapter 19, Division 3.

(12) Directing the relief provided in Section 2279.1 of the Civil Code

(13) Amending or conforming the trust instrument in the manner required to qualify the decedent's estate for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States Internal Revenue Service, in any case in which all parties interested in the trust have submitted written agreement to the proposed changes or written disclaimer of interest.

(b) The terms of a trust subject to this article may expressly or by necessary implication limit or eliminate the authority of any trustee, beneficiary, remainderman or other person to petition the court under this article for any one or more of the purposes enumerated in subdivision (a).

SEC. 3. Section 1138.6 of the Probate Code is amended to read:

1138.6. (a) Upon the filing of a petition provided for in this article, the clerk shall set the petition for hearing and shall cause a notice of the time and place of hearing thereof to be posted at the courthouse of the county where the proceeding is pending at least 30 days before the date of the hearing, giving the name of the trustor, the name of the petitioner, and the nature of the petition, referring thereto for further particulars, and stating the time at which the petition will be heard.

At least 30 days before the time set for the hearing of the petition,

the petitioner shall cause notice of the time and place of hearing thereof to be mailed to the trustee of the trust when he is not the petitioner, to any cotrustee not petitioning, and to all beneficiaries and remaindermen of the trust, including all persons in being who may participate in the corpus or income of the trust, addressed to them at their respective offices or places of residence, if known, and if not known such notice shall be given as the court may require in the manner provided in Section 413 30 of the Code of Civil Procedure.

When a cotrustee not petitioning, a beneficiary, or a remainderman, in person or by counsel, has served and filed a notice of appearance directed to the petitioner or his counsel in connection with the particular petition and proceeding, or a written request for a copy of the petition, and given an address to which notices or such copy may be sent or delivered, the petitioner shall cause a copy of the petition to be sent by mail to such cotrustee or person or counsel within five days after service of notice of appearance or receipt of such request.

Personal delivery is the equivalent of mailing.

Proof of the giving of notice and of mailing or personal delivery of a copy of the petition shall be made at the hearing. If it appears to the satisfaction of the court that the notice has been given as required, the court shall so find in its order, and the order, when it becomes final, shall be conclusive upon all persons.

(b) Proceedings under this article shall be governed, whenever possible, by the provisions of this article, and when the provisions of this article do not appear applicable, the provisions of Division 3 (commencing with Section 300) shall apply.

(c) The court for good cause may shorten the time required for performance of any act required by this section.

(d) Notice of any petition filed pursuant to paragraph (13) of subdivision (a) of Section 1138.1 shall be given to the Attorney General.

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

Public Law 93-483, recently signed by the President, amends Section 2055 of Title 26 of the United States Code. The amendment provides an extension of time to allow amendments of charitable remainder trusts to meet the requirements of the Tax Reform Act of 1969.

The Tax Reform Act of 1969 enables a trust to qualify for the estate tax deduction if the governing instrument is amended to meet the requirements of the act by December 31, 1972. Public Law 93-483 has extended the amendment period to December 31, 1975. In order to allow the amendments this year, permitting California citizens considerable tax savings, this act must take immediate effect.

SEC 5. It is the intent of the Legislature, if this bill and Assembly

Bill No. 1183 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 1120 of the Probate Code, and this bill is chaptered after Assembly Bill No. 1183, that Section 1120 of the Probate Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 1183, and that on the effective date of Assembly Bill No. 1183 Section 1120 of the Probate Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 1.5 of this act to incorporate the changes in Section 1120 proposed by Assembly Bill No. 1183. Therefore, if this bill and Assembly Bill No. 1183 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1183 is chaptered before this bill and amends Section 1120, Section 1.5 of this act shall become operative on the effective date of Assembly Bill No. 1183.

CHAPTER 475

An act to amend Section 24951 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 29, 1975. Filed with Secretary of State August 30, 1975.]

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

SECTION 1. Section 24951 of the Vehicle Code is amended to read:

24951. (a) Any vehicle may be equipped with a lamp-type turn signal system capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles shall be equipped with a lamp-type turn signal system meeting the requirements of this chapter.

(1) Motortrucks, truck tractors, buses and passenger vehicles, other than motorcycles, manufactured and first registered on or after January 1, 1958.

(2) Trailers and semitrailers manufactured and first registered between December 31, 1957, and January 1, 1969, having a gross weight of 6,000 pounds or more.

(3) Trailers and semitrailers 80 or more inches in width manufactured on or after January 1, 1969.

(4) Motorcycles manufactured and first registered on or after January 1, 1973, except motor-driven cycles whose speed attainable in one mile is 30 miles per hour or less.

The requirements of this subdivision shall not apply to special mobile equipment, or auxiliary dollies.

(c) Turn signal lamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches.

CHAPTER 476

An act to add Section 6827.2 to the Public Resources Code, relating to state lands.

[Approved by Governor August 29, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 6827.2 is added to the Public Resources Code, to read:

6827.2. In order to prevent the premature abandonment of a lease, notwithstanding any other provision in this chapter, if, after the holding of a public hearing, the commission finds that continued production from a lease is in the best interests of the people of California and that such production is economically unfeasible under the terms set forth in the lease, the commission may renegotiate the lease to reduce the minimum royalty rate or to substitute such other consideration as would be in the best interests of the state.

CHAPTER 477

An act to amend Section 12944.5 of the Water Code, relating to water

[Approved by Governor August 30, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 12944.5 of the Water Code is amended to read:

12944.5. (a) Notwithstanding any other provision of law to the contrary, any local public agency other than a city or county which has executed a contract with the state for a water supply pursuant to Section 12937 shall satisfy any requirement for the approval by the voters of the agency to secure authorization for the issuance of general obligation bonds of the agency or of the agency for any improvement district thereof to fund the acquisition and construction of works and facilities to enable such local public agency or improvement district to utilize such water supply, if a majority of the voters voting on the proposition to incur the bonded indebtedness vote in favor of such proposition. The provisions of law governing the issuance of general obligation bonds by the local public agency, including the provisions of the principal act of the local public agency, shall govern all matters relating to the issuance of such general obligation bonds, including the authorization, issuance, sale or retirement thereof, except only that a majority of the

votes cast on the proposition to incur the bonded indebtedness need be in favor of such proposition in order to authorize the issuance of such bonds. The provisions of this chapter shall be applicable only to general obligation bonds approved at an election held on one of the dates specified in subdivisions (1), (2), or (3) of Section 2504 of the Elections Code.

(b) The provisions of this chapter shall also be applicable to (1) any local public agency other than a city or a county which has executed a contract for a water supply with a public agency which has in turn executed a contract with the state for a water supply pursuant to Section 12937, (2) any municipal water district which is a member agency of, or is located within a member agency of, a metropolitan water district which has executed a contract with the state for a water supply pursuant to Section 12937, and (3) any local public agency other than a city or county which is a member agency of, or is located within a member agency of, a county water authority which is a member agency of a metropolitan water district which has executed a contract with the state for a water supply pursuant to Section 12937.

CHAPTER 478

An act to amend Section 8651 of the Streets and Highways Code, relating to improvement bonds.

[Approved by Governor August 30, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 8651 of the Streets and Highways Code is amended to read:

8651. The final series of installment of the bonds shall mature and be payable on a date which shall not exceed 39 years from the second day of July next succeeding 10 months from their date.

CHAPTER 479

An act to add Section 71661 to the Water Code, relating to municipal water districts.

[Approved by Governor August 30, 1975 Filed with Secretary of State August 30, 1975]

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

SECTION 1. Section 71661 is added to the Water Code, to read:

71661. In addition to the activities authorized by Section 71660, the Big Bear Municipal Water District may construct, maintain, improve, and operate public recreational facilities which are not appurtenant to a water reservoir operated by the district, when such proposal is approved by a majority of the qualified voters of the district voting at a special district election held pursuant to Part 4 (commencing with Section 71450) of Division 20.

This section, applicable only to the Big Bear Municipal Water District, is necessary because of the unique and special recreational problems of the area within such district.

CHAPTER 480

An act to amend Section 325 of, and to add Section 327 to, the Health and Safety Code, relating to health, and making an appropriation therefor.

[Approved by Governor August 30, 1975 Filed with Secretary of State August 30, 1975]

I am reducing the appropriation contained in Section 3 of Senate Bill No 1065 from $250,000 to $100,000

I believe the reduced amount is adequate to achieve the purpose of the bill in view of the funds already appropriated to the Department of Health

With this reduction, I approve Senate Bill No 1065

EDMUND G BROWN JR , Governor

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

SECTION 1. Section 325 of the Health and Safety Code is amended to read:

325. It is the policy of the State of California to make every effort to detect, as early as possible, sickle cell anemia, a heritable disorder which leads to physical defects.

The State Department of Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices.

Testing for sickle cell anemia may be conducted at the following times·

(a) Upon first enrollment of a child at an elementary school in this state, such child may be tested

(b) For any child not tested pursuant to subdivision (a), upon first enrollment at a junior high school or senior high school in this state, as the case may be, such child may be tested.

(c) Upon application of any person for a license to marry, the parties seeking to be married may be tested.

(d) At any other times that the department may designate.

The provisions of this section shall not apply if a parent or guardian

of a minor child sought to be tested or any adult sought to be tested objects to the test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 2. Section 327 is added to the Health and Safety Code, to read:

327. The department is authorized to make grants or contracts for demonstration projects to determine the feasibility of alternate methods of testing for sickle cell anemia, to provide counseling services, to evaluate the social consequences of the identification of sickle cell trait carriers, to provide training in genetic counseling, and to conduct research on the prevention of sickle cell anemia.

SEC. 3. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the General Fund to the Department of Health for the purpose of this act.

CHAPTER 481

An act to amend Sections 69593 and 74191 of the Government Code, relating to judges in Sacramento County, and making an appropriation therefor

[Approved by Governor August 31, 1975 Filed with Secretary of State August 31, 1975]

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

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 20 judges of the superior court.

SEC 2. Section 74191 of the Government Code is amended to read:

74191. There shall be 14 judges.

SEC. 3. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to Sacramento County for costs incurred by the county pursuant to Section 1 of this act.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no other reimbursement pursuant to Section 2231 nor shall any other appropriation be made for any costs that may be incurred by local agencies pursuant to Section 2 of this act

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CHAPTER 482

An act to add Chapter 4 (commencing with Section 35175) to Part 4 of Division 13 of the Water Code, relating to Irvine Ranch Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1975 Filed with Secretary of State August 31, 1975]

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

SECTION 1. Chapter 4 (commencing with Section 35175) is added to Part 4 of Division 13 of the Water Code, to read:

CHAPTER 4. ALTERNATIVE METHOD OF ELECTIONS AND ISSUANCE OF BONDS FOR THE IRVINE RANCH WATER DISTRICT

35175. The provisions of this article shall apply only to the Irvine Ranch Water District. For purposes of this chapter, "district" means the Irvine Ranch Water District.

35176. Notwithstanding any other provision of law, or the bylaws of the district, as an alternate method of conducting general district elections, district bond elections, improvement district bond elections, or elections for the approval of district or improvement district warrants, the board may provide, pursuant to this chapter, for such elections by resident voting in the district if the board has established divisions, including of one or more inhabited divisions, for the election of directors pursuant to Section 35177.

The bond elections provided for in this chapter shall be conducted under the laws relating to resident voter elections. Any inconsistent provisions in the chapter and in the bylaws of the district shall not be applicable to any such elections.

35177. The board as an alternate procedure may elect, by the adoption of a resolution at least 60 days prior to the date of the next general election, to establish divisions and thereafter to conduct the election of its directors pursuant to this chapter. The establishment of divisions and the conduct of the election of directors of the district shall be pursuant to Section 35178. The board thereafter may review and reestablish such divisions from time to time to meet the requirements of Section 35178. The board shall review, and if appropriate, reestablish such divisions upon request in writing by two directors or upon receipt of a petition signed by a majority of the registered voters residing within any division, or by a majority of the holders of the title to real property in any division. The board, not less than every two years following the original establishment of divisions pursuant to this chapter, shall review, and if appropriate, reestablish such divisions in accordance with the provisions of this chapter.

35178. The board, concurrent with determining to establish divisions and elect its directors pursuant to this chapter, shall divide the district into as many divisions as there are directors of the district in accordance with the following provisions:

(a) The board shall hold a hearing which may be continued from time to time. During the course of such hearing the board shall receive any evidence produced which is relevant to the validity of the establishment of divisions in accordance with this chapter, and any evidence as may be necessary to divide the districts into appropriate divisions. Notice of such hearing shall be given in the manner provided for in Section 6066 of the Government Code.

(b) A division shall be deemed uninhabited and so designated by the board if there are less than 12 persons who were residing in the proposed division and who were registered to vote within the area of the proposed division for 30 days prior to the establishment or reestablishment of divisions by the board. Divisions other than uninhabited divisions shall be deemed inhabited.

(c) Uninhabited divisions, if any, shall be as nearly equal in area as may be practical. Inhabited divisions shall be as nearly equal in population as may be practical. The area included within a division may be either contiguous or noncontiguous.

(d) The proportion of inhabited divisions to uninhabited divisions, if any, shall fairly reflect the pattern of water uses within the district and shall fairly provide representation on the board for the uninhabited and inhabited areas of the district. The ratio of inhabited divisions to the total number of divisions shall be not less than the ratio of the quantity of water delivered for residential and nonagricultural commercial purposes, not including industrial and industrial-commercial purposes, to the total quantity of water delivered regardless of source, including reclaimed water delivered by the district, or the ratio of assessable area devoted to, and developed for, residential and nonagricultural commercial uses, to the total area within the boundaries of the district.

35179. Elections for the office of director of the district, upon the establishment of divisions pursuant to this chapter, shall be accomplished in the following manner:

(a) After the adoption of the resolution ordering establishment of the divisions within the district, one director shall be elected from each division. A director from an inhabited division shall be a resident of the district and a registered voter. A director from an uninhabited division shall be eligible to vote under landowner voting procedures as if the alternate provisions of this chapter had not been implemented. A director need not be a resident or a landowner of the division from which such director is elected unless the district bylaws so provide

(b) Election of a director in an inhabited division shall be by the registered voters residing in the division pursuant to the laws relating to resident voter district elections Election of directors of an uninhabited division, if any, shall be by the holders of title to

property within the uninhabited division pursuant to the laws relating to landowner voting districts.

35180. After or concurrent with the establishment or reestablishment of divisions pursuant to Section 35177, the board of directors shall at least 60 days prior to the next general district election designate as to all divisions of the district the manner by which, each director shall be elected and the general district elections at which each office of director shall first be filled. The determination that a director shall be elected to represent an inhabited or uninhabited division, if any, shall be made by the board. Subsequent to the board determining to establish divisions and conduct elections in the manner provided in Section 35177, the provisions of Article 4 (commencing with Section 36210) of Chapter 3 of Part 6 of Division 13 and any similar provisions of law shall not be applicable to any previously authorized and unissued bonds of the district, nor of any authorized and unissued bonds of any of its improvement districts, and the provisions of Article 2 (commencing with Section 35035) of, and Article 3 (commencing with Section 35040) of, Chapter 1 of Part 4 of Division 13 shall not be applicable to the district. In the event that the registrar of voters has published any notices or candidates have filed for any of such offices, the registrar of voters may republish such notices and provide dates by which candidates may refile for such offices as are established pursuant to this section.

35181. If the divisions are established in the district pursuant to this chapter, the board may, without a vote of the electors, or a hearing, provide for the issuance of, and issue, general obligation bonds of the district or of an improvement district thereof, as follows:

(a) The principal amount of such bonds shall not exceed the then unissued principal amount of bonds of the district, or for such an improvement district, approved at an election held, called, or approved on notice and hearing pursuant to Part 6 (commencing with Section 35900) of Division 13 on or before the effective date of this chapter

(b) Such bonds shall be issued for the purposes set forth in the plan of works, as amended, adopted for the bonds referred to in subdivision (a) of this section.

(c) Bonds authorized by this section shall be issued in accordance with the provisions of this division, except for the requirements of a bond election, or notice and hearing.

(d) Bonds issued pursuant to this section shall be secured by unlimited ad valorem assessments on land in the district or in any improvement district, as the case may be, without regard to any limitations set forth in Chapter 3 (commencing with Section 2201) or Part 4 of Division 1 of the Revenue and Taxation Code.

(e) This section constitutes an alternative procedure for the authorization and issuance of general obligation bonds of the district, or for an improvement district thereof. Whenever bonds are issued pursuant to this section, an equivalent principal amount of the bonds

authorized by an election or notice and hearing, but as yet not issued, shall be canceled.

35182. The decision of the board to conduct its affairs and be governed by this chapter shall require the adoption of a resolution making such decision by a four-fifths vote of the board at a public hearing called for consideration of such decision. Notice of such hearing shall be given pursuant to Section 6066 of the Government Code. The hearing may be conducted concurrently with the hearing provided for in Section 35178. If at the hearing the owners of 20 percent of the assessable land within the district file written protests of the affirmative decision by the board, then such decision shall require an election with an affirmative vote of 51 percent of the landowners within the district who are eligible to vote.

35183. It is hereby declared that pursuant to Section 16 of Article IV of the California Constitution, this act is a local and special statute, since a general statute cannot be made applicable for the following reasons: Because of the absence of a reconciliation between the principals of the one-man, one-vote cases in the United States Supreme Court, and the emerging land use patterns in portions of the State of California, it is necessary to pursue, where appropriate, creative procedures and patterns of government. By this means it will be possible to deal with such situations in a fair and equitable manner. The named district to which this chapter is applicable is such a unique situation for which the Legislature has determined the general election provisions of the California Water District Law would not be applicable. However, the Legislature has determined that the enactment of this act will facilitate maintaining existing agricultural use of property, recognition of the need for integrated regional planning of water, waste water and water reclamation facilities while still preserving the right of individual self-determination In this instance, this necessitates the enactment of this legislation to reconcile such interests at this time. It is further determined that it is impossible to make the act one of general application since the effects of its provisions are novel and difficult to determine at present, and the Legislature is desirous of observing and considering the effect in special limited situations.

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

The Irvine Ranch District requires the enactment of this provision to insure proportionate representation of resident voters in the urbanizing portion of the district while still providing for representation for the owners of land in areas where there is as yet no urban or residential use of their property. Enactment of this legislation will allow elections scheduled to be held on November 4, 1975, to be held in the manner herein provided. Without it, resident voters of urbanizing areas would not be able to participate proportionately in such elections.

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CHAPTER 483

An act relating to the Knight-Brown Oral History Project, and making an appropriation therefor.

[Became law without Governor's signature September 1, 1975 Filed with Secretary of State September 2, 1975]

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

SECTION 1. It is the intent of the Legislature that the Governmental Eras Documentation Project continue with the documentation of California's legislative and political history, which began with the Earl Warren Era History Project, by commencing the next phase, the Goodwin Knight-Edmund G. Brown Era, covering the years 1953 to 1966. The Knight-Brown Era Oral History Project shall run for a period of three years.

SEC. 2. The Legislature hereby appropriates the sum of sixty-six thousand dollars ($66,000) from the General Fund to the California Heritage Preservation Commission for the purpose of contracting with the Regents of the University of California for the Goodwin Knight-Edmund G. Brown Era Oral History Project by the Bancroft Library's Regional Oral History Office. The appropriation made by this section is for the first year of the project.

CHAPTER 484

An act relating to the healing arts.

[Became law without Governor's signature September 2, 1975 Filed with Secretary of State September 2, 1975]

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

SECTION 1. The Board of Medical Examiners of the State of California shall issue a physician's and surgeon's certificate to anyone who meets all of the following requirements:

(a) Is a resident of California.

(b) Has been licensed to practice medicine in at least two foreign countries.

(c) Has been licensed to practice medicine in at least two other states in the United States.

(d) Has completed at least three years residency at American Medical Association approved hospitals in the United States.

(e) Has served in a hospital as a fellow resident in child psychiatry.

(f) Has practiced medicine in a federal institution in this state.

(g) Passes an oral examination given by the board to be given in accordance with Sections 2323 and 2324 of the Business and Professions Code if the certificate issued by the medical authority of

another state was issued five or more years prior to the effective date of this act.

(h) Has presented satisfactory evidence to the board that he has completed the educational requirements specified in Section 2191 and Section 2192 of the Business and Professions Code.

This section shall be operative until December 31, 1976, and after that date shall have no force or effect.

CHAPTER 485

An act to amend Sections 70046.1 and 74675 of, and to add Section 70046.3 to, the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 1, 1975 Filed with Secretary of State September 2, 1975]

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

SECTION 1. Section 70046.1 of the Government Code is amended to read:

70046.1. In Santa Clara County, the board of supervisors shall fix the salary of regular official reporters, which shall not be less than a biweekly salary of five hundred twelve dollars and eighty cents ($512.80), and the compensation of official reporters pro tempore, which shall be at a rate not less than sixty dollars ($60) a day.

During the hours that the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 2. Section 70046.3 is added to the Government Code, to read:

70046.3. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in Santa Clara County. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the

preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

SEC. 3. Section 74675 of the Government Code is amended to read:

74675. In each of the municipal court districts in the County of Santa Clara the judges of such courts, pursuant to Section 72194, may appoint as many additional reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive sixty dollars ($60) a day, which shall upon order of the court be a charge against the general fund of the county. Should the board of supervisors increase the per diem fees for official court reporters pro tempore in the superior court pursuant to Section 70046.1, such increase shall apply equally for all official reporters pro tempore in the municipal courts, but all such increases shall be effective only until January 1, 1978.

SEC. 4. The Legislature hereby finds and declares that, in view of its constitutionally delegated responsibility of setting salaries for court reporters, which has been delegated to the Santa Clara County Board of Supervisors, it is necessary to obtain information regarding the total compensation paid to court reporters from all sources so as to allow proper evaluation of legislative proposals relating to court reporters' salaries on an ongoing basis. Accordingly, this legislation affecting Santa Clara County is necessary to permit the Santa Clara County Board of Supervisors to carry out its delegated responsibility of setting court reporters' salaries in this county in view of submitted requests for adjustments in the compensation provided to court reporters in Santa Clara County

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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

In order for the courts of Santa Clara County to compete with adjoining counties for the services of official reporters pro tempore it is necessary to increase the present statutory per diem rate. Accordingly, it is essential that this act take effect immediately

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CHAPTER 486

An act to amend Section 3501.3 of the Elections Code, and to amend Sections 29105 and 88003 of, and to repeal Section 43068 of, the Government Code, and to amend Sections 2209, 2215, 2228, 2260, 2270, 2271, 2271.1, 2287, and 2308 of, to add Sections 2206.5, 2207, 2210, 2231, 2233, 2234, 2261.1, 2271.2, and 2325.1 to, to repeal Sections 2231 and 2261.1 of, and to add Article 3 (commencing with Section 2240) and Article 3.5 (commencing with Section 2250) to Chapter 3 of Part 4 of Division 1 of, the Revenue and Taxation Code, relating to financing local agencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1975. Filed with Secretary of State September 2, 1975]

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

SECTION 1. Section 3501.3 of the Elections Code is amended to read:

3501.3. (a) Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would require a substantial increase in state costs and which does not contain a method of financing the increased cost, shall state in the title that if the proposed initiative is adopted undefined additional financing from state sources in the approximate amount of _____ dollars ($_____) will be required.

(b) Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would require an increase in local agency costs as defined and provided in Section 2206.5 of the Revenue and Taxation Code shall state in the title that if the proposed initiative is adopted undefined additional financing from local agency sources in the approximate amount of _____ dollars ($_____) will be required.

(c) Such estimate of costs as required by this section shall be made jointly by the Department of Finance and Joint Budget Committee, who shall inform the Attorney General so that he may include it in the title prepared by him.

SEC. 1.1. Section 29105 of the Government Code is amended to read:

29105. If the appropriations and reserves, as adopted for any fund for which the board of supervisors fixes the rates require a tax rate even greater than the legal limit as determined by the equalized valuations as shown on the assessment roll, the auditor shall notify the governing body of the agency and that body shall decrease the appropriations or reserves, or both, so as to come within the legal requirements, prior to the time the board of supervisors fixes the

rates of taxes on the secured roll. The revised amounts constitute the appropriations and reserves for the period. If the governing body fails, for any reason, to correct the matter, the board of supervisors shall fix the rate established pursuant to Revenue and Taxation Code Section 2260 as the tax rate for that agency, which agency shall decrease the appropriations or reserves, or both, so as to come within that tax rate limit. The revised amounts constitute the appropriations and reserves for the period.

SEC. 1.5. Section 43068 of the Government Code is repealed.

SEC. 1.6. Section 88003 of the Government Code is amended to read:

88003. The Legislative Analyst shall prepare an impartial analysis of the measure describing the measure and including a fiscal analysis of the measure showing the amount of any increase or decrease in revenue or cost to state or local government. Any estimate of increased cost to local governments shall be set out in boldface print in the ballot pamphlet. The analysis shall be written in clear and concise terms which will easily be understood by the average voter, and shall avoid the use of technical terms wherever possible. The analysis may contain background information, including the effect of the measure on existing law and the effect of enacted legislation which will become effective if the measure is adopted, and shall generally set forth in an impartial manner the information which the average voter needs to understand the measure adequately. The Legislative Analyst may contract with professional writers, educational specialists or other persons for assistance in writing an analysis that fulfills the requirements of this section, including the requirement that the analysis be written so that it will be easily understood by the average voter. The Legislative Analyst may also request the assistance of any state department, agency, or official in preparing his analysis. The title of the measure which appears on the ballot shall be amended to contain a summary of the Legislative Analyst's estimate of the net state and local government financial impact.

SEC. 1.7. Section 2206.5 is added to the Revenue and Taxation Code, to read·

2206.5. "Costs mandated by initiative enactment" means any increased costs mandated upon a local agency after the effective date of this section by any statute on any amendment to the State Constitution adopted or enacted pursuant to the provisions of Section 22 of Article IV of the State Constitution. "Costs mandated by initiative enactment" does not include costs which are specifically reimbursed or funded by the terms of such initiative enactment.

SEC. 1.8 Section 2207 is added to the Revenue and Taxation Code, to read:

2207. "Costs mandated by the state" means any increased costs which a local agency or a school district is required to incur as a result of the following:

(a) Any law enacted after January 1, 1973, which mandates a new

program or an increased level of service of an existing program;

(b) Any executive order issued after January 1, 1973, which mandates a new program;

(c) Any executive order issued after January 1, 1973, which (i) implements or interprets a state statute and (ii), by such implementation or interpretation, increases program levels above the levels required prior to January 1, 1973.

SEC. 2. Section 2209 of the Revenue and Taxation Code is amended to read:

2209. "Executive order" means any order, plan, requirement, rule or regulation issued:

(a) By the Governor, or

(b) By any officer or official serving at the pleasure of the Governor, or

(c) By any agency, department, board or commission of state government; provided that the term "executive order" shall not include any order, plan, requirement, rule or regulation issued by the State Water Resources Control Board or by any regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code

It is the intent of the Legislature that the State Water Resources Control Board and regional water quality control boards will not adopt enforcement orders against publicly owned dischargers which mandate major waste water treatment facility construction costs unless federal financial assistance and state financial assistance pursuant to the Clean Water Bond Act of 1970 and 1974, is simultaneously made available.

"Major" means either a new treatment facility or an addition to an existing facility, the cost of which is in excess of 20 percent of the cost of replacing the facility.

SEC. 3. Section 2210 is added to the Revenue and Taxation Code, to read:

2210. "Law enacted after January 1, 1973," means any statute enacted by the Legislature after January 1, 1973.

SEC 4. Section 2215 of the Revenue and Taxation Code is amended to read:

2215. "Special district" means any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. 'Special district" includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. "Special district" does not include a city, a county, a school district or a community college district. "Special district" does not include any agency which is not authorized by statute to levy a property tax rate.

SEC. 5. Section 2228 of the Revenue and Taxation Code is amended to read:

2228. (a) The annual percentage change in population for special districts shall be the percentage established for the county pursuant to Section 2227. If a special district is located in more than one county, the annual percentage change for such district shall be the weighted average of the percentage change of each such county. The Department of Finance shall determine the weights to be used in determining such average. If a special district is located entirely within a city, the annual percentage change in population for such district shall be that established for such city pursuant to Section 2227.

(b) In the event that the territory of a special district is located entirely within two or more cities, the annual percentage change in population for such district shall be the weighted average of the percentage change of each of such cities, as such percentage change has been determined pursuant to Section 2227. The Department of Finance shall determine the weights to be used in determining such average.

(c) If the governing body of a special district determines that the county percentage change in population will not be accurate for such district, it may, within 30 days after May 1, request the department to prepare a special population estimate for the district. The department shall comply with such request prior to August 1, and the estimate prepared by the department shall be used to determine population change for purposes of this chapter. The district shall reimburse the department for the actual cost of preparing such estimate.

SEC. 6. Section 2231 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 2231 is added to the Revenue and Taxation Code, to read:

2231. (a) The state shall reimburse each local agency for all "costs mandated by the state", as defined in Section 2207. The state shall reimburse each school district only for those "costs mandated by the state" specified in subdivision (a) of Section 2207.

(b) For the initial fiscal year during which such costs are incurred reimbursement funds shall be provided as follows: (1) any statute mandating such costs shall provide an appropriation therefor, and (2) any executive order mandating such costs shall be accompanied by a bill appropriating the funds therefor, or, alternatively, an appropriation for such funds shall be included in the Budget Bill for the next following fiscal year.

In subsequent fiscal years appropriations for such costs shall be included in the State Budget and in the Budget Bill.

(c) The amount appropriated for such purposes shall be appropriated to the Controller for disbursement.

(d) The Controller shall disburse reimbursement funds to local agencies as follows:

(1) For the initial fiscal year during which such costs will be incurred, each local agency or school district to which the mandate

is applicable shall submit to the Controller, within 45 days of the operative date of the mandate, a claim for reimbursement as well as its estimate of the costs required by such mandate for the current fiscal year. The Controller shall pay such claims from the funds appropriated therefor, provided that he (i) may audit the records of any local agency or school district to verify the actual amount of the mandated cost, and (ii) may reduce any claim which he determines is excessive or unreasonable.

(2) In subsequent fiscal years each local agency or school district shall submit such claims to the Controller by October 31. The Controller shall pay such claims from funds appropriated therefor, provided that he (i) may audit the records of any local agency or school district to verify the actual amount of the mandated cost, (ii) may reduce any claim, which he determines is excessive or unreasonable, and (iii) shall adjust the payment to correct for any underpayments or overpayments which occurred in the previous fiscal year.

SEC. 8. Section 2233 is added to the Revenue and Taxation Code, to read:

2233. In the event that the amount appropriated for reimbursement purposes pursuant to Section 2231 is not sufficient to pay all of the claims approved by the Controller, the Controller shall prorate claims in proportion to the dollar amount of approved claims timely filed and on hand at the time of proration. The Controller shall adjust prorated claims if supplementary funds are appropriated for this purpose.

In the event that the Controller finds it necessary to prorate claims as provided by this section, he shall immediately report such action to the Department of Finance and to the chairman of the respective committees in each house of the Legislature which consider appropriations.

SEC. 9. Section 2234 is added to the Revenue and Taxation Code, to read:

2234. If a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for such costs incurred after the operative date of such mandate and the local agency or school district shall reduce its property tax rate by an equivalent amount.

SEC. 10. Article 3 (commencing with Section 2240) is added to Chapter 3 of Part 4, Division 1 of the Revenue and Taxation Code, to read:

Article 3. Method of Providing Reimbursement Revenue for Costs Mandated by State

2240. Revenues to reimburse local agencies and school districts pursuant to the provisions of Section 2229, 2230, or 2231 shall be determined and appropriated as provided in this article and Section 2231.

2241. When a bill is introduced in the Legislature, the Legislative Counsel shall determine whether such bill requires state reimbursement to local agencies or school districts pursuant to Section 2229, 2230, or 2231. He shall make this determination known in the digest of the bill.

In making the determination required by this section the Legislative Counsel shall disregard any provision in a bill which would make inoperative the reimbursement requirements of Section 2229, 2230, or 2231, and shall make his determination irrespective of any such provision.

2242. Whenever the Legislative Counsel determines that a bill will require state reimbursement to a local agency or a school district as provided in Section 2229, 2230 or 2231, the Department of Finance shall prepare estimates of the amount of reimbursement which will be required. Such estimates shall be prepared for the respective committees of each house of the Legislature which consider taxation measures and appropriation measures and shall be prepared prior to any hearing on such a bill by any such committee.

2243. The estimate required by Section 2242 shall be the amount estimated to be required during the first fiscal year of a bill's operation in order to reimburse local agencies and school districts, pursuant to Section 2229, 2230 or 2231, for costs mandated by such bill. In the event that the operative date of such a bill does not begin on July 1, the estimate shall also include the amount estimated to be required for reimbursement for the next following full fiscal year.

2244. In the event that a bill is amended on the floor of either house, whether by adoption of the report of a conference committee or otherwise, in such a manner as to require reimbursement pursuant to Section 2229, 2230 or 2231, the Legislative Counsel shall immediately inform, respectively, the Speaker of the Assembly and the President of the Senate of such fact. Such notification from the Legislative Counsel shall be published in the journal of the respective houses of the Legislature.

2245. In every subsequent fiscal year, the State Budget and the Budget Bill shall include appropriations to continue to reimburse local agencies and school districts for costs mandated by the state.

2246. Before the end of each calendar year the Department of Finance shall review all statutes enacted during such calendar year which (i) contain provisions making inoperative Section 2229, 2230, or 2231, or (ii) have resulted in costs or revenue losses mandated by the state which were not identified when the statute was enacted. Such review shall identify the costs involved in complying with the provisions of such statutes The Department of Finance shall submit to the Legislature an annual report of the review required by this section, together with such recommendations as it may deem appropriate.

SEC. 11. Article 3.5 (commencing with Section 2250) is added to Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code, to read:

Article 3.5. Claims Against the State for Additional Reimbursement

2250. The State Board of Control, pursuant to the provisions of this article, shall hear and decide upon a claim by a local agency or school district that such local agency or school district has not been reimbursed for all costs mandated by the state as required by Section 2229, 2230 or 2231 and by Article 3 (commencing with Section 2240).

2251. For the purpose of hearing and deciding upon such claims the membership of the Board of Control shall consist of those members provided by Part 4 (commencing with Section 13900) of Division 3 of Title 2 of the Government Code and two additional members, representing local agencies. Such additional members shall be appointed by the Governor and shall serve for a term of two years. Terms of members appointed pursuant to this section shall begin on January 1. A member appointed pursuant to this section shall continue to serve until his successor has been appointed and qualified.

2252. The Board of Control shall adopt procedures for receiving claims pursuant to this article and for providing a hearing on such claims. The hearing procedure shall provide for presentation of evidence by the claimant and by the Department of Finance and any other affected department or agency. A vote of a majority of the board members shall be required to sustain a claim submitted pursuant to this article.

2253. Claims submitted pursuant to this article shall be limited to the following:

(a) A claim alleging that the Controller has incorrectly reduced payments to a local agency pursuant to the provisions of paragraph (2) of subdivision (d) of Section 2231;

(b) A claim alleging that an executive order has incorrectly specified that it does not involve any cost mandated by the state; or

(c) A claim which has not been paid because it was submitted to the Controller after the deadline specified in subdivision (d) of Section 2231; provided that any claim submitted pursuant to this subdivision shall not exceed 80 percent of the amount which could have been claimed pursuant to subdivision (d) of Section 2231.

2254. In deciding upon any claim the Board of Control, after reviewing the evidence presented to it, may increase or reduce the amount requested by the claimant, or may disallow the claim.

2255. No later than January 31 of each calendar year the Board of Control shall report to the Legislature on the number of claims it has allowed pursuant to the provisions of this article. Immediately on receipt of such report a local government claims bill shall be introduced in each house of the Legislature by the chairman of the committee that considers appropriations. The local government claims bill, at the time of its introduction, shall provide for an

appropriation sufficient to pay all claims awarded pursuant to the provisions of this article, by the Board of Control during the preceding calendar year.

SEC. 11.5. Section 2260 of the Revenue and Taxation Code is amended to read:

2260. The maximum property tax rates for local agencies shall be those established pursuant to the provisions of this article or of Article 6, 7 or 8 of this chapter (commencing with Section 2201) and shall exclude the following from the determination thereof: (1) any property tax rate levied to pay the cost of interest and redemption charges on bonded or other indebtedness which was authorized prior to the effective date of this section, together with any reserve or sinking funds required in connection therewith; (2) any property tax rate levied to pay the cost of interest and redemption charges on bonded or other indebtedness which was authorized after the effective date of this section by the voters of such agency, together with any reserve or sinking funds required in connection therewith; (3) any property tax rate levied to pay the cost of interest charges on notes of a local agency issued in anticipation of bonds, if such bonds were authorized prior to the effective date of this section or were authorized by the voters of such agency after the effective date of this section, and if the principal amount of any such notes is payable only from proceeds of the sale of such bonds; (4) any property tax rate levied to pay the cost of interest and redemption charges on refunding bonds or on bonds issued pursuant to Section 53541 of the Government Code or Section 71960 of the Water Code, together with any reserve or sinking funds required in connection therewith; (5) any property tax rate levied to pay the cost of retirement and pension benefits or plans which are being provided pursuant to provisions of a city or county charter or which have been specifically approved by the voters of a local agency; (6) any property tax rate levied to pay the cost of payments or contributions which are required to be made to a special fund by specific provision of a city or county charter; (7) any property tax rate levied pursuant to a city charter procedure ordinance for the purpose of paying principal and interest on assessment bonds or for the purpose of paying annual costs of maintenance and operation of improvements financed pursuant to city charter procedure, when the levy is made in relation to benefits derived and not in accordance with the last equalized city or county assessment roll; and (8) any property tax rate levied on behalf of a county superintendent of schools.

SEC. 12. Section 2261.1 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 2261.1 is added to the Revenue and Taxation Code, to read:

2261.1. (a) Any county which was providing structural fire protection services in unincorporated areas of the county during the 1971–1972 or the 1972–1973 fiscal years and which did not levy a property tax for such services as provided in Section 25643 of the

Government Code, may establish a maximum property tax rate for such areas as provided in this section. The maximum property tax rate for such areas shall be determined in the manner provided in subdivisions (b) and (c) of Section 2264.

(b) Whenever a maximum property tax rate has been established for an unincorporated area as provided in subdivision (a), such unincorporated area shall be a "special district", as provided in Section 2216, for all purposes of this chapter.

SEC. 13.5. Section 2270 of the Revenue and Taxation Code is amended to read:

2270. A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) to pay the cost of: (1) interest and redemption charges on bonded or other indebtedness authorized prior to the effective date of this section, together with any reserve or sinking funds required in connection therewith; (2) interest and redemption charges on bonded or other indebtedness authorized after the effective date of this section by the voters of such agency, together with any reserve or sinking funds required in connection therewith; (3) interest charges on notes of a local agency issued in anticipation of bonds, if such bonds were authorized prior to the effective date of this section or were authorized by the voters of such agency after the effective date of this section, and if the principal amount of any such notes is payable only from proceeds of the sale of such bonds; (4) interest and redemption charges on refunding bonds or on bonds issued pursuant to Section 53541 of the Government Code or Section 71960 of the Water Code, together with any reserve or sinking funds required in connection therewith; (5) retirement and pension benefits or plans which are being provided pursuant to provisions of a city or county charter or which have been specifically approved by the voters of a local agency; and (6) payments or contributions which are required to be made to a special fund by specific provision of a city or county charter; provided, however, that this subdivision shall not apply to any city or county whose charter contains a provision permitting the governing body to suspend or defer such payments or contributions upon making a finding that statutory limitations on ad valorem property taxation limit the ability of the city or county to make such payments or contributions

SEC. 14. Section 2271 of the Revenue and Taxation Code is amended to read:

2271 A local agency may levy, or have levied on its behalf, a rate in addition to the maximum property tax rate established pursuant to this chapter (commencing with Section 2201) to pay costs mandated by the federal government or costs mandated by the courts or costs mandated by initiative enactment, which are not funded by federal or state government.

The Controller may audit any rate imposed under this section and any data related to the establishment thereof. If the Controller

determines that such rate exceeds a rate which would be necessary to meet the federally mandated, initiative-mandated or court-mandated costs, or if the Controller determines that such rate has been levied to pay any cost mandated by a court which has resulted from litigation entered into in order to avoid the property tax rate limits established by this chapter, or if the Controller determines that a local agency has erroneously concluded that it is subject to costs mandated by the courts or costs mandated by the federal government, he shall immediately notify the local agency of such determination, and the local agency shall reduce its property tax rate by an appropriate amount. In the event that a local agency fails to make such a reduction in its property tax rate, the Controller shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the rate.

SEC. 14.5. Section 2271.1 of the Revenue and Taxation Code as added by Chapter 108 of the Statutes of 1975 is amended to read:

2271.1. An additional property tax heretofore or hereafter levied pursuant to the provisions of Section 2271 shall not be invalidated and may continue to be levied to meet recurring costs resulting from any program or activity undertaken or implemented by a local agency in order to comply with a mandate by the federal government, by initiative enactment or the courts, notwithstanding the reversal, repeal, stay, or invalidation of such mandate, if the reversal, repeal, stay, or invalidation of the mandate occurred or occurs after the local agency has made such additional levy to satisfy continuing contractual obligations entered into in order to undertake, implement or continue the mandated program or activity.

The additional rate shall not continue to be levied if the reversal, repeal, stay, or invalidation of the mandate is upheld by a final court order.

SEC. 15. Section 2271.2 is added to the Revenue and Taxation Code, to read:

2271.2. The Controller shall prepare, and shall annually revise, advisory guidelines for use by local agencies in determining when an additional property tax rate may be levied pursuant to Section 2271.

SEC. 16. Section 2287 of the Revenue and Taxation Code is amended to read:

2287. A maximum property tax rate election shall be held according to the law otherwise applicable to elections held by such a local agency; provided that the governing body of the local agency may authorize the use of mailed ballots whenever the local agency makes a determination that the use of mailed ballots is less costly or in any manner more feasible than other election procedures. When a mailed ballot is used, the election shall not be subject to the limitations contained within Section 2504 of the Elections Code.

SEC. 17. Section 2308 of the Revenue and Taxation Code is amended to read:

2308. The maximum property tax rate for a local agency assuming

the responsibility for providing a program or service and for levying a tax to pay the cost thereof, as a result of a functional consolidation, shall be the maximum property tax rate for such agency established prior to the functional consolidation plus such additional rate as may be necessary to pay the actual costs of providing such program or service.

The Controller may audit any rate imposed under this section and if he determines that the rate exceeds a rate which would be necessary to pay the actual costs incurred as a result of functional consolidation, he shall immediately notify the local agency of such determination and the local agency shall reduce its property tax rate by an appropriate amount. In the event that a local agency fails to make such a reduction in its property tax rate, the Controller shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the rate.

SEC 18. Section 2325.1 is added to the Revenue and Taxation Code, to read:

2325.1. In the event that the Controller determines that an error has occurred in establishing a property tax rate levied pursuant to Article 4 (commencing with Section 2260) or Article 5 (commencing with Section 2270), he shall immediately notify the local agency of such error and the local agency shall reduce its property tax rate by an appropriate amount In the event that a local agency fails to make such a reduction in its property tax rate, the Controller shall request the Attorney General to bring an action under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure to force a reduction in the rate.

SEC. 18.5. The sum of thirty thousand dollars ($30,000) is hereby appropriated from the General Fund to the Department of Finance in augmentation of Item 61 of Chapter 176 of the Statutes of 1975. The augmentation is for additional costs incurred by that department pursuant to the provisions of this act.

SEC 18.6. The Legislature hereby finds and declares that the provisions of Section 2207 as added to the Revenue and Taxation Code by this act are declaratory of existing law.

SEC. 18.7 Notwithstanding the provisions of Item 84 of Section 2 of Chapter 176 of the Statutes of 1975, the sum of four million eight hundred twenty-five thousand dollars ($4,825,000) as allocated by that item is reappropriated to the State Controller for reimbursement to local taxing authorities for revenues lost in accordance with the provisions of Sections 2229 and 2230 of the Revenue and Taxation Code, and Chapter 1165 of the Statutes of 1973.

SEC. 19. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that certain ambiguities with respect to establishing

maximum property tax rates may be resolved before property tax rates are set for the 1975–76 fiscal year, and in order that local governments having claims against the State of California may have these claims adjudicated so that timely claims legislation may be introduced in 1976, it is necessary that this act take effect immediately.

CHAPTER 487

An act to add Chapter 11 (commencing with Section 6900) to Division 7 of Title 1 of the Government Code, relating to shareholders.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1 Chapter 11 (commencing with Section 6900) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 11 GOVERNMENTAL SHAREHOLDERS

6900. Whenever any governmental body is a shareholder of any corporation, and a resolution is before the shareholders which will permit or authorize cumulative voting for directors, such governmental body shall vote its shares to permit or authorize cumulative voting.

As used in this section the term "governmental body" means the state, and any office, department, division, bureau, board, commission or agency thereof, and all counties, cities, districts, public authorities, public agencies and other political subdivisions or public corporations in the state.

CHAPTER 488

An act to amend Section 24651 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University and Colleges. Persons employed and compensated as members of a California State University and Colleges police department, when so appointed and duly sworn, are peace officers; provided that such officers shall not exercise their powers or authority except (a) at the headquarters or upon any campus of the California State University and Colleges and in an area within one mile of the exterior boundaries of each such campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University and Colleges, or by trustees or the state on behalf of the California State University and Colleges, and (b) as provided in Section 830.2 of the Penal Code.

CHAPTER 489

An act to amend Section 25124 of the Government Code, and to add Sections 4766.1, 4766.2, 4766.3, 4766.4, and 4766.5 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 25124 of the Government Code is amended to read:

25124. Before the expiration of 15 days after the passage of an ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county if there is one, and if there is no newspaper published in the county, the ordinance shall be posted at the courthouse door within the 15-day period and remain posted thereafter for at least one week. A certificate of the clerk or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

SEC. 2. Section 4766.1 is added to the Health and Safety Code, to read:

4766.1. The board of supervisors of any county may adopt a model county sanitation district ordinance. The procedure for the adoption of said ordinance shall be the same as is provided for in Article 7 (commencing with Section 25120) of Chapter 1, Part 2, Division 2, Title 3 of the Government Code for the adoption of county ordinances. The ordinance may be amended by the same procedure used for the adoption of the ordinance. The ordinance and

amendments thereto shall be effective only as to districts which have adopted it by reference as hereinafter provided.

SEC. 3. Section 4766.2 is added to the Health and Safety Code, to read:

4766.2. The district board is hereby authorized to enact an ordinance which adopts by reference all or any part of a model county sanitation district ordinance. The adopting ordinance may also enact provisions to add to or amend the model sanitation district ordinance as it is applied to that district.

SEC. 4. Section 4766.3 is added to the Health and Safety Code, to read:

4766.3. Prior to adoption of any ordinance which adopts by reference all or any part of a model county sanitation district ordinance, the district board shall give notice that copies of the model ordinance being considered for adoption are on file with the clerk of the district and are open to public inspection. Such notice shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation in the district. If there is no newspaper of general circulation in the district, the notice shall be posted in the manner as provided for the posting of any proposed ordinance.

SEC. 5. Section 4766.4 is added to the Health and Safety Code, to read:

4766.4. Nothing contained in this article shall be deemed to relieve any district from the requirement of publishing in full the ordinance which adopts by reference the model sanitation district ordinance; and all provisions applicable to such publication shall be fully carried out. Such publication shall contain notice that copies of the model county sanitation district ordinance are on file with the clerk of the district and are open to public inspection.

SEC. 6. Section 4766.5 is added to the Health and Safety Code, to read:

4766.5. If at any time the model sanitation district ordinance is amended by the county board of supervisors, then the district board may adopt such amendment or amended model sanitation district ordinance by reference as provided in this article; or an ordinance may be enacted in the regular manner, setting forth the entire text of such amendment.

CHAPTER 490

An act to amend Sections 310 and 321 of the Elections Code, relating to elections.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at his option, by the designation of Miss, Ms., Mrs. or Mr. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to mark a prefix to his given name and shall be so advised by the registration clerk or deputy registrar.

(c) Affiant's place of residence; residence telephone number, if furnished; and post office address with sufficient particularity to identify it and to determine affiant's voting precinct. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his telephone number, and shall be so advised by the registration clerk or deputy registrar.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number, and shall be so advised by the registration clerk or deputy registrar.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant has been convicted of a felony which disqualifies him from voting. (Not all felony convictions disqualify him from voting.)

(j) The affiant's sex.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross,

and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 1.5. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at his option, by the designation of Miss, Ms., Mrs. or Mr. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to mark a prefix to his given name and shall be so advised by the registration clerk or deputy registrar.

(c) Affiant's place of residence; residence telephone number, if furnished; and post office address with sufficient particularity to identify it and to determine affiant's voting precinct. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his telephone number, and shall be so advised by the registration clerk or deputy registrar.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number, and shall be so advised by the registration clerk or deputy registrar.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant is currently imprisoned or on parole for the conviction of a felony, which, pursuant to Section 321.5 of this code, disqualifies him from voting, and the date and place of conviction.

(j) The affiant's sex.

The affiant shall sign the affidavit with his name at length,

including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of the Elections Code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I am a citizen of the United States, and a resident of the state, of the county, of the precinct, and will be at least 18 years of age at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including given name, middle name or initial and, at the affiant's option, the prefix Miss, Ms., Mrs., or Mr.), and my sex is:

☐ male ☐ female
(check one)

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ____, and my residence telephone number is _____. (If telephone number is not given, write or stamp "None" or "Declines to state" as appropriate.)

4. My occupation is _____.

5. My height is ____ feet ____ inches.

6. I was born in _____.
(state or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.}
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where {city / state} _____

h. My {father's / husband's / mother's} name is (was) _____

(Item h is to be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Nonpartisan" or "Declines to state," as registrant chooses. If party affiliation is not given, inform the registrant that he will be ineligible to vote in party primaries to nominate candidates for partisan office.)

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is _____ (may be omitted).

_____
(Affiant sign here.)

Residence _____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
County Clerk.

By _____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No. _____

SEC. 3. Section 321 of the Elections Code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California } ss.
County of (_____) }

The undersigned affiant, being duly sworn, says: I am a citizen of the United States, and a resident of the state, of the county, of the precinct, and will be at least 18 years of age at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including given name, middle name or initial and, at the affiant's option, the prefix Miss, Ms., or Mrs., or Mr.), and my sex is:

☐ male ☐ female
(check one)

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ____, and my residence telephone number is _____. (If telephone number is not given, write or stamp "None" or "Declines to state" as appropriate.)

4. My occupation is _____.

5. My height is ____ feet ____ inches.

6. I was born in _____.
(state or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.}
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where {city / state} _____

h. My {father's / husband's / mother's} name is (was) _____

(Item h is to be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ Party. (If affiliation is not given, write or stamp "Nonpartisan" or "Declines to state," as registrant chooses. If party affiliation is not given, inform the registrant that he will be ineligible to vote in party primaries to nominate candidates for partisan office.)

10. I am neither imprisoned nor on parole for the conviction of a felony which, pursuant to Section 321.5 of the Elections Code, disqualifies me from voting (not all felony convictions will disqualify you from voting). (If you are currently under sentence of imprisonment or on parole, mark out the word "neither" and underline the appropriate word. Write the date and place of conviction.)

11. My social security number is _____ (may be omitted).

_____

(Affiant sign here.)

Residence _____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

County Clerk.

By _____

Deputy County Clerk.

Assembly District _____

Post office address is _____ Precinct _____

Rural Route No. _____ Box No. _____

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 85 are both chaptered and become effective January 1, 1976, both bills amend Section 310 of the Elections Code, and this bill is chaptered after Assembly Bill No. 85, that the amendments to Section 310 proposed by both bills be given effect and incorporated in Section 310 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 85 are both chaptered and become effective January 1, 1976, both amend Section 310, and this bill is chaptered after Assembly Bill No. 85, in which case Section 1 of this act shall not become operative.

SEC 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 85 are both chaptered and become effective January 1, 1976, both bills amend Section 321 of the Elections Code, and this bill is chaptered after Assembly Bill No. 85, that the amendments to Section 321 proposed by both bills be given effect and incorporated in Section 321 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 321 are both chaptered and become effective January 1, 1976, both amend Section 321, and this bill is chaptered after Assembly Bill No. 85, in which case Section 2 of this act shall not become operative.

CHAPTER 491

An act to amend Section 66477.2 of, and add Section 66475.2 to the Government Code, relating to dedication for transit facilities (Subdivision Map Act).

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975.]

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

SECTION 1. Section 66475.2 is added to the Government Code, to read:

66475.2. There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of a subdivision if (a) the subdivision as shown on the tentative map has the potential for 200 dwelling units or more if developed to the maximum density shown on the adopted general plan or contains 100 acres or more, and (b) the governing body finds that transit services are or will within a reasonable time period be made available to such subdivision. Such irrevocable offers may be terminated as provided in subdivisions (c) and (d) of Section 66477.2.

The provisions of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

SEC. 2. Section 66477.2 of the Government Code is amended to read:

66477.2. (a) If at the time the final map is approved, any streets, paths, alleys, right-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, the offer of dedication shall remain open and the legislative body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, right-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

(b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high water mark must be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any public waterway, river or stream, the offer of dedication of public access route or routes from public highways to the bank of the

waterway, river or stream and the public easement along a portion of the bank of the waterway, river or stream must be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, the offer of dedication of public access route or routes from public highways to any water of such lake or reservoir must be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

(c) Offers of dedication which are covered by subsection (a) may be terminated and abandoned in the same manner as prescribed for the abandonment or vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of, or by Chapter 2 (commencing with Section 940) of Division 2 of, the Streets and Highways Code, whichever is applicable.

(d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) shall be deemed abandoned.

(e) Except as provided in Sections 66499.16, 66499.17 and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body.

CHAPTER 492

An act to amend Section 13701 of, and to add Section 13596.4 to, the Education Code, relating to school classified employees.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 13701 of the Education Code is amended to read:

13701. Any school district adopting the provisions of this article in accordance with Section 13596.1 or 13596.4 of this chapter shall cause the personnel commission to be appointed in the manner prescribed in Sections 13707, 13707.1 and 13707.2. The personnel commission shall appoint the personnel director in the manner provided in Section 13717 after appointment of at least two of its members.

SEC 2. Section 13596.4 is added to the Education Code, to read:

13596.4. The procedure set forth in Article 5 (commencing with Section 13701) of this chapter may also be adopted by a majority of the voting electors of the school districts assenting to the plan after it has been placed on the ballot upon the written petition of qualified electors not less in number than 10 percent of the number voting in

the last election for a member of the governing board. The question of adoption shall be placed on the ballot at the next regular governing board member election, or the next primary or general election in a general election year, whichever is earlier after receipt of the petition by the registrar of voters.

The ballot measure shall specify the date that the provisions of Article 5 (commencing with Section 13701) of this chapter shall be applicable to classified employees, which shall not be later than July 1 next following the date of adoption.

CHAPTER 493

An act to add Section 65302.5 to the Government Code, relating to newly incorporated cities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 65302.5 is added to the Government Code, to read.

65302.5. (a) The purpose of this section is to permit each newly incorporated city which has not adopted a general plan to continue to grant approvals for land use matters and subdivisions and to issue building permits pending adoption of a general plan. The exemptions granted by subdivision (b) of this section from certain requirements of the Government Code extends only to those requirements and are not intended to exempt the city from the requirements for findings other than those for which an exemption is granted.

(b) This section applies to each city incorporated after September 30, 1974.

(1) Notwithstanding any other provision of law, every city incorporated after September 30, 1974, shall adopt a general plan within 30 months following incorporation.

(2) The zoning ordinances of the city shall be consistent with the general plan of the city within three years of incorporation.

(3) The city's planning agency shall make its initial report to the Council on Intergovernmental Relations under Sections 34217 and 65307 within 18 months of incorporation.

(4) During the time periods specified in paragraphs (1) and (2) of this subdivision the city is not subject to the requirement that a general plan be adopted or the time within which it must be adopted or the requirement that the land use be compatible or consistent with the general plan all as required by Government Code Section 65302, 65563, 65567, 65860, 65910, 66473.5 or subdivisions (a) or (b) of

Section 66474, so long as:

(A) The city is proceeding with the preparation of a general plan; and

(B) There is a finding by the city:

(i) That there is reasonable probability that the land use proposed in an application for a subdivision, rezoning, land use permit, variance or building permit will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time;

(ii) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the use proposed is ultimately inconsistent with the general plan;

(iii) As to all other matters required to be found by state law or local ordinance before the approval is granted.

(5) The city shall not suffer detriment, disability or penalty if it fails to meet the time limitations on actions as specified in paragraphs (1) to (3), inclusive.

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

The provisions of law prescribing dates certain by which specified actions relating to planning and zoning must be taken by local agencies, provide no exceptions for newly incorporated cities. The date of their incorporation renders such prescribed dates impossible to meet or to meet in an orderly manner consistent with the intent of such laws, thereby subjecting such newly incorporated cities to potential loss of revenues, potential litigation, or other detriments. It is, therefore, necessary that this act take effect immediately.

CHAPTER 494

An act to amend Section 18823 of the Revenue and Taxation Code, relating to personal income tax withholding statements.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 18823 of the Revenue and Taxation Code is amended to read·

18823. (a) Every employer or person required to deduct and withhold from an employee a tax under Section 18806, or who would have been required to deduct and withhold a tax under Section 18806 (determined without regard to paragraph (1) of subdivision (f)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the

remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person;

(2) The name of the employee (and his social security or identifying number if wages as defined in Section 18807 have been paid);

(3) The total amount of wages as defined in Section 18807; and

(4) The total amount deducted and withheld as tax under Section 18806.

(5) The total amount of unemployment compensation disability insurance contributions paid by the employee pursuant to Section 2901 or Section 3260 of the Unemployment Insurance Code.

In the case of tips received by an employee in the course of his employment, the amounts required to be shown by paragraph (3) shall include only such tips as are included in statements furnished to the employer pursuant to Section 18824.

(b) The statement required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Franchise Tax Board may by regulations prescribe.

(c) A duplicate of any statement made pursuant to this section and in accordance with regulations prescribed by the Franchise Tax Board shall, when required by such regulations be filed with the Franchise Tax Board.

(d) Every employer shall make an annual return on forms prescribed by the Franchise Tax Board, summarizing the total compensation paid and the tax withheld for each employee during the calendar year, which shall be filed at such time as may be prescribed by the Franchise Tax Board.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 3. The amendments to Section 18823 of the Revenue and Taxation Code made by this act are applicable to statements required to be furnished to employees after January 31, 1976.

CHAPTER 495

An act to amend Section 27400 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 27400 of the Vehicle Code is amended to read:

27400. No person operating any motor vehicle shall wear any headset covering, or any earplugs in, both ears. The provisions of this section shall not apply to:

(a) Law enforcement personnel when on duty.

(b) Any person engaged in the operation of either special construction equipment or equipment for use in the maintenance of any highway.

CHAPTER 496

An act to amend Section 23425 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 23425 of the Business and Professions Code is amended to read:

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subdivision shall actively operate in not less than 20 states of the Union and have not less than 200 local units in those 20 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

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CHAPTER 497

An act to amend Section 4359 of the Civil Code, relating to dissolution of marriage.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 4359 of the Civil Code is amended to read:

4359. During the pendency of any proceeding under Title 2 (commencing with Section 4400) or Title 3 (commencing with Section 4500) of this part, upon application of either party in the manner provided by Section 527 of the Code of Civil Procedure, the superior court may issue ex parte orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life, and if such order is directed against a party, requiring him to notify the other party of any proposed extraordinary expenditures and to account to the court for all such extraordinary expenditures; (2) enjoining any party from molesting or disturbing the peace of the other party or any person under the care, custody, or control of the other party; (3) excluding either party from the family dwelling or from the dwelling of the other upon a showing that physical or emotional harm would otherwise result, as provided in Section 5102; and (4) determining the temporary custody of any minor children of the marriage.

CHAPTER 498

An act to add Sections 53682 and 53683 to the Government Code, relating to local agencies.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 53682 is added to the Government Code, to read:

53682. Notwithstanding any other provision in this article except Section 53652, the treasurer may deposit moneys in and enter into contracts with any depository, as defined in subdivision (c) of Section 53630, for services to be rendered by such depository which in the treasurer's judgment is to the public advantage. One copy of each such contract shall be filed with the auditor or corresponding officer of the local agency. The contract shall:

(a) Fix the duration of compensating deposits, if any;
(b) Fix the interest rate of such compensating deposit, if any;
(c) Specify the services to be rendered by the depository;
(d) Indicate whether the depository shall bear the expenses of transportation of the money to and from the depository;
(e) Fix the consideration payable by the agency for such services.

SEC. 2. Section 53683 is added to the Government Code, to read:

53683. Notwithstanding any other provision in this article, the consideration payable by the agency as specified in subdivision (d) of Section 53682 shall be paid by the treasurer by applying such consideration as costs applied on a pro rata basis against the interest earned by all the agencies for which the treasurer invests.

CHAPTER 499

An act to amend Sections 81005, 82035 and 87200 of the Government Code, relating to conflicts of interest and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 81005 of the Government Code is amended to read:

81005. Reports and statements required by this title shall be filed as follows:

(a) Reports and statements required by Chapter 6 and reports and statements of statewide elected officers, candidates for statewide elective office, committees supporting such candidates, state central committees of political parties, and committees supporting or opposing statewide measures—one original and one copy with the Secretary of State and, except for reports and statements required by Chapter 6, two copies with the clerk of Los Angeles County and two copies with the clerk of the City and County of San Francisco;

(b) Reports and statements of candidates for and persons holding the office of superior court judge, Member of the State Legislature, and member of the Board of Equalization, and of committees supporting such candidates—one original and one copy with the Secretary of State, and two copies with the clerk of each county which in whole or in part is included in the district;

(c) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates and committees supporting or opposing measures to be voted on in more than one county but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies

with the clerk of each additional county wholly or partially included in the district;

(d) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon wholly within one city, of committees supporting such candidates and committees supporting or opposing measures to be voted upon wholly within one city—one original and one copy with the city clerk.

(e) Reports and statements of candidates for and persons holding any elective office not mentioned above, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk.

(f) Reports and statements of the county central committees of political parties—one original and one copy with the Secretary of State, and two copies with the county clerk.

(g) All reports and statements required by Chapter 7—one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body. "Code reviewing body" as used in this subdivision means the commission for the purpose of filing financial disclosure statements prepared pursuant to Article 2 (commencing with Section 87200) of Chapter 7. "Agency" as used in this subdivision means the clerk of the court for judges of courts of record.

SEC. 2. Section 82035 of the Government Code is amended to read:

82035. "Jurisdiction" means the state with respect to a state agency and, with respect to a local government agency, the region, county, city, district or other geographical area in which it has jurisdiction. The jurisdiction of a member of a regional coastal zone conservation commission shall be the permit area in which the regional commission has jurisdiction. Real property shall be deemed to be "within the jurisdiction" with respect to a local government agency if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency.

SEC. 3. Section 87200 of the Government Code is amended to read:

87200. This article is applicable to elected state officers, judges of courts of record, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Zone Conservation Commission, members of the board of supervisors, district attorneys and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, members of each of the six regional coastal zone conservation commissions, and to candidates for any of these offices at any election.

SEC. 3.5. Every public officer who is subject to the requirements of Article 2 (commencing with Section 87200) of Chapter 7 of Title 9 of the Government Code due to the provisions of this act shall file his first financial disclosure statement disclosing his investments and interests in real property during January 1976. Thereafter such reports shall be filed as provided for by Section 87203 of the Government Code.

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

The Legislature hereby finds and declares that this act is necessary and must go into immediate effect in order to protect the public interest and in order that the intent of the Political Reform Act of 1974 be carried out by requiring that all branches of government be subject to the conflict of interest and financial disclosure provisions of the act.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 500

An act to amend Section 1431 of the Probate Code, relating to compromise of minor's claims.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975.]

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

SECTION 1. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, a parent of the minor entitled to the care, custody, or control of the minor, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as

hereinafter prescribed; provided, however, that if the court shall order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company, invested in an account in an insured savings and loan association, or shares of an insured credit union, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor pursuant to a compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

CHAPTER 501

An act to amend Section 21113 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, or any property under the direct control of the legislative body of a municipality, or any state, county, or hospital district institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, or state, county, or hospital district institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

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

(c) When any governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on such property, which had been permitted as of the effective date of the amendments to this section made during the 1975–76 Regular Session of the Legislature, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on such property should be prohibited or regulated.

CHAPTER 502

An act to amend Sections 2501, 2525, 2525.2, 2525.4, 2525.6, and 2525.12 of, and to amend the heading of Article 3.5 (commencing with Section 2525) of Chapter 2.5 of Division 2 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 2501 of the Vehicle Code is amended to read:

2501. The Commissioner of the California Highway Patrol shall have the authority to issue licenses for the operation of privately owned and operated ambulances used to respond to emergency calls, armored cars, fleet owner inspection and maintenance stations, and for the transportation of explosives. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the commissioner pursuant thereto. All licenses issued by the commissioner shall expire one year from the date of issue. Licenses may be renewed upon application and payment of the renewal fees if the application for renewal is made within the 30-day period prior to the date of expiration. Persons whose licenses have expired shall immediately cease the activity requiring a license, but the commissioner shall accept applications for renewal during the 30-day period following the date of expiration if they are accompanied by the new license fee. In no case shall a license be renewed where the application is received more than 30 days after the date of expiration.

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SEC. 2. The heading of Article 3.5 (commencing with Section 2525) of Chapter 2.5 of Division 2 of the Vehicle Code is amended to read:

Article 3.5. Inspection and Maintenance Stations

SEC. 3. Section 2525 of the Vehicle Code is amended to read:

2525. For purposes of this article:

(a) "Fleet owner" means an owner of a fleet of three or more vehicles that are any one or more of the types specified in Section 34500 who is engaged in the transportation of persons or property and whose vehicles are registered in California.

(b) "Inspection and maintenance station" means a facility operated by a fleet owner to inspect and maintain his own vehicles and licensed by the commissioner pursuant to this chapter.

SEC. 4. Section 2525.2 of the Vehicle Code is amended to read:

2525.2. The commissioner may adopt such regulations as are necessary to administer the provisions of this article. A fleet owner licensed by the commissioner as an inspection and maintenance station pursuant to this chapter shall comply with such regulations.

SEC. 5. Section 2525.4 of the Vehicle Code is amended to read:

2525.4 Fleet owners licensed as inspection and maintenance stations shall do all of the following:

(a) Conduct all installations, adjustments, inspections, and maintenance under the supervision of, and subject to the regulations of, the department, and subject to Division 12 (commencing with Section 24000).

(b) If engaged in interstate transportation, also conduct inspections and maintenance in accordance with the requirements of the United States Department of Transportation.

Fleet owners may not certify the adjustment of lamps or brakes or the installation, inspection, repair, or servicing of motor vehicle pollution control devices or systems, except for vehicles in the owner's fleet.

SEC. 6. Section 2525.6 of the Vehicle Code is amended to read:

2525.6. Each fleet owner licensed as an inspection and maintenance station may place upon a vehicle which it has inspected and maintained, or upon which it has installed or adjusted required equipment, a sticker, in a form approved by the commissioner, certifying the compliance of such vehicle with all pertinent requirements imposed upon such vehicle by this code or regulations adopted thereunder and, if applicable, by the United States Department of Transportation. Such stickers shall remain valid for a period of one year and shall not be placed on any vehicle which is not part of the fleet.

SEC. 7. Section 2525.12 of the Vehicle Code is amended to read:

2525.12. The commissioner may charge a fee for the stickers furnished to fleet owner inspection and maintenance stations The fee charged shall be established by regulation and shall not produce

a total estimated revenue which, together with license fees charged pursuant to Sections 2502 and 2503, is in excess of the estimated total cost to the department of the administration of the statutes relating to fleet owner inspection and maintenance stations.

CHAPTER 503

An act to amend Section 21114.5 of, and to add Section 21100.4 to, the Vehicle Code, relating to local authorities.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 21100.4 is added to the Vehicle Code, to read:

21100.4. Local authorities may adopt rules and regulations by ordinance or resolution regarding the operation of electric carts on the public sidewalks by employees of the United States Postal Service, state and local governmental agencies, or utility companies, while in the course of their employment.

SEC. 2. Section 21114.5 of the Vehicle Code is amended to read:

21114.5. Notwithstanding Section 21663 or any other provision of this code, local authorities may, by ordinance, authorize the operation of electric carts by physically disabled persons, or persons 50 years of age or older, or, while in the course of their employment, by employees of the United States Postal Service, state and local governmental agencies, or utility companies, on public sidewalks. Any such ordinance shall, however, contain provisions requiring any such disabled person or person 50 years of age or older who owns an electric cart to apply to the local authority for a permit and an identification sticker to so operate the cart, and requiring such person to affix such sticker to the cart in order to operate it on the sidewalk.

CHAPTER 504

An act to amend Section 21406 of the Government Code, relating to state employees.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 5, 1975]

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

SECTION 1. Section 21406 of the Government Code is amended to read:

21406. The effective period of insurance shall be the 1974–75 fiscal year. The effective period of insurance shall be extended by the board annually thereafter to the succeeding fiscal year unless order of the Governor promulgated prior to January 1 of the preceding fiscal year directs that such extension not be made.

CHAPTER 505

An act to repeal and add Article 2 (commencing with Section 11800) of Chapter 4 of Division 5 of the Vehicle Code, relating to vehicle salesmen, and making an appropriation therefor.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 5, 1975]

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

SECTION 1. Article 2 (commencing with Section 11800) of Chapter 4 of Division 5 of the Vehicle Code is repealed.

SEC. 2. Article 2 (commencing with Section 11800) is added to Chapter 4 of Division 5 of the Vehicle Code, to read:

Article 2. Vehicle Salesmen

11800. It shall be unlawful for any person to act as a vehicle salesman without having first procured a license or temporary permit issued by the department or when such license or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

11802. (a) The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, as a condition precedent to issuance of any such license, such information touching on and concerning the applicant's character, honesty, integrity, and reputation as it may consider it necessary; provided, however, that every application for a vehicle salesman's license shall contain, in addition to such information as the department may require, a statement of the following facts·

(1) Name and address of the applicant.

(2) Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of his activities in conjunction with an occupational license under this division and whether such judgment remains unpaid or unsatisfied.

(3) Whether the applicant ever had a license, issued under the authority of this division, revoked, suspended, or subjected to other disciplinary action and whether the applicant was ever a partner in

a partnership or an officer, director, or stockholder in a corporation licensed under the authority of this division, the license of which was revoked, suspended, or subjected to other disciplinary action.

(b) The department shall issue a license bearing a fullface photograph of the licensee and the following information:

(1) Name and address.

(2) Physical description.

(3) The licensee's usual signature.

(4) Distinguishing vehicle salesman's license number.

11804. The department may issue, or for reasonable cause shown, refuse to issue, a license to any applicant applying for a vehicle salesman's license.

11806. The department may refuse to issue a vehicle salesman's license when it determines that:

(1) The applicant or licensee has outstanding an unsatisfied final court judgment rendered in connection with an activity licensed under the authority of this division.

(2) The applicant has failed to pay over funds or property received in the course of employment to a dealer entitled thereto.

(3) The applicant has failed to surrender possession of or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

(4) A cause for refusal exists under Section 11703.

(5) The applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character. The conviction of a crime, including a conviction after a plea of nolo contendere, involving moral turpitude shall be prima facie evidence that the applicant is not of good moral character.

11808. The department, after notice and hearing, may suspend or revoke the license issued to a vehicle salesman upon determining that the person to whom the license was issued is not lawfully entitled thereto, or has violated any of the provisions of this division.

Every hearing as provided for in this article shall be conducted pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

11810. (a) The department may, pending a hearing, temporarily suspend the license issued to a vehicle salesman for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case, a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

(b) Except where the provisions of this code require the refusal to issue a license, the department may issue a probationary license subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) If the department issues or renews a vehicle salesman's license requiring conditions of probation or if the department refuses to issue a vehicle salesman's license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal to issue or issuance of the probationary license.

(d) A person whose application for a license has been denied may reapply for such license after a period of not less than one year has elapsed from the date of filing of such denial; provided, however, that if such denial was filed under the authority of subdivision (1) of Section 11806, an earlier reapplication may be made accompanied by evidence satisfactory to the department that such grounds no longer exist.

11812. (a) Every vehicle salesman shall, at time of employment, deliver to his employing dealer his salesman's license to be posted in a place conspicuous to the public on the premises of the employing dealer.

(b) The license shall be displayed continuously during such employment. In the event a vehicle salesman's employment is terminated, the license shall be returned to the salesman.

(c) Every dealer shall notify the department immediately by mail of the employment or termination of a vehicle salesman.

11814. (a) Every original vehicle salesman's license issued after January 1, 1976, shall expire on the third birthdate of the applicant following the date of the application for the license.

(b) Renewal of any vehicle salesman's license shall be made for a term which shall expire on the third birthdate of the applicant following the expiration of the license renewed.

(c) Renewal of a vehicle salesman's license may be made more than 90 days prior to the expiration date, but an additional fee shall be added if the renewal is not made within 30 days prior to expiration. However, in no event may a vehicle salesman renew his license after the date of expiration.

(d) A salesman shall obtain a duplicate license when the original is either lost or mutilated.

11816. In order to accomplish the conversion of the salesman's license from the term in effect on December 31, 1975, to the term prescribed in Section 11814, the director may either establish an initial renewal period of less than two years or extend the renewal period to more than two years during the conversion period, except that any new or reinstated license issued after January 1, 1976, shall be for the term prescribed in Section 11814.

11818. It shall be unlawful and a cause for disciplinary action for the holder of any license issued under this article to do any of the following:

(a) Knowingly use or permit the use of special plates assigned to the employing dealer for any purpose other than permitted by Section 11715.

(b) Act as a dealer by purchasing and selling vehicles while employed by a licensed dealer without reporting the same to the dealer or utilizing the report of sale documents issued to the dealer.

(c) Act as a vehicle salesman or engage in such activity for or on behalf of more than a single employer that is a licensed dealer, except that nothing contained in this section shall be deemed to restrict the number of dealerships of which a person may be an owner, officer, or director.

(d) Violate any of the provisions of Sections 11713 and 11713.1.

(e) Act as a vehicle salesman without having first complied with Section 11812.

11820. The following fees shall be paid to the department:

(a) Application fee for the original issuance of a license, thirty dollars ($30).

(b) Renewal fee, twenty dollars ($20).

(c) Late renewal fee, five dollars ($5).

(d) Duplicate license, fifteen dollars ($15).

11822. The vehicle salesman's license or any permit provided in this article shall be automatically canceled upon the failure of a licensee to file an application for renewal of the license or permit before the date of expiration of the current license or permit.

11824. The suspension, expiration, or cancellation of a vehicle salesman's license provided for in this article shall not prevent the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled license as provided in Section 11808, and the department's decision that such license should be suspended or revoked. Such determination may be considered in granting or refusing to grant any subsequent license authorized by this division to such licensee.

SEC. 3. The sum of twenty-three thousand dollars ($23,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for costs necessary to implement the provisions of this act.

CHAPTER 506

An act to add Section 364.2 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 364.2 is added to the Streets and Highways Code, to read:

364.2. Notwithstanding Section 253.4, the California freeway and expressway system shall not include that portion of Route 64 from

Route 101 near Hidden Hills to Route 5.

CHAPTER 507

An act to repeal Section 8379 of the Fish and Game Code, relating to skipjack.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 8379 of the Fish and Game Code is repealed.

CHAPTER 508

An act to amend Section 8352.6 of the Revenue and Taxation Code, relating to transfers from the Motor Vehicle Fuel Account, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund created by Section 38225 of the Vehicle Code the following amounts:

(a) Prior to October 1, 1973, the amount of the estimate contained in the report prepared pursuant to this section for the 1972–1973 fiscal year, less the amount of any refunds reimbursed and repaid pursuant to Section 8101, which is attributable to fuel for vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(b) Prior to October 1, 1974, and prior to the first day of October of each year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(c) The amounts described in subdivisions (a) and (b) represent the portion of receipts in the Motor Vehicle Fuel Account attributable to taxes imposed upon distributions of motor vehicle fuel used in off-highway operation of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which

a refund has not been claimed. Payments made pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(d) On or before August 15, 1973, and every two years thereafter, the Department of Transportation shall prepare, or cause to be prepared, in cooperation with the Department of Parks and Recreation, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used in the off-highway operation of vehicles identified under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed; and shall submit a copy of such report to the Legislature.

SEC. 2. Subject to the provisions of Sections 8352 and 8352.1 of the Revenue and Taxation Code, there shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund the sum of three hundred thirty-four thousand one hundred sixty-seven dollars ($334,167) which is the additional amount necessary to reflect current calculations for the 1973–74 fiscal year.

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

Recent calculations indicate that the amount of revenues transferred from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund is out of line to a significant degree with the proper amount which should be transferred. In order to rectify this error relating to the 1973–74 fiscal year during the 1974–75 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 509

An act to amend Section 4701 of the Civil Code and Section 690.18 of the Code of Civil Procedure, relating to exemptions from execution.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

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

SECTION 1. Section 4701 of the Civil Code is amended to read:

4701. (a) In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as

will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court. The employer shall cooperate with and provide relevant employment information to the district attorney for the purpose of enforcing the child support obligation.

(b) Notwithstanding the provisions of subdivision (a), in any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, upon both a petition by the person to whom support has been ordered to have been paid and a finding by the court that the parent so ordered is in arrears in payment in a sum equal to the amount of two months of such payments within the 24-month period immediately preceding submission of such petition, the court shall order the defaulting parent to assign either to the person to whom support has been ordered to have been paid or to a county officer designated by the court to receive such payment, that portion of the salary or wages of the parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of the minor child. Such an order shall operate as an assignment and shall be binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. The Judicial Council shall prescribe forms for such orders. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to the order. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

The parent to whom support has been ordered to be paid shall notify the court and the employer of the parent ordered to pay support, by any form of mail requiring a return receipt, of any change of address within a reasonable period of time after any such change. In instances in which payments have been ordered to be made to a county officer designated by the court, the parent to whom support has been ordered to be paid shall notify the court and such county officer, by any form of mail requiring a return receipt, of any address change within a reasonable period of time after any such change. If the employer or county officer is unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address, the employer or county officer shall not make any further payments

under the assignment and shall return all undeliverable payments to the employee.

For purposes of this subdivision, arrearages in payment shall be computed on the basis of the payments owed and unpaid on the date that the defaulting parent has been given notice pursuant to law of the application for the order of assignment, and the fact that the defaulting parent may have subsequently paid such arrearages shall not relieve the court of its duty under this subdivision to order the assignment.

Upon a petition by the defaulting parent, the court shall terminate such order of assignment entered pursuant to this subdivision if (1) there has been 18 continuous and uninterrupted months of full payment under the wage assignment or (2) the employer or county officer has been unable to deliver payments under the assignment for a period of three months due to the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address.

(c) No employer shall use any assignment authorized by this section as grounds for the dismissal of such employee.

(d) As used in this section "employer" includes the United States government and any public entity as defined in Section 811.2 of the Government Code.

(e) On declaration or affidavit of the parent to whom support has been ordered to be paid to the court that: (1) the parent ordered to make support payments is in default in such payment in the amount specified in subdivision (b), and (2) the whereabouts of such defaulting parent or the identity of his employer are unknown to the parent to whom support has been ordered to be paid, the district attorney shall contact the central registry maintained by the Department of Justice in the manner prescribed in Section 11478.5 of the Welfare and Institutions Code, and upon receiving the requested information, notify the court of the last known address of the absent parent and the name and address of the absent parent's last known employer. The court shall then order the parent obligated to make support payments to show cause why an order for assignment pursuant to subdivision (b) should not issue. The county may charge a reasonable fee not to exceed two dollars and fifty cents ($2.50) for the services of the district attorney under this subdivision.

(f) Nothing in this section shall limit the authority of the district attorney to utilize any and all civil and criminal remedies to enforce child support obligations regardless of whether or not the custodial parent receives welfare moneys.

(g) Notwithstanding any other provision of law, the provisions of this section shall be applicable to all money received by any person as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body

of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute.

(h) Notwithstanding any other provision of law, when a certified copy of any order of assignment is served on any public entity described in subdivision (g), other than the United States government, such entity shall comply with any request for a return of employee contributions by an employee named in such order by delivering such contributions to the clerk of the court from which such order issued, unless the entity has received a certified copy of an order terminating the order of assignment. Upon receipt of moneys pursuant to this section, the clerk of the court, within 10 days, shall send written notice of such fact to the parties, and any agency through whom payments have been ordered under Section 4702. Such moneys shall be subject to any procedure available to enforce an order for child support, but if no enforcement procedure is commenced after 30 days have elapsed from the date the notice of receipt is sent, the clerk shall, upon request, release the moneys to the defaulting parent. A court shall not directly or indirectly condition the issuance, modification, or termination of, or condition the terms or conditions of, any order for the support of a minor child upon the issuance of such a request by such an employee

SEC. 2. Section 690 18 of the Code of Civil Procedure is amended to read:

690.18. (a) Except with regard to court-ordered child or spousal support payments, all money received by any person, a resident of the state, as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon, from the United States government, or from the state, or any county, city, or city and county, or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute, whether the same shall be in the actual possession of such pensioner or beneficiary, or deposited by him.

(b) All money held, controlled, or in process of distribution by the state, or a city, city and county, county, or other political subdivision of the state, or any public trust or public corporation, or the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other political subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof, for retirement or pension purposes or the payment of disability, death, or other benefits, or the payment of benefits payable to, or the reimbursement of benefits paid to, employees thereof under the provisions of the Unemployment Insurance Code, and all rights and benefits accrued or accruing to any person under any system established pursuant to statute by the

state, city, city and county, county, or other political subdivision of the state, or any public trust or public corporation for retirement, annuity, or pension purposes or payment of disability or death benefits, and all vacation credits accumulated by a state employee pursuant to the provisions of Section 18050 of the Government Code, or any other public employee pursuant to any law for the accumulation of vacation credits applicable to such employee. Such moneys, benefits, and credits shall be exempt without filing a claim of exemption as provided in Section 690.50.

(c) All money held, controlled, or in process of distribution by any private retirement plan, including, but not limited to, union retirement plans, or any profit-sharing plan designed and used for retirement purposes, or the payment of benefits as an annuity, pension, retirement allowance, disability payment or death benefit from such retirement or profit-sharing plans, and all contributions and interest thereon returned to any member of any such retirement or profit-sharing plan, are exempt from execution, attachment, or garnishment in any bankruptcy proceeding The exemption given by this subdivision shall not apply to any moneys held in any retirement program established pursuant to the Federal "Self-Employed Individuals Tax Retirement Act of 1962" (P.L. 87-792; 76 Stat. 809), nor to any moneys received in any manner by persons from any such retirement program so established.

CHAPTER 510

An act to amend Sections 1162 and 1163 of the Education Code, relating to school elections.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 1162 of the Education Code is amended to read:

1162. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district governing board shall, within 30 days of the vacancy or the filing of the deferred resignation, either call an election or make a provisional appointment to fill the vacancy.

(b) When an election is called, it shall be held on the next established election date provided pursuant to Section 2504 of the Elections Code not less than 74 days after the occurrence of the vacancy or after the written resignation is filed with the county superintendent of schools.

(c) If a provisional appointment is made within the 30-day period,

the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the appropriate percentage of registered voters of the district who voted in the last regular election for governing board members, as follows:

(1) In districts in which less than 75,000 voters voted 5 percent of the number of such voters.

(2) In districts in which 75,000 or more, but less than 200,000, voters voted 3,750 plus 2½ percent of the number, over 75,000, of such voters.

(3) In districts in which 200,000 or more voted 6,875 plus 1 percent of the number, over 200,000, of such voters.

The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall call a special election to be conducted no later than the 120th day after the determination.

(d) A provisional appointment made pursuant to subdivision (a) confers no powers or duties of a governing board member upon the appointee during the 30-day period following his appointment and within which a petition calling for a special election may be filed. If a petition is not filed within the 30-day period, the appointee shall thereafter have all the powers and perform all the duties of a governing board member.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) No person appointed as a successor to serve during the remainder of or a portion of a term in which a vacancy occurs shall be designated as an incumbent, a member of the governing board, a school board member, or other designation indicating incumbency, for purposes of the next general election of governing board members.

(g) Whenever a petition calling for a special election is circulated, the petition shall contain the clerk's estimate of the cost of conducting the special election.

(h) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

SEC. 2. Section 1163 of the Education Code is amended to read:

1163. (a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position and the incumbent is

not reelected to fill the position

(b) Section 1162 shall not apply to a vacancy on a governing board if the vacancy occurs during the period between four months and 74 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following the election and shall serve only until the end of the term of the position which he was elected to fill.

(c) If a special election pursuant to Section 1162 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

CHAPTER 511

An act to amend Section 7159 of the Business and Professions Code, relating to home improvement contracts.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 7159 of the Business and Professions Code is amended to read:

7159. This section shall apply only to home improvement contracts, as defined in Section 7151.2, between a contractor, whether a general contractor or a specialty contractor who is licensed or subject to be licensed pursuant to this chapter with regard to such transaction and who contracts with an owner or tenant for work upon a building or structure for proposed repairing, remodeling, altering, converting, or modernizing such building or structure and where the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars ($500).

Every home improvement contract and any changes in the contract subject to the provisions of this section shall be evidenced by a writing and shall be signed by all the parties to the contract thereto. The writing shall contain the following:

(a) The name, address, and license number of the contractor, and the name and registration number of any salesman who solicited or negotiated the contract.

(b) The approximate dates when the work will begin and be substantially completed.

(c) A description of the work to be done and description of the materials to be used and the agreed consideration for the work.

(d) A schedule of payments showing the amount of each payment as a sum in dollars and cents

(e) If the payment schedule contained in the contract provides for a downpayment to be paid to the contractor by the owner or the tenant before the commencement of work, such downpayment shall not exceed one hundred dollars ($100) or 1 percent of the contract price, whichever is the greater.

(f) In no event shall the payment schedule provide for the contractor to receive payment in excess of 100 percent of the value of the work performed on the project at any time, except that the contractor may receive an initial downpayment authorized by subdivision (e).

(g) The requirements of subdivisions (d), (e) and (f) pertaining to the payment schedule shall not apply when the contract provides for the contractor to furnish performance and payment bond, lien and completion bond, or a bond equivalent approved by the Registrar of Contractors covering 100 percent of the contract and such bonds are furnished by the contractor, or when the parties agree for full payment to be made upon satisfactory completion of the project.

The writing may also contain other matters agreed to by the parties to the contract.

The writing shall be legible and shall be in such form as to clearly describe any other document which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.

The provisions of this section are not exclusive and do not relieve the contractor or any contract subject to it from compliance with all other applicable provisions of law.

A violation of this section by a licensee under this chapter, his agent or salesman is a misdemeanor punishable by a fine of not less than one hundred dollars ($100) nor more than five thousand dollars ($5,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 512

An act to amend Sections 13100 and 15203 of, and to repeal Sections 13101 and 13102 of, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 13100 of the Welfare and Institutions Code is amended to read:

13100. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals the following:

(a) For an applicant or recipient an amount equal to the grant of a blind applicant or recipient under Article 5 (commencing with Section 12200) of Chapter 3 of this part plus cost-of-living adjustments and any other increases or decreases in such grant pursuant to Section 12201 or any other provision of law.

(b) For a married couple both qualifying for aid under this chapter an amount equal to the grant of a married couple both qualifying for aid under Article 5 (commencing with Section 12200) of Chapter 3 of this part as blind plus cost-of-living adjustments and other increases or decreases in such grant pursuant to Section 12201 or any other provision of law.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section, an additional amount of aid shall be paid as provided by Section 13101 of this code.

Annual net income from any of the following sources of a combined total value not exceeding one thousand five hundred dollars ($1,500), increased by one-half of that part of the recipient's annual income which is in excess of one thousand five hundred dollars ($1,500), shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood or water, or both, produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

SEC. 1.5. Section 13101 of the Welfare and Institutions Code is repealed.

SEC 2. Section 13102 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 15203 of the Welfare and Institutions Code is amended to read:

15203. The state shall pay for an amount equal to the amount of any grant made by the county for blind persons who come within the provisions of Chapter 5 (commencing with Section 13000) of this part by any appropriation therefor in the Budget Act.

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

Recent cost-of-living increases granted to the aged, blind, and disabled recipients pursuant to Section 12201 of the Welfare and Institutions Code have created a significant discrepancy between grant levels under the Burton-Moscone-Bagley Citizens' Income Security Act for Aged, Blind, and Disabled Californians and grant levels under the self-supporting blind program. In order to eliminate such discrepancies at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 513

An act to repeal Division 9 (commencing with Section 9000) of, and to add Division 9 (commencing with Section 9001) to, the Public Resources Code, relating to resource conservation.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Division 9 (commencing with Section 9000) of the Public Resources Code is repealed.

SEC. 2. Division 9 (commencing with Section 9001) is added to the Public Resources Code, to read:

DIVISION 9. RESOURCE CONSERVATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy of State

9001. The Legislature hereby declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and related natural resource conservation and hereby declares that the provisions of this division are enacted to accomplish the following purposes:

(a) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation practices, including but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.

(b) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs. Such districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this state, counties, cities, public districts, other resource conservation districts, persons, associations, and corporations.

(2) With the consent of the owner, to construct on privately or publicly owned lands necessary works for the prevention and control of soil erosion and erosion stabilization.

Such districts shall not have legal authority to conserve water for power purposes or to produce or distribute power for their own use or for the use of others.

9002. It is hereby declared as a matter of legislative determination:

(a) That the construction and maintenance on privately or publicly owned land of works for resource conservation is in the general public interest and for the general public benefit.

(b) That the expenditure of state, county, city, district, or other public funds that are available or may become available for planning, designing, or implementing the above and for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

Article 2. Definitions

9015. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

9016. "Commission" means the State Resource Conservation Commission.

9017. "Department" means the Department of Conservation.

9018. "Director" means the Director of Conservation.

9019. "Division" means the Division of Resource Conservation of

the department.

9020. "Chief" means the Chief of the Division of Resource Conservation.

9021. "District" or "soil conservation district" means a resource conservation district.

9022. "Public district" means a district established under the law of this state, other than a resource conservation district.

9023. "Directors" means the board of directors of a district, and when powers are conferred or duties are imposed upon directors in this division the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals.

9024. "Board" means the county board of supervisors.

9025. "Principal county" means the county in which all or the greatest portion of privately owned land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the privately owned area in the consolidated district is located.

9026. "Principal district" means the district which has the greater land area of two districts proposed to be consolidated.

9027. "Landowner" or "owner of land" includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California. A guardian, executor, administrator, or other person holding property in a trust capacity under an appointment of court is the "owner" of such property for the purposes of this division and as such may do and perform any act provided for herein when authorized by an order of court which order may be made without notice.

If any land is assessed on the assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, the land has, for the purposes of this division, but one owner in addition to any owner or owners whose true name or names may be purported to be given on the assessment book.

The holder of title to an undivided interest in any land is an owner as to his interest for the purposes of this division, and such undivided interests shall be counted and valued as though they were separate interests. If the assessment roll fails to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined are owners for the purposes of this division, of equal shares therein.

The value of any land and the owners of any land are conclusively determined, for the purposes of this division, by the last equalized assessment roll.

9028. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person

in actual possession of land is a land occupant regardless of his right of possession.

9029. "Voter" means a person registered as an elector pursuant to the provisions of Chapter 2 (commencing with Section 200) of Division 1 of the Elections Code and residing within the district.

9030. "Proxy" means a written authorization to sign a petition. Landowners may sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The holder of a proxy of an individual landowner shall be an individual 18 years of age or over or a corporation, partnership, or other legal entity. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may sign a petition only by proxy.

9031. "Person" includes person, association, or corporation.

9032. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

9033. "Assessment records" includes the assessment roll and all maps and other records relating to the assessment, levy, and collection of taxes, whether in the custody of the assessor or not.

9034. "Assessor" means the assessing officer of a county by whatever title he may be known.

Article 3. Applicability

9041. This Division 9 of the Public Resources Code, insofar as it is substantially the same as the Division 9 of that code repealed upon the enactment of this Division 9, shall be construed as a restatement and continuation of the existing law and not as a new enactment nor shall anything in this division impair the validity, the rights, or the obligations of any district formed prior to the effective date of this act.

9042. No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed upon the enactment of this Division 9 commenced before the effective date of this Division 9, and no right accrued, pursuant to that repealed Division 9, is affected by the provisions of this Division 9, but any step thereafter taken in such action or proceeding shall conform to the provisions of this Division 9 insofar as is possible.

9043. All persons who, at the time this Division 9 (commencing with Section 9001) goes into effect, are officers or employees of a soil conservation district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers or employees, of a resource conservation district as though Division 9 had not been repealed.

CHAPTER 2. THE DIVISION OF RESOURCE CONSERVATION

Article 1. Organization

9051. There is in the Department of Conservation the Division of Resource Conservation.

9052. The Division of Resource Conservation is in charge of a chief, designated as Chief of the Division of Resource Conservation, who is appointed by the director with the advice and consent of the commission. The appointment shall be made pursuant to the State Civil Service Act from an eligible list prepared by the State Personnel Board from the results of an open examination.

Article 2. Powers and Duties

9061. The chief shall be responsible to the director for properly carrying out his functions under this division.

9062. The chief shall assist in the formation, organization and operation of resource conservation districts.

9063. He may advise with organized resource conservation districts as to plans and proposals relating to resource conservation activities, and, when such plans or proposals are presented to him, approve, disapprove, or suggest modifications of such plans or proposals.

9064. He may, with the approval of the State Resource Conservation Commission, provide technical assistance to resource conservation districts to aid cooperators in carrying out conservation practices and to aid districts in developing plans for achieving their soil and water conservation objectives. These plans shall include but not be limited to watershed planning pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83rd Congress, Second Session, as amended).

9065. He may cooperate with the United States, any resource conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion.

9066. Insofar as consistent with the duties, obligations and responsibilities of other public agencies, the chief may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion.

9067. The chief may employ such clerical, technical, or other assistants as he deems necessary.

9068. The official headquarters of the chief shall be at Sacramento, California.

9069. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Resource Conservation, Department of

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Conservation or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

9070. All money available, including money which becomes available after the effective date of this Division 9, for expenditure by any department, division, board, authority, commission, or officer or employee thereof, to be used in the administration of any function, the exercise of any right, or performance of any duty, which function, right or duty is transferred by this Division 9, shall be transferred to the department, commission, division, board, authority, or officer or employee thereof which is to administer the function, exercise the right, or perform the duty.

9071. The Division of Resource Conservation shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to resource conservation now or hereafter vested by law in the State Resource Conservation Commission, or any officer or employee thereof. The division shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the State Resource Conservation Commission, except that property heretofore purchased or acquired by the commission for the use of districts may be disposed of by the commission pursuant to Article 3 (commencing with Section 9081) of this chapter.

The Chief of the Division of Resource Conservation shall succeed to and is hereby vested with all the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the commission, except as to duties specifically vested in the commission by this code.

Article 3. Funds and Expenditures

9081. The commission may receive contributions from the United States, public districts, resource conservation districts, public agencies, or persons and may use such contributions for the purposes of the district.

9082. The commission is authorized on behalf of the state to accept grants from the United States for the control of runoff and floods, the prevention or control of soil erosion, and for water conservation and to administer such grants pursuant to the terms thereof.

9083. All equipment and machinery made available to any resource conservation district pursuant to this Division 9 is subject to call for emergency use in fire, storm, flood or disaster by a federal or state agency, a county, city, or district of this state.

Article 4. The State Resource Conservation Commission

9101. There is in the Department of Conservation the State Resource Conservation Commission. It shall consist of nine members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years.

9102. The members of the commission to be appointed shall consist of the following:

(a) Five persons who are directors of resource conservation districts. In making such appointments, the Governor shall provide as nearly equal representation as possible from all portions of the state.

(b) Two persons from the general public.

(c) One person who has expertise in, and represents the interests of, wildlife conservation.

(d) One person who resides in, and represents the concerns of, the major urban areas of this state.

9103. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission.

9104. The members of the commission shall receive no compensation for their services as such members but each shall be allowed reasonable and necessary expenses incurred in attendance at meeting of the commission or when otherwise engaged in the work of the commission at its direction.

9105. Five members of the commission shall constitute a quorum for any purpose, including organization.

9106. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

9107. The commission shall appoint a secretary. The secretary shall be a paid employee of the commission. The secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary.

9108. The commission shall cause to be studied and shall consider the whole problem of soil conservation within the state, and it may formulate, in cooperation with other state agencies, interested organizations, and citizens, a comprehensive resource conservation policy for the state.

9109. The commission shall determine and advise policies for the guidance of the chief of the division in the performance and exercise of his duties and powers.

9110. The commission shall aid and encourage, but not conduct, resource conservation activities.

9111. From such money as may be appropriated therefor, the commission may make grants to districts organized pursuant to this division, and subject to the limitations contained therein, to assist such districts in carrying out any work that they are authorized to undertake whenever the commission determines that such work is

necessary for the welfare of the people of the state, including but not limited to expenditures for small watershed flood control projects, and other works authorized under the provisions of this division.

9112. The commission shall be responsible to the director for properly carrying out its functions under this division.

9113. The commission shall report annually to the Governor on the resource conservation projects and improvements accomplished by or with the aid of the state, and the commission may from time to time prepare and publish reports on the needs of the state and the local subdivisions thereof for resource conservation programs, developments, facilities and activities.

CHAPTER 3. RESOURCE CONSERVATION DISTRICTS

Article 1. Lands Included

9151. A resource conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

9152. The lands included in a district shall be those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock, but other lands may be included in a district if necessary for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

9153. The lands included in any one district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement. No lands may be included in more than one district.

9154. The lands included in any one district may be situated in one or more counties.

9155. The lands included in a district may be publicly owned or privately owned.

Article 2. Investigation of Proposals

9161. Any proposal for the formation of a new district signed by one or more landowners of the proposed area shall be submitted to the board of supervisors of the principal county.

9162. If the formation of the district is not completed within two years from the date of the first submission of the proposal to the board of supervisors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to the board that the proposal will be acted upon, the board of supervisors from time to time may either on its own motion or on request of any interested party extend, for periods not

to exceed one year in all, the time within which action may be taken on the proposal.

9163. The board of supervisors shall submit the proposal for the new district to the local agency formation commission of each county in which any part of the district is to be located.

9164. The local agency formation commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or a majority of the members of the local agency formation commission, a hearing would be in the public interest.

9165. In considering such a proposal, the local agency formation commission shall compare the proposed boundaries of the district with those of resource conservation and other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest.

9166. Within 30 days after the submission of such proposal, the local agency formation commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors to which the proposal was submitted and a copy furnished to the proponents of the proposed district.

9167. Within 30 days after receiving the report of the local agency formation commission on such proposal, the board of supervisors shall consider the matter and advise the proponents in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are satisfactory shall be accompanied by a copy of the report from the local agency formation commission. A copy of the board's determination shall be sent to the local agency formation commission.

9168. Upon the receipt of the report, the proponents shall consider the recommendations of the local agency formation commission and the board of supervisors and may make any modifications recommended.

9169. If the proponents decline to accept any recommendations for modifications specified by the local agency formation commission and the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents and notify the proponents as to whether the boundaries are or are not acceptable to the board of supervisors. A copy of the statement of reasons shall also be sent to the local agency formation commission by the proponents.

9170. If the local agency formation commission and the board of supervisors in their reports find that the proposed boundaries are satisfactory or if the board of supervisors upon reconsideration finds the boundaries acceptable, the proponents may circulate a petition to form a new district. If the proposed boundaries are not acceptable and differences cannot be adjusted, the supervisors may, if a district is deemed in the public interest, set the boundaries and the

proponents may proceed with the petition.

Article 3. Petition

9181. A petition for the organization of a district shall be presented to the board of supervisors of the county in which is situated all or the greatest portion of the land in the proposed district.

9182. The petition shall describe the boundaries of the proposed district and shall propose a name for the district. The number of directors to be elected or appointed to govern the district shall be five (5).

9183. The petition shall be signed and valid by either of the following:

(a) Not less than 100 landowners or a majority if there are less than 200 landowners in the proposed area;

(b) If a majority of the total landowners owning a majority of the private lands within the proposed district sign the petition, and if at the hearing as provided in Article 4 (commencing with Section 9211) of this chapter the board of supervisors finds it is in the public interest and welfare to form such a district, it may, by an order entered on its minutes, declare that to be its finding, and may further declare and order that the territory within the boundaries fixed by the board shall be organized as a district and declared duly formed without an election. The order shall name the district and appoint the first board of five directors; said board of directors shall then proceed to organize and shall be governed by all the rest of the provisions of this division.

9184. The petition shall state the approximate number of acres calculated to be in the proposed district and the approximate number of acres for which each signer signs as owner.

9185. The petition may be comprised of sections which shall be identical except as to signatures and acreages. Each paper in the petition which bears signatures shall have attached thereto an affidavit of an owner of land within the proposed district that he saw written the signatures thereon and each was written by the person whose signature it purports to be.

9186. The proxies shall accompany the petition or appropriate section thereof.

9187. If a signer is other than the person to whom the land for which he purports to sign is assessed according to the assessment records of the county in which the land is situated, the petition or appropriate section shall be accompanied by a statement of the signer as to the source of his title.

9188. The petition shall be presented to the clerk of the board of supervisors of the principal county.

9189. The clerk shall submit the petition and any accompanying papers to the assessor for examination. If the proposed district lies in more than one county the clerk shall submit appropriate sections to

the assessors of the several counties, or submit the entire petition to the several assessors successively.

9190. Upon receipt of the petition and any accompanying papers each assessor shall compare the names signed thereto with the names of landowners in the district according to the assessment records and evidence of title available to him.

9191. The assessor shall certify to the clerk of the principal county all of the following:

(a) The total acreage of the proposed district situated in his county.

(b) The total number of persons who are owners of land and acreage owned in the proposed district and in his county according to the assessment records and to evidence of title available to him.

(c) The total number of acres in the proposed district in his county owned by the United States, this state, any public district, or any city or county.

(d) The number of persons the names of whom are signed to the petition who are owners of land in the district and in his county, and, if necessary, the total number of acres of land owned by the persons who have so signed the petition.

9192. Upon the completion of certification by the assessor or assessors the clerk shall present the petition to the board of supervisors of the principal county at its next regular meeting or at any special meeting called prior thereto.

9193. The board shall consider and pass upon the sufficiency of the petition. In considering the sufficiency of the petition the board shall establish the finding of fact that the petition is signed by the required number of landowners, and that the boundary as described in the petition is acceptable to the board of supervisors.

9194. If the boundary as described in the petition does not conform with the recommendations of the board of supervisors, or if the petition is found to be insufficient, the board shall defer action on the petition and request reconsideration of the proposal by the proponents.

9195. If the proponents cannot correct the insufficiencies of the petition or rectify the boundary discrepancies within 60 days the board shall deny the petition.

Article 4. Hearing

9211. If the petition is found to be sufficient, the board shall set a time and place for a public hearing on the petition.

9212. Notice of the time and place of hearing shall be published pursuant to Section 6066 of the Government Code in each of the counties in which some part of the proposed district is situated. The cost of publication of the notice shall be paid by the principal county and is a county charge.

9213. The published notice shall state that the petition has been received and a hearing will be held at the time and place specified

in the notice or at such time and place to which the hearing may be adjourned. The published notice shall set forth the petition in full with accompanying signatures; or it shall describe the petition and the location of the proposed district in general terms and refer to the petition on file with the clerk of the board for further particulars.

9214. Following this hearing the board will make such final adjustments between district boundaries and changes in district names as are considered to be in the public's interest. As to those districts which include areas in adjoining counties, the final determination of boundaries shall be made by the board of the principal county upon agreement with the board of any such other county.

9215. At the hearing the board shall hear and consider all relevant testimony and evidence in support of or in opposition to the petition. The hearing may be adjourned from time to time and from place to place.

9216. If, after hearing, the board finds from all the evidence that the formation of the district would not be in the public interest it shall deny the petition.

9217. If, after hearing, the board finds that the formation of the district would be in furtherance of resource conservation and in the public interest the board shall determine the boundaries of the district and grant the petition.

9218. In fixing the boundaries the board may include all lands not within the boundaries set forth in the petition the inclusion of which has been requested by the owner.

9219. The board shall exclude from the boundaries of the district or from within the district such lands as the owner thereof has requested to be excluded.

9220. In its final determination of the boundaries the board shall not include within the district any land which, in the opinion of the board, will not be benefited by such inclusion.

9221. The determination of the boundaries of a district by the board shall be final.

9222. After the boundaries are established and the petition granted, the board shall make and enter an order to that effect, which shall describe the boundaries and designate a name for the district.

Article 5. Election: District Formation and First Directors

9241. Upon the making of an order granting a petition for formation and establishing the boundaries of a district the board shall forthwith call an election in the district upon the question of formation of the district and for the election of the first board of directors of the district, excepting those districts formed pursuant to subdivision (b) of Section 9183, to be held on the next established election date not less than 74 days from the date of the order.

9242 Directors shall be elected at large and each shall be an

owner of land, or a designated agent of a landowner, within the district. Any agent of a landowner shall reside within the district. There shall be elected five directors.

9243. Members of county boards of supervisors shall not be eligible to simultaneously hold office as a director.

9244. Candidates for office of director shall be nominated at least 10 days prior to the date of election.

9245. Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

9246. Notice of election shall be given at least 15 days prior to the election.

9247. The notice shall describe the boundaries of the district as established by the board; or it shall describe the boundary in general terms and refer to the petition on file with the clerk of the board for further particulars; designate the name of the proposed district; and specify that the number of directors shall be five.

9248. Notice of election shall be published pursuant to Section 6066 of the Government Code in the principal county and, if a portion of the district lies in any other county, also in such other county. The cost of publication of the notice in the principal county shall be paid by the principal county and shall be a county charge. The cost of publication of notice in any other county shall be paid by such other county and shall be a county charge.

9249. The board shall establish a convenient number of precincts, define their boundaries, and designate a polling place in each.

9250. The county clerk of any county in which an election under this division is to be held, may provide separate ballots for such election, but the election officer shall furnish a ballot to each voter at a polling place without his having to make a request therefor. The separate ballots shall be sufficient if they conform to the requirements of this division and they need not conform to the provisions of the Elections Code relating to the form of ballots.

Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general resource conservation district elections.

9251. Except as otherwise provided, the general election laws shall apply to elections under this article.

9252. No irregularity or informality shall invalidate any election under this article or the result thereof if notice has been given substantially as provided in this article and the election is fairly conducted.

9253. On the ballots at such election shall be printed a proposition substantially as follows: "Shall the proposed _____ Resource Conservation District be organized?" followed by the words "Yes" and "No," with voting space thereafter, together with the names of the candidates for directors.

9254. The board of supervisors of each county in which a part of the district is situated shall meet on the second Monday following the

election and canvass the votes. The results of the canvass of the votes of each county shall be certified to the board of the principal county.

9255. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a resource conservation district under the name designated. The formation of the district is complete when the order is entered on the minutes of the board.

9256. If it appears that the majority of all of the votes cast are against the formation of the district the board shall declare the election lost.

9257. If the majority is in favor of the formation of the district the board shall canvass the returns of the election for directors. The board shall determine the persons receiving the highest number of votes to the number required to fill the offices. A tie vote upon which election depends shall be decided by lot. Upon the ascertainment of the persons elected the board shall, by an order entered in its minutes, declare them duly elected. Certificates of election shall be issued to the elected directors by the clerk of the board.

9258. An election under this article may be contested by any voter in the proposed district.

9259. Such contest shall be brought within 20 days after the canvass of the vote and declaration of the result by the board of supervisors.

9260. The directors elected at the election shall be the parties defendant in the contest.

9261. The contest shall be brought in the superior court in the principal county and if more than one contest as to the same election is pending they shall be consolidated and tried together.

9262. The court shall speedily try the contest and determine whether the election was fairly conducted and in substantial compliance with the requirements of this division and shall enter judgment accordingly.

9263. Either party may appeal from such judgment and such appeal shall be given the same preference as other contested election cases in the Supreme Court and in the district court of appeal when transferred thereto.

Article 6. Proceedings Supplemental to Formation

9271. The board of supervisors of the principal county shall, within 10 days after the entry of an order declaring a district formed, cause a certified copy of the order to be filed for record in the office of the county recorder of each county in which any portion of the district is situated.

9272. The board shall also forward certified copies of said order to the State Board of Equalization, the Secretary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

9273. No board of supervisors of any county in which any part of the lands embraced within a district is situated shall allow another resource conservation district to be formed which includes any portion of the lands within an existing district.

Article 7. District Directors

9301. The directors first elected shall take office immediately upon qualifying.

9302. Each director shall take the oath of office

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for such necessary expenses, but no director shall be appointed to any position for which he would receive compensation as a salaried officer or employee of the district.

9304. No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district.

9305. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

9306. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

9307. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

9308. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held. Upon the completion of all the foregoing determinations by the directors, the district shall be declared to be organized.

9309. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after a notice of the change is published pursuant to Section 6061 of the Government Code in the principal county and in each other county in which any portion of the district lies.

9310. Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

9311. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

9312. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

9313. All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

9314. The term of office of directors, except those first elected shall be four years. The expiration of the term of any director shall not constitute a vacancy and he shall hold office until his successor has qualified.

9315. Resignations of directors shall be made in writing to the board of supervisors of the principal county.

9316. In case of a vacancy in the office of director it shall be filled by appointment for the unexpired term by the board of supervisors of the principal county.

Article 8. General District Elections

9351. "General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each even-numbered year, at which a successor shall be chosen for each director whose term of office expires in that month.

9352. Each person nominated as a candidate for the office of director shall be an owner of land, or such a designated agent of a landowner, within the district. As used in this section, a landowner or owner of land is a person who is shown as such upon the last equalized assessment roll of the county or counties within whose boundaries the district is situated.

9353. Except as otherwise provided in the chapter, districts governed by this chapter are subject to the provisions of the Uniform District Election Law.

9354. The directors elected shall qualify within 20 days after receiving their certificates of election by taking the oath. The premiums on bonds required by Section 9167 shall be paid by the district.

9355. The directors so elected and qualified shall take office at noon on the last Friday in November following their election.

Article 9. General Powers of District

9401. The board of directors of a district shall manage and conduct the business and affairs of the district.

9402. The directors shall be empowered to conduct surveys,

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investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies

9403. The directors may accept gifts and grants of money from any source whatsoever to carry out the purposes of the district.

9404. The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.

9405. The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district.

9406. The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.

9407. The directors may sue and be sued in the name of the district and may appear in person or by counsel.

9408. The district directors may cooperate and enter into contracts or agreements with the state, the United States, any county, any city, any other resource conservation or other public district in this state, any person, or the commission, in furtherance of the provisions of this division, and to that end may use any funds available to the district as provided in this chapter, and may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

9409. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, wildlife enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

9410. The directors may operate and maintain, independently or in cooperation with the United States or this state or any state agency or political subdivision or any person, any and all works constructed by the district.

9411. The directors may disseminate information relating to soil and water conservation and erosion stabilization, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof,

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or any person.

9412. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving such aid or assistance agrees to devote and use same on his lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that he is also a director any landowner is qualified to and may receive assistance or loans under this section.

9413. The directors shall develop districtwide comprehensive plans which shall include soil and water conservation, including the improvement of farm irrigation and land drainage, erosion control and flood prevention, and community watersheds within the district. Such comprehensive plans shall conform to the general plan and its elements for the area as adopted pursuant to Article 6 (commencing with Section 65350) of Chapter 3 of Title 7 of the Government Code.

9414. Directors may accept, by purchase, lease, or gift, and administer any soil conservation, water conservation, water distribution, erosion control, or erosion prevention project located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

9415. The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil conservation, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project within or adjacent to the district.

9416. The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands.

9417. The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of resource conservation districts may be organized to facilitate such cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.

9418. The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all

matters concerning the district, except that if the principal county has a county counsel, then the directors shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

9419. The directors shall be empowered to engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of such programs the directors may authorize the giving of awards and prizes for outstanding achievement.

For purposes of this section, the directors are limited to funds available to the district pursuant to the provisions of this division.

9420. The directors may appoint one from among themselves to promote wildlife conservation in the district and to engage in wildlife conservation activities in connection with the activities of the district. The director so appointed shall be responsible to and serve at the pleasure of the directors and shall be designated as the district wildlife conservation director. He may appoint a committee of persons to assist him in carrying out his purposes and duties as district wildlife conservation director, and such committee shall be known as the district wildlife conservation committee.

The district wildlife conservation director may receive gifts and grants of money and property of any nature from any source for wildlife conservation purposes, to be held by him in trust for such purposes. Subject to the approval of the directors, he may expend all such money and may use, convey, sell, rent, or lease all such property for wildlife conservation purposes. At least once each year, and upon relinquishing the office of district wildlife conservation director, he shall render an accounting to the directors of all money and property received and expended or conveyed by him during the period covered by such accounting. The district wildlife conservation director shall give a bond in the sum of two thousand dollars ($2,000) for the faithful performance of his duties.

Article 10 Property of District

9451. The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division.

9452. The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article.

9453. The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property.

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9454. Notwithstanding anything to the contrary in Section 9453, the directors may lease district equipment to any other public district for use by such public district for resource conservation purposes on land within the boundaries of a resource conservation district or on land adjacent to the district and under the jurisdiction of such other district, if such use will directly affect the land within the resource conservation district.

9455. A sale or conveyance of any property held by a resource conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed.

9456. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

9457. The board of directors shall adopt purchasing policies and procedures governing the purchase of supplies and equipment as required by Sections 54201 through 54204, inclusive, of the Government Code. The policies shall be in writing, copies of which shall be available for public distribution.

Article 11. Inclusion of Lands

9481. The inclusion of additional lands in a district shall be made in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, except that unless otherwise provided in this chapter, the lands included in any district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement.

Article 12. Dissolution

9491. A district may be dissolved in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

CHAPTER 4. DISTRICT FINANCE

Article 1. Regular Assessments

9501. The directors shall, on or before January 1 of the calendar year during which an assessment is to be levied for the first time, notify the State Board of Equalization as provided in Revenue and Taxation Code Sections 756 and 759 and, annually on or before August 1st, furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing

fiscal year.

9502. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

9503. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

9504. Assessments levied pursuant to this article shall be known as regular assessments.

9505. The regular assessment in any one year shall not exceed two cents ($0.02) on each one hundred dollars ($100) of assessed valuation of the land, exclusive of improvements, trees, and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights, standing trees, or timber are involved.

The cost to the assessor, if any, of recomputing assessed valuations in accordance with this section shall be paid by the district requesting an assessment levy pursuant to this article.

9506. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements, trees, and mineral rights, within the county and within the district to be known as the "_____ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors.

9507. The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. On or before September 1st of each year the board shall fix the rate, composed of the number of cents or fraction thereof for each one hundred dollars ($100) of assessed valuation of land exclusive of improvements and mineral rights, such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

9508. If the board fails to levy the assessment the auditor of the county shall do so, providing the directors have requested the assessment.

9509. The assessment shall be computed and entered on the assessment roll by the auditor.

9510. The provisions of law relating to the levy and collection of

county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

9511. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the district and in their possession.

9512. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a soil conservation district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

Article 2. District Fiscal Procedure

9521. The treasury of the principal county is the depository of all of the funds of the district.

9522. The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him.

9523. The treasurer shall pay out money of the district only upon warrants approved by the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary.

Whenever two or more districts enter into a joint powers agreement, or whenever a district enters into a joint powers agreement with other agencies of the state, the agency or entity administering the agreement shall determine where its funds shall be deposited and how such funds shall be paid out.

9524. The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary.

9525. The directors or other officers or employees of a district

shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Except, however, that nothing in this section shall prevent the directors from borrowing from such federal, state, county, public or private funds which are, or which may in the future become, available to the directors for the furthering of the work of the district in any manner or by the sale of bonds payable solely from any revenue of the district, if the assets acquired by such a loan or bond constitute the entire security for the loan or bond and if no indebtedness or liability is incurred by the directors in excess of the amount of the assets acquired.

9526. The directors at their regular monthly meeting in July of each year shall make and file with the secretary a verified statement of the financial condition of the district showing particularly the receipts and disbursements of the preceding fiscal year together with the source of the receipts and the purposes of the disbursements.

9527. The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published pursuant to Section 6066 of the Government Code in the principal county and in each other county in which any part of the district lies.

9528. An annual audit of the books, accounts, records, papers, money, and securities shall be made as required by Section 26909 of the Government Code.

9529. The directors of the district may, at such times as they deem necessary, determine whether any portion of the money on deposit in the treasury of the principal county is not necessary for immediate use; and if so, it shall determine the amount, which amount shall thereupon be designated as "surplus money" and transferred to a "surplus money account" in the treasury of the principal county.

9530. (a) "Surplus moneys," as determined pursuant to Section 9529, shall be invested exclusively in bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Interest earned and other increment derived from any investment under this section shall be credited to the surplus money account for investment under this section.

Article 3. Claims

9541. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the

Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 4. District Election Costs

9545. The county shall pay any and all costs attributable to the conduct of district elections and shall be reimbursed for such expenditure the following year by a special assessment levied and collected in the same manner as regular assessments pursuant to the provisions of Article 1 (commencing with Section 9501), except that the limitations set forth in Section 9505 shall not apply to such assessment.

CHAPTER 5. DISTRICT REORGANIZATION

Article 1. Consolidation

9601. Any two or more contiguous districts, or districts situated within the same geophysical area, organized under this division may consolidate in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 2. Partition

9611. A partition of a district shall be made in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 3. Changing Name of District

9621. A district may change its name by action of the board of supervisors of the principal county as provided by this article.

9622. Whenever in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, it may pass a resolution reciting such fact.

9623. A copy of the resolution shall be forwarded to the board of supervisors of the principal county with the request that the name of the district be changed to the stated name.

9624. The board of supervisors of the principal county shall consider this request at their next regular meeting and may grant or deny the request. Their action shall be officially recorded in their minutes.

9625. If the action of the board of supervisors on this request is negative, they shall forward a copy of the resolution to the board of directors initiating the request.

9626. If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards

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of supervisors of all the other counties in which any portion of the district lies, the State Board of Equalization, and the Secretary of State.

9627. On acknowledgment of the change of name by the Secretary of State, the name of the district shall be considered changed.

Article 4. Transferring Lands From One District to Another

9635. One district may transfer land within its boundaries to a district contiguous thereto in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

CHAPTER 9. FEDERAL AID PROJECTS

9751. In order to carry out the purposes of the Soil Conservation and Domestic Allotment Act enacted by the Congress of the United States, the State Resource Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Soil Conservation and Domestic Allotment Act.

9752. The commission is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of the Soil Conservation and Domestic Allotment Act, a state plan for each calendar year beginning with the year 1949. It shall be the purpose of each such plan to promote such utilization of land and such farming practices as the commission finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of natural soil resources, and reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of Section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and also for such methods of administration not in conflict with any law of this state and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

9753. Upon the acceptance of each such plan by the Secretary of

Agriculture, the commission is authorized and empowered to accept and receive all grants of money made pursuant to the Soil Conservation and Domestic Allotment Act for the purpose of enabling the state to carry out the provisions of such plan, and all such funds, together with any moneys which may be appropriated by the state for such purpose, shall be available to the commission for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.

9754. In carrying out the provisions of each such plan, the commission shall have power: to employ such agents or agencies, and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies and with agencies of other states and of the federal government; to conduct research and educational activities in connection with the formulation and operation of such plan; to enter into agreements with producers, and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the commission determines to be fair and reasonable.

9755. For the purpose of carrying out each such plan according to its terms, the commission is hereby authorized to delegate any of the powers herein conferred to such agents or agencies as may be designated by the commission and approved by the Secretary of Agriculture.

9756. The commission shall render for each year an annual report to the Governor, who shall transmit a copy thereof to each house of the Legislature, covering its administration of such plan and all operations thereunder, including also the expenditure of funds, and each such report shall be printed as a public document promptly upon its transmittal to the Governor.

9757. Nothing herein shall be construed or operate to impose any obligation or liability upon the commission or other than as herein specified.

CHAPTER 10. IMPROVEMENT DISTRICTS IN RESOURCE CONSERVATION DISTRICTS

Article 1. Formation

9801. For purposes of cooperating with landowners or any other agency or for purposes of cooperating with the United States under provisions of the Watershed Protection and Flood Prevention Act (Chapter 656, Public Law 566, 83rd Cong., 2nd Session), and all acts amendatory thereof or supplementary thereto, lands which need not be contiguous may be formed into an improvement district for constructing, both in or for the improvement district, one or more of the following:

(a) Flood prevention improvements, including structural and

land treatment measures.

(b) Improvements for the agricultural phases of conservation, development, utilization, drainage disposal, and distribution of water.

(c) Improvements for prevention or stabilization of soil erosion.

9802. As used in connection with improvement districts:

(a) "Improvement" includes operation, maintenance, change, and acquisition of existing works, and the construction, operation, and maintenance of new works.

(b) "Construction" includes, but is not limited to, the preparation and execution of plans, maintenance and operation.

(c) "Real property" means land only.

(d) "Owner of real property" means "owner of land".

(e) "Improvement district" means a resource conservation district improvement district formed pursuant to this chapter.

(f) "Land" means land within the improvement district or proposed improvement district.

9803. The formation of an improvement district shall be proposed and the petition therefor shall be signed by two-thirds or more in number of the owners of real property in the proposed improvement district.

9804. A petition for the formation of an improvement district shall contain all of the following:

(a) Statement of the plans of the proposed improvement.

(b) Description of the land of the proposed improvement district.

(c) Names of the owners of all real property within the proposed improvement district with their last known addresses.

(d) Description and assessed value of the real property owned in the proposed improvement district by each owner, which shall be according to the next preceding equalized assessment roll. District owned real property in the proposed improvement district shall be described whether or not it appears on the next preceding assessment roll.

(e) Signatures of the petitioners.

9805. The petition, all proceedings in reference to it, the improvement district, and the real property in it shall be designated by a number.

9806. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures.

9807. A petition to form an improvement district shall be filed with the secretary of the district and may be inspected by all persons interested.

9808. Upon receipt of a petition to form an improvement district the directors shall cause a survey to be made of the proposed improvements, if any.

9809. If the survey shows that the improvements are feasible, the directors shall cause to be prepared the following:

(a) Plans and specifications of the improvements proposed to be constructed when the petition proposes the construction of improvements.

(b) An estimate of the cost of the proposed improvements, which may include an amount not in excess of 10 percent of the aggregate cost of the proposed improvements to create a reserve fund to be used and applied as additional security for the payment of principal of and interest on any warrants of the improvement district issued against assessments levied for the payment of the cost of the proposed improvements.

(c) Statement of the proposed assessment for the cost of the proposed improvements apportioned to each parcel of real property in the proposed improvement district as the parcels appear on the last equalized assessment roll and to district owned real property in the proposed improvement district whether or not it appears on the last equalized assessment roll, which assessments shall be apportioned in accordance with the assessed value of the real property, as such value is shown on the next preceding equalized assessment roll.

9810. If there are any, the plans and specfications, estimate of cost, and the statement of the proposed assessment shall be filed with the secretary of the district and may be inspected by all persons interested.

9811. After the filing of the formation petition, and if any, the plans and specifications, the estimate of cost, and statement of the proposed assessment, the directors shall give notice of a hearing upon the petition, and if a special assessment is to be levied in the improvement district pursuant to this chapter, the notice shall also state that the hearing is called to determine whether or not the special assessment should be levied.

9812. Notice of the hearing shall be given by all of the following:

(a) Posting a notice in three public places within the proposed improvement district.

(b) Publication of the notice pursuant to Section 6066 of the Government Code in the principal county of the district.

(c) Mailing a copy of the notice to the last known address of all of the owners of real property in the proposed improvement district to the addresses appearing in the petition.

The notices shall be posted and mailed not less than 20 days prior to the date set for the hearing.

9813. At the hearing the directors shall hear any objections coming before it to any of the following:

(a) The petition.

(b) The formation of the improvement district.

(c) The real property to be included within the improvement district.

(d) The plans and specifications.

(e) The estimate of cost.

(f) The proposed assessment.

(g) The apportionment of the assessment.

9814. At the hearing the directors shall make any changes in

reference to the matters set forth in Section 9813 as they consider proper. The directors may exclude any part of the real property described in the petition from the proposed improvement district and may include additional real property.

9815. If any additional real property is included in the proposed improvement district, the hearing shall be continued and the owners of the added real property given personal notice of not less than 20 days of the addition of the land to the improvement district.

9816. The directors may include in the plans and specifications such terms and conditions as to the respective parcels of real property in the improvement district with respect to tolls, charges, assessments, or the conservation or use of soil and water or any other matters as the directors deem necessary or proper.

9817. Regardless of any findings made by the directors if more than one-third in number of the holders of title to the real property within a proposed improvement district object at the hearing to its formation or the levy of the proposed assessment, the directors shall deny the petition, and no further proceeding shall be had on it.

9818. If at the hearing the directors find that it would not be for the best interests of the district and the proposed improvement district to form the improvement district the directors shall order the proceedings dismissed without prejudice to their renewal.

9819. If the directors find that it would be for the best interests of the district and the proposed improvement district to form the improvement district, they shall make and enter in their minutes a final order:

(a) Approving the petition.

(b) Forming the improvement district.

(c) Levying the assessment if any is provided for and if the assessment is necessary.

(d) Apportioning the assessment, if levied, to the real property in the improvement district according to assessed value as shown on the next preceding equalized assessment roll.

9820. The order shall contain a description of the lands within the improvement district.

9821. The secretary shall cause a certified copy of the order creating the improvement district to be recorded in the office of the county recorder in each county in which any land of the improvement district is situated.

Article 2. Assessments

9831 Any assessment levied pursuant to Section 9819 shall include both of the following sums:

(a) An amount equal to interest on any deferred payments at a rate not exceeding 7 percent each year.

(b) An amount equal to 10 percent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

9832. The assessment may be made payable in not more than 10 annual installments.

9833. The directors, on or before the 15th day of August of each year, shall furnish the auditor and board of supervisors of each county in which any portion of the improvement lies a statement in writing of the amounts of the installments of the improvement district assessment, if any, due for the next ensuing fiscal year in respect of each parcel of real property within the improvement district.

9834. Each annual installment of the improvement district assessments shall be collected by county officers in the same manner and at the same times as county taxes.

9835. The provision of law relating to the collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made a part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

9836. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the improvement district and in their possession.

9837. The assessment and each installment of it shall be and remain a lien on the real property in the improvement district in the same manner as and in addition to the annual assessment of the district.

9838. Upon a change or resubdivision of any parcel of real property in an improvement district, the directors upon their own initiative or upon a petition of the owner of the parcel so changed or resubdivided, may reapportion the improvement district assessment upon the parcel, and the order of reapportionment shall be recorded in the same manner as the order levying the original assessment.

9839. If the actual cost of the improvements is substantially less than the estimated cost the assessment may be reduced proportionately on each parcel by recomputing it based on actual costs with the percentage and interest provided for in Section 9831 added thereto. The reapportionment or a statement that the assessment on each parcel has been reduced by a designated percentage shall be recorded in the same manner as the order levying the original assessment.

Installments of assessments levied on district-owned real property becoming due while the real property is still owned by the district shall be paid by the district. Conveyance of such real property into private ownership shall not release the lien thereon of the assessment and the unpaid installments of it.

9840. If the assessments levied upon real property in an improvement district are insufficient to pay the cost of improvements or the warrants issued for the improvements, a

supplemental assessment shall be levied upon all of the real property in the improvement district sufficient to pay the cost or the warrants.

9841. The procedure followed in making the supplemental levy shall be substantially the same as for making the original levy, except that no petition is required.

9842. Whenever it is desired to do additional work or acquire additional property in or for an improvement district, upon the petition of two-thirds in number of the owners of real property in the improvement district, an additional assessment may be levied substantially in the same manner as the original assessment.

Article 3. Inclusion of Land

9851. If at any time it is desired to include additional real property within an improvement district, a petition for inclusion signed by the owners of real property to be included may be filed with the directors.

9852. The inclusion petition shall describe the boundaries of the improvement district as enlarged by the proposed inclusions and give the names and addresses of the owners of the additional real property in substantially the same manner as in the original petition for forming an improvement district.

9853. The same proceedings shall be had on the improvement district inclusion petition as upon the original petition for the formation of an improvement district.

9854. The directors may prescribe any conditions upon the inclusion of the real property that they deem just.

9855. If any conditions not contained in the petition for inclusion are prescribed by the directors the real property shall not be included until two-thirds in number of the petitioners approve the conditions in writing.

Article 4. Improvement District Management

9861. In a district containing an improvement district the directors and all of the officers of the district each respectively has all the rights, powers, and privileges as to the improvement district, its real property, and the proceedings in relation to the improvement district that each respectively has for the district of which the improvement district is a part including the right of the district to acquire, own, and hold property.

9862. The directors may also hold property used or acquired in connection with the improvement in the name of the directors and their successors in office as trustees for the improvement district.

9863. The directors of a district in which an improvement district exists may allow on terms that may be agreed upon any person to carry water through any conduit for the improvement of which the improvement district was formed and may cancel the right in the event that payments are not made in accordance with the agreed terms.

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9864. The work of improvement provided for in this chapter and the purchase of all supplies, material, and equipment therefor shall be performed by the district, or in the discretion of the directors contracts may be made for the work and material after notice calling for bids, as prescribed by the directors.

9865. The directors may, in lieu in whole or in part of levying assessments for the operation of improvement district works, fix and collect reasonable charges for the use of water or for any other service furnished by means of the improvement district works.

9866. All such tolls, connections charges, and additional assessments shall be held and applied upon and reduce the last installment or installments of the improvement district assessment.

9867. The directors may provide for the maintenance and operation of the works of an improvement district from the funds of the resource conservation district in lieu of levying further improvement district assessments for such purposes.

9868. Notwithstanding any other provision of this code, the directors of a district in which an improvement district exists may establish facilities use charges for the use of the facilities in such improvement district and, in establishing such charges, may provide that water shall be furnished or delivered through such facilities only to lands and real property in such improvement district in respect of which such facilities use charges or annual installments thereof, fixed as provided in this section, shall have been paid in advance. Such facilities use charges shall be in amounts equal to the respective amounts of the assessments theretofore levied against the real property in such improvement district for the purpose of providing such facilities. In establishing such charges the directors shall provide (a) that payment in full of any such assessment shall constitute payment in advance in full of such facilities use charge; (b) that all facilities use charges not so paid in advance in full shall be payable in annual installments, each such annual installment to be equal in amount to (i) the annual installment of the unpaid assessment theretofore levied against the real property in respect of which such charge is payable and due on or before the next succeeding November 20th plus interest thereon at the rate provided in the order levying such assessment plus 10 percent in addition (added for anticipated delinquencies), plus (ii) all delinquent annual installments, if any, of such unpaid assessment together with penalties and interest at said rate on such delinquent installments; and (c) that payment of any annual installment of any such facilities use charge shall constitute payment in full of the annual installment of such unpaid assessment due on or before the next succeeding November 20th and of all delinquent annual installments, if any, of such unpaid assessment.

9869. On behalf of an improvement district the directors may do any or all acts necessary or desirable to carry out the purposes of the improvement district, including, but not limited to any or all of the following:

(a) Acquire without cost to the United States such land, easements, or rights-of-way as will be needed in connection with improvements installed or constructed with the financial assistance of the United States;

(b) Assume such share of the cost of installing or constructing any improvements involving the financial assistance of the United States as are equitable in consideration of the anticipated benefits from such improvements;

(c) Defray the costs of operation and maintenance of such works of improvement in accordance with such terms as may be agreed upon;

(d) Acquire, or provide assurance that the district, the improvement district, or the owners of real property have acquired, such water rights as may be needed in the installation and operation of the work of improvement;

(e) Obtain agreements to carry out soil conservation measures and proper farm plans from owners of real property in connection with such a work of improvement.

9870. On behalf of an improvement district, the directors may cooperate and contract with the United States, or with any officer, department, bureau, or agency thereof, to accomplish any of the purposes of the improvement district, or to exercise any of the powers of the directors in relation to such improvement districts.

Article 5. Improvement District Warrants

9881. A district may issue improvement district warrants signed by its president and secretary in face amount not exceeding in the aggregate the cost of the improvements exclusive of interest and amounts paid prior to the issuance of these warrants on the assessment levied to pay for the improvement.

9882. Improvement district warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payment of the installments of the improvement district assessment.

9883. Improvement district warrants shall bear interest at the rate fixed at the time of the levy of the improvement district assessment, and the interest may be made payable semiannually.

9884. Coupons for the interest on these warrants may be attached to them.

9885. Improvement district warrants may be made payable to any of the following:

(a) Bearer.

(b) Persons furnishing work, labor, or material.

(c) The contractor if the work of improvement is to be done under contract.

9886. Improvement district warrants may be sold by the district for not less than par at either public or private sale.

9887. Any surplus funds and any money held by a district in a sinking or depreciation fund may in the discretion of its directors be invested in the warrants of any improvement district within the district.

9888. Except as otherwise provided by law, the cost of constructing, acquiring, or improving works of an improvement district shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property in the improvement district for such purposes.

9889. Improvement district warrants shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property within the improvement district for improvement purposes.

9890. Improvement district warrants or their proceeds shall be used solely for making the improvements for which the improvement district was formed and the necessary incidental expenses.

Article 6. Advance Payment of Assessments

9901. At any time before improvement district warrants are issued, the amount of any improvement district assessment on any real property, exclusive of interest and the 10 percent added for anticipated delinquencies, may be paid in money to the treasurer of the principal county of the district.

9902. Real property on which the amount of the improvement district assessment has been paid pursuant to Section 9901 shall not be subject to the annual installments of the assessments levied for the purposes of the improvement, but it shall be and remain liable for any assessments levied for operation and for any supplemental or additional improvement district assessments levied.

9903. Any owner of real property of an improvement district who desires at any time to lessen or remove the lien upon his real property of any improvement district assessment may deliver to the treasurer of the principal county for cancellation warrants payable out of the assessment.

9904. The directors may require warrants delivered to lessen or remove an improvement district assessment lien to be substantially of the average maturities of the issue of warrants.

9905. The treasurer of the principal county shall notify the directors of the amount of the principal and interest due and to become due on the warrants delivered for cancellation. The directors shall thereupon cause the proper cancellation and proper record and credit to be made against the improvement district assessment on the real property of the person delivering the warrants.

Article 7. Actions and Proceedings

9911. All acts, proceedings, conclusions, and findings of fact, including the levy of an assessment, by the directors of a district concerning an improvement district therein shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions, or findings were had or made.

9912. An action to determine the validity of an assessment or of any warrants may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 8. Dissolution of Improvement Districts

9921. At any time prior to the incurring of any indebtedness or upon the full payment of all indebtedness of an improvement district, a petition, signed and acknowledged by not less than the number of owners of real property constituting the improvement district required to sign a petition to form the improvement district, may be filed with the directors requesting that the improvement district be dissolved.

9922. A hearing on dissolution shall be had in the same manner and after the same notice as is required for the formation of an improvement district.

9923. The directors may, after the hearing, order the improvement district dissolved.

9924. The order of dissolution shall be recorded in the same manner as the order forming the improvement district.

CHAPTER 11. TAHOE RESOURCE CONSERVATION DISTRICT

9951. The Tahoe Resource Conservation District is hereby created to consist of those parts of the Counties of Placer and El Dorado lying within the Tahoe Basin adjacent to Lake Tahoe and that additional and adjacent part of the County of Placer outside of the Tahoe Basin which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The district lands defined and described herein shall be as precisely delineated on official maps of the district.

9952. (a) Except as otherwise provided in this chapter, the organization and functions of the Tahoe Resource Conservation District shall be governed by the provisions of this division.

(b) The initial Board of Directors of the Tahoe Resource Conservation District shall be composed of the following five persons who shall each be an owner of land within the area described in Section 9951:

(1) One person appointed by the California Tahoe Regional

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Planning Agency who may be a member of such agency.

(2) One person appointed by the City of South Lake Tahoe.

(3) One person appointed by the Board of Supervisors of El Dorado County.

(4) Two persons appointed by the Board of Supervisors of Placer County.

(c) The members of the initial board of directors shall classify themselves by lot so that the term of three members shall expire November 1976, and the term of two members shall expire November 1978. The members of the initial board of directors shall qualify, take office, and serve exactly as if elected at a general resource conservation district election. The expiration of the term of any such director shall not constitute a vacancy and he shall hold office until his successor has qualified. Successors to the members of the initial board of directors shall be elected at a general resource conservation district election in accordance with the provisions of this division.

(d) Moneys received by any resource conservation district pursuant to Section 9505 on lands transferred to the Tahoe Resource Conservation District shall be transferred to the Tahoe Resource Conservation District, and any and all costs of establishing the Tahoe Resource Conservation District shall be a first charge on any such funds. The Board of Directors of the Tahoe Resource Conservation District shall determine whether the treasury of Placer County or of El Dorado County shall be the depository of the funds of the Tahoe Resource Conservation District for the purposes of Article 2 (commencing with Section 9521) of Chapter 4 of this division.

9953. It is not the intent of the Legislature that the Tahoe Resource Conservation District shall in any way affect the responsibilities, authority, and jurisdiction of the California Tahoe Regional Planning Agency, the Tahoe Regional Planning Agency, the California Tahoe Conservancy Agency, or the Tahoe Conservancy Agency.

SEC. 3. Any section of any act enacted by the Legislature during the 1975 portion of the 1975–76 Regular Session, which takes effect on or before January 1, 1976, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 514

An act to add Section 24311 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 24311 is added to the Revenue and Taxation Code, to read:

24311. (a) Gross income does not include amounts received as contributions, assessments or dues from owners or shareholders of a condominium project (as defined in Section 783 of the Civil Code) or a cooperative housing project (as defined in Section 11003.2 of the Business and Professions Code) or members of a real estate housing project (as defined in Section 11003.1 or 11004 of the Business and Professions Code) which are transferred to and held in trust in a capital expansion trust fund, or are transferred to and held in trust in a repair and maintenance trust fund, if such amounts are actually expended in the trust manner prescribed and a majority of the shareholders, owners or members approve such transfer and allocation at an election held for such purpose. For the purpose of this section, capital expansion trust fund expenditures must be solely for capital improvements on commonly owned property within the project, and repair and maintenance trust fund expenditures must be solely for repair or maintenance of commonly owned property within the project.

(b) This section applies only to a corporation or association organized for the operation, management, repair, maintenance or improvement of a housing project where 80 percent or more of the gross income (computed without regard to this section) consists solely of amounts received from the owners or shareholders of units within the project, and no part of the net earnings of such organization inures (other than by providing operation, management, maintenance, improvement and care of the commonly owned property within the project) to the benefit of any private shareholder or individual.

(c) The exclusion provided by this section does not apply to income from the investment of the designated trust funds.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall be applied in the computation of taxes for income years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of this act shall apply in the computation of taxes for income years beginning on or after the first day of the calendar year following the effective date.

CHAPTER 515

An act to amend Section 76027 of the Government Code, relating to grand jurors.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 76027 of the Government Code is amended to read:

76027. In a county of the 27th class, the fees of grand jurors shall be not less than ten dollars ($10) and not more than twenty dollars ($20), as determined by the county board of supervisors, for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there by any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 516

An act making an appropriation for park acquisition, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.5B thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 2.5B is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.5B. The following sum of money, or so much thereof, as may be necessary is hereby appropriated for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years. Such appropriation shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund.

LOCAL ASSISTANCE

Resources

400.2B—For grants to counties, cities, or cities and counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, payable from unencumbered funds in the State Beach, Park, Recreational, and Historical Facilities Fund 600,000

Schedule:

(a) County of Los Angeles, Baldwin Hills Regional Park, acquisition.... 600,000

provided, that none of the funds which are appropriated by this item for the purposes set forth herein shall be available for expenditure unless and until there is substantial compliance with the procedure set forth in Section 5096.20 of the Public Resources Code.

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

In order for the provisions of this act to be able to enable the early acquisition of greatly needed lands for park purposes, it is necessary that this act go into immediate effect.

CHAPTER 517

An act to amend Sections 5011, 9261, 25802, and 26457 of, and to add Sections 379 and 4018 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

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

SECTION 1. Section 379 is added to the Vehicle Code, to read:

379. A "logging vehicle" is a vehicle used exclusively in the conduct of logging operations and not designed for the transportation of persons or property on a highway.

SEC. 2. Section 4018 is added to the Vehicle Code, to read:

4018. Any logging vehicle is exempt from registration.

SEC. 3. Section 5011 of the Vehicle Code is amended to read:

5011. Every piece of special construction equipment, special mobile equipment, cemetery equipment, and every logging vehicle shall display an identification plate attached thereto.

SEC. 4. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction equipment, cemetery equipment, mobile equipment, and logging vehicles. Publicly owned special construction equipment, cemetery equipment, special mobile equipment and logging vehicles are exempt from the service charge.

SEC. 5. Section 25802 of the Vehicle Code is amended to read:

25802. The provisions of Sections 24002, 24005, 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, 24012, Articles 4, 5, 6, 9, 11, and 13 (commencing with Sections 24800, 24950, 25100, 25350, 25450, and 25650, respectively) of Chapter 2 of this division, Chapters 3, 4, and 5 (commencing with Sections 26300, 26700 and 27000, respectively) of this division, and the provisions of Chapters 2, 3, 4, and 5, (commencing with Sections 29200, 29800, 30800, and 31300, respectively) of Division 13 shall not apply to logging vehicles or any vehicle of a type subject to registration under this code which is not designed, used or maintained for the transportation of persons or property and which is only incidentally operated or moved over a highway; but any such vehicle shall be subject to the provisions of Sections 2800, 2806, 24004, 25260, 25803, 25950, 25952, 26457, 27454, 27602, 31500, 40150, and Article 12 (commencing with Section 25500) of Chapter 2 of this division.

SEC. 6. Section 26457 of the Vehicle Code is amended to read:

26457. Special mobile equipment, logging vehicles, equipment operated under special permit, and any chassis without body or load are not subject to stopping distance requirements, but if any such vehicle or equipment cannot be stopped within 32 feet from an

initial speed of 15 miles per hour, it shall not be operated at a speed in excess of that permitting a stop in 32 feet.

CHAPTER 518

An act to amend Section 454 of the Public Utilities Code, relating to public utilities.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 454 of the Public Utilities Code is amended to read:

454. (a) No public utility shall raise any rate or so alter any classification, contract, practice, or rule as to result in any increase in any rate except upon a showing before the commission and a finding by the commission that such increase is justified. Whenever any electrical, gas, heat, telephone, water, or sewer system corporation files an application to increase any rate of charge, other than an increase reflecting and passing through to customers only increased costs to the corporation, for the services or commodities furnished by it, the corporation shall furnish to its customers affected by the proposed increase notice of its application to the commission for approval of such increase. The corporation may include such notice with the regular bill for charges transmitted to such customers within 45 days if the corporation operates on a 30-day billing cycle, or within 75 days if the corporation operates on a 60-day billing cycle. The notice shall state the amount of the proposed increase expressed in both dollar and percentage terms, a brief statement of the reasons the increase is required or sought, and the mailing address of the commission to which any customer inquiries relative to the proposed increase, including a request by the customer to receive notice of the date, time, and place of any hearing on the application, may be directed.

(b) The commission may establish such rules as it considers reasonable and proper for each class of public utility providing for the nature of the showing required to be made in support of proposed increases, the form and manner of the presentation of such showing, and the procedure to be followed in the consideration thereof. Rules applicable to common carriers may provide for the publication and filing of any proposed increase together with a written showing in support thereof, giving notice of such filing and showing in support thereof to the public, affording an opportunity for protests thereto, and to the consideration of, and action on, such showing and any protests filed thereto by the commission, with or without hearing; provided that the proposed increase shall not

become effective until it has been approved by the commission.

(c) The commission shall permit individual residential public utility customers affected by a proposed rate increase to testify at any hearing on such proposed increase, except that the presiding officer need not allow repetitive or irrelevant testimony and may conduct the hearing in an efficient manner.

CHAPTER 519

An act to amend Section 71813 of the Water Code, relating to municipal water districts, and making an appropriation therefor.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 71813 of the Water Code is amended to read:

71813. A district may borrow money in anticipation of the sale of, but not in excess of the principal amount of, authorized bonds of an improvement district formed pursuant to Chapter 3 (commencing with Section 71870) or Chapter 4 (commencing with Section 71920) of Part 7 of this division which have not yet been sold and delivered, and for that purpose may issue and sell negotiable bond anticipation notes, and may refund such notes as provided in this section. Such notes may be issued in anticipation of the sale of all or any portion of the bonds which are duly authorized at the time the notes are issued. Such notes shall mature within a period not to exceed five years from the date of issuance. In the event that the sale of bonds shall not have occurred prior to the maturity of such notes, the district may issue renewal notes to meet the notes then maturing. There shall be only one renewal of any note issued pursuant to this section and such renewal note shall mature within a period not to exceed three years from the date of issuance. The notes shall be sold in such manner as the board may determine, and such notes and the resolution providing for the issuance of such notes may contain any provision, condition or limitation which a bond, or any resolution or ordinance providing for the issuance of bonds, may contain. The interest on bond anticipation notes shall be payable at the time or times provided in such notes and may be represented by interest coupons attached to the notes and shall be payable from the same funds from which the interest on bonds of the improvement district are payable. The principal of such notes may be paid from any moneys of the improvement district available for such purpose. If such notes, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation of which the notes were issued. The resolution providing

for the issuance of bond anticipation notes may contain a provision that, if for any reason bonds of the improvement district are not sold in time to provide funds to pay any unpaid note, and, if other funds of the improvement district are not available for such payment, taxes shall be levied upon the taxable property in the improvement district for such payment in the same manner provided for the payment of bonds in such amount each year for such period of years as may be set forth in such resolution. To the extent bond anticipation notes are paid from a tax levy, authorized bonds in a corresponding amount shall be canceled and not issued thereafter. When bonds of the improvement district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible years for such bonds under Section 71951 from the date of such notes as originally issued.

CHAPTER 520

An act to add Section 17533.9 to the Business and Professions Code, relating to tear gas.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17533.9 is added to the Business and Professions Code, to read:

17533.9. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of tear gas, tear gas devices, and tear gas weapons as defined in Sections 12401 and 12402 of the Penal Code, unless there be conspicuously displayed or stated in connection with the name and description of such tear gas, tear gas weapons, or devices, a direct and unequivocal statement which will clearly indicate that possession or transportation of tear gas and tear gas weapons or devices is prohibited by law unless specifically exempted or permitted pursuant to the authority contained in Chapter 4 (commencing with Section 12401) of Title 2 of Part 4 of the Penal Code.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental

entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 521

An act to amend Sections 14300, 14301, and 14302 of the Public Resources Code, relating to the California Youth Conservation Corps.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14300 of the Public Resources Code is amended to read:

14300. To carry out the purposes of this division, the department shall establish a program, designated as the California Youth Conservation Corps, to be financed by federal, state, and local government.

SEC. 2. Section 14301 of the Public Resources Code is amended to read:

14301. The corps shall consist of persons having parental consent who have attained the age of 15 years but have not attained the age of 19 years. The department shall employ such persons during the summer months for the purposes of developing, preserving, and maintaining environmentally important public lands and waters.

No person shall be employed as a member of the corps in excess of 90 days during any single calendar year.

Applications to the corps shall be accepted according to the recruitment guidelines as designated by the federal government and the department.

SEC. 3. Section 14302 of the Public Resources Code is amended to read:

14302. The department may establish corps camps where there are sufficient funds available to establish a corps camp for the youth of the state.

In order for a county, city, or district to participate in the corps camp program for a particular year, it shall submit an application for participation to the department.The application shall be submitted in the form and in the manner required by the department.

Each participating county, city, or district shall, from its general funds, contribute a sum of moneys as determined by the department, but not to exceed 10 percent of the total amount of moneys expended, or the value of services, materials, or property used, or both, in the area under its jurisdiction for purposes of the corps camp, or in lieu of such sum or any part thereof, labor, materials, or property equivalent in value thereto, for carrying out the provisions

of this division.

CHAPTER 522

An act to repeal Section 2293 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2293 of the Business and Professions Code is repealed.

CHAPTER 523

An act to amend Section 53645 of the Government Code, relating to public funds.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53645 of the Government Code is amended to read:

53645. Interest shall be computed by the depositary on the average daily balances of the money on deposit, paid quarterly and computed on a 360-day basis.

CHAPTER 524

An act to amend Sections 38731 and 38733 of, and to add Article 36 (commencing with Section 38871) and Article 37 (commencing with Section 38875) to Chapter 5 of Part 3 of Division 15 of, the Food and Agricultural Code, relating to milk products.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 38731 of the Food and Agricultural Code is amended to read:

38731. Market milk or market milk combined with nonfat milk

from market milk, with or without added market milk solids, flavoring, or seasoning, which is certified raw milk or has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus, and Lactobacillus acidophilus may be sold as yogurt, low-fat yogurt, nonfat yogurt, mazun, or such names as may be characteristic for the product and approved by the director. Such product may contain harmless edible stabilizer not to exceed 0.6 percent. It shall contain no more than 10 coliform bacteria per gram and shall be free of molds, yeasts, other fungi, and other objectionable bacteria which may impair the quality of the product.

SEC. 2. Section 38733 of the Food and Agricultural Code is amended to read:

38733. When offered for sale, yogurt, low-fat yogurt, and nonfat yogurt shall be labeled, on a principal panel of the container, with the name of the product, the name and address of the manufacturer or distributor, and a statement whether it is made from pasteurized milk or certified raw milk. If the name and address of the distributor are used, the factory license number of the manufacturer shall also appear on the carton or container. Yogurt shall be labeled "Yogurt." Low-fat yogurt shall be labeled "Low-Fat Yogurt." Nonfat yogurt shall be labeled "Nonfat Yogurt." Yogurt, low-fat yogurt, or nonfat yogurt, when sold in liquid drink form, shall be labeled as provided in this article with the word "drink" or, optionally, with the phrase "a cultured milk," "a cultured low-fat milk," or "a cultured nonfat milk," added to the label.

SEC. 3. Article 36 (commencing with Section 38871) is added to Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code, to read:

Article 36. Kefir Milk—A Cultured Milk

38871. Market milk or market milk combined with nonfat milk from market milk, with or without added market milk solids, flavoring, or seasoning, which is certified raw milk or has been pasteurized and afterwards fermented by Lactobacillus bulgaricus, Lactobacillus acidophilus, and Lactobacillus caucasicus may be sold as kefir, low-fat kefir, or nonfat kefir, or such names as may be characteristic for the product and approved by the director. Such product may contain harmless edible stabilizer not to exceed six-tenths of 1 percent. It shall contain no more than 10 coliform bacteria per gram and shall be free of molds, yeasts, and other fungi, and other objectionable bacteria which may impair the quality of the product.

38872. Kefir shall contain not less than 3.5 percent milk fat. Low-fat kefir shall contain not less than 1.9 percent, nor more than 2.1 percent milk fat. Nonfat kefir shall contain a maximum of twenty-five hundredths of 1 percent milk fat.

38873. When offered for sale, kefir, low-fat kefir, and nonfat kefir

0 1225 28 7 290 450

shall be labeled, on a principal panel of the container, with the name of the product, the name and address of the manufacturer or distributor, and a statement whether it is made from pasteurized milk or certified raw milk. If the name and address of the distributor are used, the factory license number of the manufacturer shall also appear on the carton or container. Kefir shall be labeled "Kefir a Cultured Milk". Low-fat kefir shall be labeled "Low-fat Kefir a Cultured Milk". Nonfat kefir shall be labeled "Nonfat Kefir a Cultured Milk".

38874. Kefir, low-fat kefir, or nonfat kefir, in liquid form, and with or without fruit added, shall be made from market milk and may be labeled as "Certified Raw," "Certified Pasteurized," or "Grade A".

SEC. 4. Article 37 (commencing with Section 38875) is added to Chapter 5 of Part 3 of Division 15 of the Food and Agricultural Code, to read:

Article 37. Fruit Kefir—A Cultured Milk

38875. Fruit kefir is kefir, low-fat kefir, or nonfat kefir which contains not less than 8 percent by weight of clean, mature, sound fruit or its equivalent in other forms. The milk fat content of fruit kefir shall be not less than 2.8 percent. Low-fat fruit kefir shall contain not less than 1.3 percent, nor more than 2 percent of milk fat. Nonfat fruit kefir shall contain a maximum of twenty-five hundredths of 1 percent milk fat. Harmless coloring may be added to fruit kefir.

38876. When fruit is added to kefir, low-fat kefir, or nonfat kefir, the name of the fruit shall appear on a panel of the carton or container immediately preceding the name of the product.

The words "Certified Raw," "Certified Pasteurized," or "Grade A" when used in the label of the product, shall precede the name of the fruit.

Fruit kefir in its composition and labeling shall otherwise comply with all the requirements of Article 36 (commencing with Section 38871) of this chapter.

SEC. 5. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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CHAPTER 525

An act to amend Section 40600 of the Vehicle Code, relating to vehicle offenses.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 40600 of the Vehicle Code is amended to read:

40600. (a) Notwithstanding any other provision of law, a peace officer who has successfully completed at least 40 hours of instruction in a course or courses of instruction, approved by the Commission on Peace Officer Standards and Training, in the investigation of traffic accidents may prepare in triplicate, on a form approved by the Judicial Council, a written notice of violation when the peace officer has reasonable cause to believe that any person involved in a traffic accident has violated a provision of this code not declared to be a felony or a violation of a local ordinance and the violation was a factor in the occurrence of the traffic accident.

(b) A notice of violation shall contain the name and address of the person, the license number of his vehicle, if any, the name and address, when available, of the registered owner or lessee of the vehicle, the offense charged, and the time and place when and where he may appear in court or before a person authorized to receive a deposit of bail. The time specified shall be at least 10 days after such notice of violation is delivered.

(c) The preparation and delivery of a notice of violation does not constitute an arrest.

(d) For the purposes of this article, a peace officer will be deemed to have reasonable cause to issue a written notice of violation if, as a result of his investigation, he has evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if he had personally witnessed the events he investigated.

(e) As used in this section, "peace officer" means a member of the California Highway Patrol; a sheriff, undersheriff, or deputy sheriff of a county; a policeman of a city; or a policeman of a district authorized by statute to maintain a police department.

(f) The provisions of this article shall have no application to the procedures specified in Article 2 (commencing with Section 40500).

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CHAPTER 526

An act to add Sections 20045 and 31840.4 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 20045 is added to the Government Code, to read:

20045. Wherever in this part the rights of a member, because of membership in another retirement system, are conditioned upon employment within 90 days of termination of membership in this system or another retirement system, on and after January 1, 1976, such period shall be six months rather than 90 days.

SEC. 2. Section 31840.4 is added to the Government Code, to read:

31840.4. Wherever in this chapter the rights of a member, because of membership in another retirement system, are conditioned upon reemployment within 90 days of termination of membership in a system under this chapter or another retirement system, on and after January 1, 1976, such period shall be six months rather than 90 days.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 527

An act to add Section 6851.5 to the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6851.5 is added to the Vehicle Code, to read:

6851.5. (a) Notwithstanding any other provision of this code and of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, any owner of a fleet of 500 or more utility trailers may apply for and be issued license plates and registration cards that are valid indefinitely. An applicant shall satisfy

all of the following requirements:

(1) All fees applicable to trailers comprising the fleet, as calculated pursuant to Section 6851, shall be paid on a calendar year basis.

(2) Application for license plates and registration cards and payment of all applicable fees shall be made to the department prior to the calendar year in which the trailers comprising the fleet are to be leased or rented.

(3) Application shall be made in the form prescribed by the department and shall be only for such utility trailers in a fleet having an unladen weight of 2,000 pounds or less.

(4) The application shall specify the average number of utility trailers operated in or through the state for the 12 months immediately preceding the year for which the application is made, and the assessed value of such trailers.

(b) Fees for utility trailers licensed pursuant to this section shall be based on the information filed with the department pursuant to subdivision (b) of Section 6851

(c) Upon acceptance and approval of an application made pursuant to this section, the department shall issue to the applicant special license plates which have on each such plate (1) a general distinguishing number unique to the fleet of utility trailers operated by the applicant and (2) a number or letter for each utility trailer of the fleet. All license plates issued pursuant to this section shall be valid indefinitely. All such plates shall have a symbol that will distinguish them from all other types of license plates issued pursuant to this code.

(d) Upon issuing the special series of license plates, the department shall also issue to the applicant a registration card containing the applicant's name and address, the general distinguishing number assigned to the applicant's license plates, and any other information which the department may require in order to administer this section. All registration cards issued pursuant to this section shall be valid indefinitely.

(e) If the number of utility trailers expected to be leased or rented by the fleet owner during the following registration year will differ from the current year, the fleet owner shall, prior to the commencement of such year, either surrender to the department a number of license plates issued pursuant to this section that is equal to any decrease in the number of utility trailers or request issuance of additional license plates, and pay the appropriate amount of fees that is equal to any change in the number of utility trailers.

(f) The director may adopt rules and regulations concerning the issuance, use, and renewal of license plates and the payment of fees pursuant to this section.

SEC. 2. The sum of eight thousand three hundred dollars ($8,300) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for expenditure for the purposes of this act.

CHAPTER 528

An act to amend Section 36805 of, and to add Section 36807 to, the Food and Agricultural Code, relating to dairy products.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 36805 of the Food and Agricultural Code is amended to read:

36805. Ice cream, ice milk, sherbet, or quiescently frozen confections when sold in package form shall be labeled with the name, address, and zip code of the manufacturer, the wholesale distributor, or the retailer.

When the name and address is not that of the original milk products processing plant, then there shall be stamped, printed, or embossed upon the package, in a manner acceptable to the director, the plant number of the manufacturer or packer. Any such plant identification shall be consistent with, and not be more restrictive than, the National Uniform Coding System for packaging identification of milk and milk products processing plants.

SEC. 2. Section 36807 is added to the Food and Agricultural Code, to read:

36807. The director, by regulations, may authorize the use of wholesome, edible dairy products, as permissible ingredients, in frozen dairy products, in addition to those for which standards are provided for under this code for such frozen dairy products.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 529

An act to amend Section 21454 of the Vehicle Code, relating to traffic control.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21454 of the Vehicle Code is amended to read:

21454. (a) A green arrow on an official traffic control signal means both of the following:

(1) Vehicular traffic facing the signal may make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green arrow is exhibited.

(2) Vehicular traffic may make a semicircular or U-turn except where such turn is prohibited by signs erected at such location.

(b) A green arrow may be displayed alone or with red, yellow, or green.

(c) It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously. A green arrow shall not be displayed so as to direct vehicular traffic in a manner as to conflict with another flow of vehicular traffic directed at the same time in another direction.

(d) In the event a flashing red or yellow signal replaces the green arrow, vehicular traffic facing the signal may make the movement which would have been indicated by the green arrow, but shall proceed pursuant to subdivision (a) of Section 21457 if the signal is a flashing red signal or pursuant to subdivision (b) of that section if the signal is a flashing yellow signal.

CHAPTER 530

An act to amend Section 16741 of, and to add Sections 16754.1, 16754.2, and 16754.3 to, the Government Code, relating to bonds.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16741 of the Government Code is amended to read:

16741. All bonds shall bear the facsimile signature of the Governor and the facsimile signature of the Controller and the facsimile signature of the State Treasurer and each of said bonds shall bear an impress or a facsimile of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer. Each such signature shall be that of the person who shall be in office at the date of authorizing the affixing thereof. Bonds and coupons so executed, when sold, shall be valid and binding notwithstanding any of such persons having ceased to hold their respective offices before the issuance and delivery of such bonds and coupons.

SEC. 2. Section 16754.1 is added to the Government Code, to read:

16754.1. Upon request of the board, the committee may provide for the issuance and sale or exchange of funding or refunding bonds for the purpose of redeeming or retiring any bonds issued and outstanding. All provisions of this chapter applicable to the issuance of bonds are applicable to the funding or refunding bonds and to the issuance and sale or exchange thereof. The committee may adopt a resolution or resolutions of issuance or supplemental resolutions authorizing the issuance of such funding or refunding bonds and fixing the terms and conditions thereof.

SEC. 3. Section 16754.2 is added to the Government Code, to read:

16754.2. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of the principal of, and interest on, the bonds or other evidences of indebtedness to be funded or refunded; all expenses incidental to the calling, retirement or payment of the outstanding bonds or other evidences of indebtedness and the issuance of funding or refunding bonds; any amount necessary to be made available for the payment of interest upon the funding or refunding bonds from the date of their sale to the date of payment of the bonds or other evidences of indebtedness to be funded or refunded, or to the date upon which the bonds or other evidences of indebtedness to be funded or refunded will be paid pursuant to the call thereof or pursuant to any agreement with the holders thereof; and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds or other evidences of indebtedness and the interest accruing thereon to the date of the call or retirement. Funding or refunding bonds may be exchanged at not less than their par value and accrued interest for outstanding bonds or other evidences of indebtedness to be funded or refunded thereby.

SEC. 4. Section 16754.3 is added to the Government Code, to read:

16754.3. Funding or refunding bonds shall, when issued, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California shall be pledged for the punctual payment of both principal and interest on such bonds as such principal and interest becomes due and payable.

SEC. 5. Sections 2, 3 and 4 of this act shall become operative only if Assembly Constitutional Amendment No. 50 of the 1975–76 Regular Session of the Legislature is approved by the voters.

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CHAPTER 531

An act to amend Section 9404 of the Vehicle Code, relating to commercial license plates, and making an appropriation therefor.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9404 of the Vehicle Code is amended to read:

9404. (a) Station wagons, except those used in the transportation of passengers for hire, are exempted from the payment of weight fees provided for in Section 9400.

Any provision of this code notwithstanding, any person (1) who is bona fide engaged in a business and who owns and operates a station wagon which is registered in the name of such business, or (2) who is bona fide engaged in a business as an employee and who is required by such employment to own and operate a station wagon, which is registered to such person, may pay the appropriate weight fees, and the department shall issue license plates of the same type as are issued to vehicles which are required to pay weight fees.

(b) For purposes of this section, "engaged in a business" means engaged in a bona fide trade, business,, commerce, or in a profession in which the measurement of land, construction quantities, or the dimension of structures, is a function authorized to be performed by the license issued for such profession, but does not include being engaged in any other type of profession.

CHAPTER 532

An act to amend Section 12751 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12751 of the Public Utilities Code is amended to read:

12751. The purchase of all supplies and materials, when the expenditure required exceeds ten thousand dollars ($10,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published pursuant to Section 6061 of the Government Code at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

CHAPTER 533

An act to amend Sections 16470 and 16480 of the Government Code, and to amend Sections 3002 and 3003 of the Unemployment Insurance Code, relating to the Unemployment Compensation Disability Fund.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 16470 of the Government Code is amended to read:

16470. The Pooled Money Investment Board shall, at such times as it deems necessary, determine whether any portion of the money then on deposit in the State Treasury to the credit of any fund, exclusive of the General Fund, is not necessary for immediate use; and if so, it shall determine the amount thereof in each such fund, which amount shall thereupon be designated as "surplus money." This article does not apply to any fund included within subdivisions (b), (c), (d), (e), and (f) of Section 16475, or the State Highway Fund, the Public Employees' Retirement Fund, Legislators' Retirement Fund and State Teachers' Retirement Fund, or the Unemployment Compensation Disability Fund.

Any special fund excepted from this article may elect, by filing with the Pooled Money Investment Board a notice of election, to come under the provisions of the Surplus Money Investment Fund; which election shall be revocable by such special fund effective as of December 31st or June 30th of any year upon 30 or more days' notice prior to either of said dates.

SEC. 2. Section 16480 of the Government Code is amended to read:

16480. All state money held by the State Treasurer in treasury trust accounts, and all money in the State Treasury, except money in the Unemployment Compensation Disability Fund during any period when an election under Section 16470 is not in effect, is appropriated for the purpose of investment and deposit as provided in this article.

SEC. 3. Section 3002 of the Unemployment Insurance Code is amended to read:

3002. The State Treasurer is the treasurer of the Disability Fund and shall have the custody of all money belonging to the Disability Fund and not otherwise held, deposited or invested under this part. The official bond of the State Treasurer shall cover the faithful performance of his duties as treasurer of the Disability Fund. The State Treasurer shall invest or otherwise deal with the Disability Fund under the supervision of the director. The State Treasurer may, pursuant to Section 16470 of the Government Code, file with the

Pooled Money Investment Board a notice of election that investment of surplus money in the Disability Fund, except investments under Sections 3125, 3125.5, and 3131, shall come under the provisions of the Surplus Money Investment Fund, and may revoke such election pursuant to Section 16470 of the Government Code. As of the effective date of any election with respect to the Disability Fund filed pursuant to Section 16470 of the Government Code, the State Treasurer shall transfer the surplus money in the Disability Fund to the Surplus Money Investment Fund, and may transfer all or any portion of the investments, except investments under Sections 3125, 3125.5, and 3131, held by the Disability Fund at the date of such election, from the Disability Fund to the Surplus Money Investment Fund. As of the effective date of the revocation of any such election, the State Treasurer shall transfer from the Surplus Money Investment Fund to the Disability Fund the surplus money and earnings attributable to the Disability Fund.

SEC. 4. Section 3003 of the Unemployment Insurance Code is amended to read·

3003. (a) Except as provided in Sections 3125, 3125.5, and 3131 and in subdivision (c) of this section,, all surplus money in the Disability Fund may be invested solely in securities set forth in subdivision (b) of this section, and all interest or earnings therefrom shall be deposited in the Disability Fund.

(b) Eligible securities for the investment of surplus money shall be:

(1) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(2) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(3) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(4) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act.

(5) Debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933.

(6) Bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act.

(7) Bonds of any federal home loan bank established under the Federal Home Loan Bank Act.

(8) Stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act.

(9) Bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act.

(c) This section shall not apply during the period of any election

under Section 16470 of the Government Code for investment of surplus money in the Disability Fund under the provisions of the Surplus Money Investment Fund.

CHAPTER 534

An act to amend Sections 5016.5 and 9554 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 5016.5 of the Vehicle Code is amended to read:

5016.5. (a) The department may issue a special identification plate or other suitable device to a manufacturer or dealer of special construction equipment, special mobile equipment, or cemetery equipment upon payment of the fee specified in Section 9261. The identification plate or other suitable device shall be of a size, color, and configuration determined by the department. The form of the application shall also be determined by the department.

(b) A manufacturer or dealer of special construction equipment, special mobile equipment, or cemetery equipment may operate or move such equipment upon the highways during the delivery of or during the demonstration for the sale of such piece of equipment upon condition that any such equipment display thereon an identification plate or other suitable device issued to such manufacturer or dealer; provided, that special permits have been obtained in accordance with the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15 for the operation or movement of any such equipment of a size, weight, or load exceeding the maximum specified in this code.

SEC. 2. Section 9554, as amended by Section 24 of Chapter 1330 of the Statutes of 1974, of the Vehicle Code is amended to read:

9554. (a) The penalty shall be equal to 50 percent of the fee after the fee has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be three dollars ($3), and shall apply only to the last transfer.

(b) A penalty of 50 percent of the registration and weight fees shall be added on any application for original or renewal of year-round or annual registration made later than midnight of the date of expiration or on or after the date penalties become due. Such penalty shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code.

(c) In computing the penalty for the 1976 registration year as prescribed in subdivisions (a) and (b) of this section, no penalty shall be charged on that portion of the fee which is in excess of a 12-month registration period.

(d) Notwithstanding subdivision (a) of this section, any penalty which became due prior to March 8, 1976, shall be computed at the rate of penalty which was then in effect.

This section shall become operative on March 8, 1976, unless a later enacted statute, which is chaptered before March 8, 1976, deletes or extends such date.

CHAPTER 535

An act to amend Section 8395 of the Fish and Game Code, relating to surfperch.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 8395 of the Fish and Game Code is amended to read:

8395. Surfperch of the family Embiotocidae may be taken only between July 16th and April 30th, except shiner perch (Cymatogaster aggregata), which may be taken, sold or purchased at any time. Surfperch may be sold or purchased only between July 16th and May 10th. South of a line drawn east and west through Point Arguello, barred surfperch, redtail surfperch, and calico surfperch may not be taken for commercial purposes. Surfperch of these three species which have been taken north of the line during the open season and shipped south of the line may be sold or purchased under such regulations as the commission may prescribe.

CHAPTER 536

An act to amend Section 53667 of the Government Code, relating to local agency security program, and making an appropriation therefor.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53667 of the Government Code is amended to read:

53667 Expenses incurred by the administrator in carrying out the duties and responsibilities assigned to him by this article, shall be borne pro rata on an annual basis by each depository accepting local agency deposits. The basis of the apportionment of such expenses shall be the proportion that the average amount of local agency deposits held by the depository bears to the average total amount of deposits held by all depositories in the state as shown by the reports of depositories to the administrator required in Section 53661 (c). On or before the last day of each fiscal year the administrator shall notify each depository by mail of the amount levied against it. The depository shall pay the amount levied within 20 days after such notice into the State Banking Fund to the credit of the Budget Act appropriation for the support of the State Department of Banking from which the expenditures were originally made. If payment is not made to the administrator within such time, the administrator shall assess and collect, in addition to the annual assessment, a penalty of 5 percent of the assessment for each month or part thereof that the payment is delinquent.

SEC. 2. This act shall become operative July 1, 1976.

CHAPTER 537

An act to amend the heading of Chapter 2 (commencing with Section 3901) of Division 2 of, and Sections 3901, 3902, 3910, and 3912 of, the Public Utilities Code, relating to highway carriers.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2 (commencing with Section 3901) of Division 2 of the Public Utilities Code is amended to read:

CHAPTER 2. INTERSTATE AND FOREIGN HIGHWAY CARRIERS

SEC. 2. Section 3901 of the Public Utilities Code is amended to read:

3901. This chapter may be cited as the "Interstate and Foreign Highway Carriers' Registration Act."

SEC. 3. Section 3902 of the Public Utilities Code is amended to read:

3902. This chapter shall not be construed as adopting requirements for the registration of interstate or foreign highway carriers in excess of the standards for registration promulgated under

the provisions of the Interstate Commerce Act.

SEC. 4. Section 3910 of the Public Utilities Code is amended to read:

3910. (a) No highway carrier shall engage in any interstate or foreign transportation of property for compensation by motor vehicle on any public highway in this state without first having registered such operation with the commission as follows:

(1) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, a copy of such authority pertaining to this state shall be filed with the application for registration. A copy of any additions or amendments to such authority shall be filed with the commission.

(2) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, an affidavit of such exempt status shall be filed with the application for registration.

(b) Registration shall be granted upon the filing of such application and the payment of the fee as required by this article, conditioned upon compliance with the other provisions of this chapter.

SEC. 5. Section 3912 of the Public Utilities Code is amended to read:

3912. Highway carriers engaged in interstate or foreign transportation of property for compensation by motor vehicle upon any public highway in this state who had registered their authority from the Interstate Commerce Commission with the commission pursuant to former Section 3810 shall not be required to file another initial application as prescribed in subsection (1) of subdivision (a) of Section 3910.

CHAPTER 538

An act to amend Sections 1335 and 1336 of, and to add Sections 412 and 413 to, the Unemployment Insurance Code, relating to the California Unemployment Insurance Appeals Board.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 412 is added to the Unemployment Insurance Code, to read:

412. (a) The appeals board acting as a whole may, by notice mailed to the director and the parties prior to the mailing of a referee's decision on an appeal or petition under this division pending before any referee, on its own motion either:

(1) Transfer the proceedings to another referee; or

(2) Remove the proceedings to itself for review and decision.

(b) If the appeals board removes any proceedings to itself for review and decision pursuant to this section, the appeals board may order the taking of additional evidence and may affirm, reverse, modify, or set aside any findings or action of the Employment Development Department of the Department of Benefit Payments from which the appeal or petition to the referee was taken in the proceedings. The appeals board shall promptly notify the department and the parties to the proceedings of its order or decision.

SEC. 2. Section 413 is added to the Unemployment Insurance Code, to read:

413. (a) The appeals board acting as a whole may, by notice mailed to the director and the parties not later than 30 days after the mailing of a referee's decision on an appeal or petition under this division to the referee, on its own motion either:

(1) Set aside the decision of the referee and remand the proceedings to another referee for review and decision; or

(2) Remove the proceedings to itself for review and decision.

(b) If the appeals board removes any proceedings to itself for review and decision pursuant to this section, the appeals board may order the taking of additional evidence and may affirm, reverse, modify or set aside the decision of the referee. The appeals board shall promptly notify the department and the parties to the proceedings of its order or decision.

(c) Notwithstanding any other provision of this division, no decision of a referee under this division shall be final if the appeals board pursuant to this section sets aside such decision or removes the proceedings to itself for review and decision.

SEC. 3. Section 1335 of the Unemployment Insurance Code is amended to read:

1335. If an appeal is filed, benefits with respect to the period prior to the final decision on the appeal shall be paid only after such decision, except that:

(a) If benefits for any week are payable in accordance with a determination by the department irrespective of any decision on the issues set forth in the appeal, such benefits shall be promptly paid regardless of such appeal.

(b) If a referee affirms a determination allowing benefits, such benefits shall be promptly paid regardless of any appeal which may thereafter be taken, and regardless of any action taken under Section 1336 or otherwise by the director, appeals board, or other administrative body or by any court.

If such determination is finally reversed, no employer's account shall be charged with benefits paid because of that determination.

(c) If benefits for any week are payable in accordance with a determination by the department, or a referee issues a decision allowing benefits, such benefits shall be promptly paid regardless of any appeal, and regardless of any action taken by the appeals board

pursuant to Section 412 or 413. If the determination of the department or the decision of the referee is finally reversed, no employer's reserve account shall be charged with benefits paid pursuant to this subdivision.

SEC. 4. Section 1336 of the Unemployment Insurance Code is amended to read:

1336. The director or any party to a decision by a referee may appeal to the appeals board from the decision. The appeals board may order the taking of additional evidence and may affirm, reverse, modify, or set aside the decision of the referee. The appeals board shall promptly notify the director and the parties to any appeal of its order or decision.

CHAPTER 539

An act to amend Sections 13147, 13157, 13157.1, 13157.2, and 13157.3 of the Education Code, relating to certificated employees.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13147 of the Education Code is amended to read:

13147. Subject matter examinations authorizing single-subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories: English, physical science, life science, mathematics, social science, history, government, industrial arts, physical education, business, music, art, home economics, agriculture, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese. The commission shall list subject matter categories.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

SEC. 2. Section 13157 of the Education Code is amended to read:

13157. The commission shall waive the subject matter examination requirement for graduates of accredited public and private institutions of higher education who successfully complete subject matter programs specified by the commission.

Eligibility for an examination waiver can only be achieved when the subject matter program is one which is listed by the commission under Section 13147, and the program has been successfully completed in an approved institution of higher learning.

The commission may require that the approved examination be

taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

SEC. 3. Section 13157.1 of the Education Code is amended to read·

13157.1. The commission shall evaluate any subject matter program offered by an accredited institution in satisfaction of subdivision (d) of Section 13130 to determine if it is substantially the same as one of the subject matter categories covered by the examinations.

SEC. 4. Section 13157.2 of the Education Code is amended to read:

13157.2. A finding by the commission of the inadequacy or inappropriateness of such program as the basis for waiving the subject matter examination shall cause persons completing such programs to be ineligible for the examination waiver.

SEC. 5. Section 13157.3 of the Education Code is amended to read:

13157.3. The subject matter examination authorizing multiple subject classroom instruction may be waived for holders of approved "diversified" or "liberal arts" degrees, or programs or their equivalent, conferred by accredited institutions of higher education approved by the commission.

Notwithstanding the designation of the degrees conferred, the commission shall approve the programs presented by such institution and shall not engage in the detailed analysis of the applicant's transcripts for purposes of issuing the credential. The commission, however, may provide for the selected analysis of transcripts to determine whether the programs presented by such institutions conform with the requirements of the commission.

CHAPTER 540

An act to amend Sections 16022, 16332, 16650, and 16805 of, and to add Section 16022.5 to, the Water Code, relating to sewage services.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16022 of the Water Code is amended to read:

16022. "Region," as used in this part, means the City and County of San Francisco; the Counties of Marin, Contra Costa, Alameda, Santa Clara, and San Mateo; and those portions of the Counties of Sonoma, Napa, and Solano which lie within the basin served by the San Francisco Bay Regional Water Quality Control Board, as specified in subdivision (b) of Section 13200.

SEC. 2. Section 16022.5 is added to the Water Code, to read:

16022.5. As soon as possible after January 1, 1976, but not later than June 1, 1976, the State Water Resources Control Board shall determine, solely for the purposes of this division, the boundaries of those portions of the Counties of Sonoma, Napa, and Solano which lie within the basin served by the San Francisco Bay Regional Water Quality Control Board. Such boundaries shall be delineated in a manner so as to permit the precise determination of the population and the assessed value of property within each portion for the purposes of Section 16805.

The State Water Resources Control Board shall notify the agency board and the boards of supervisors of the affected counties of the boundaries it has delineated.

Any costs incurred by the State Water Resources Control Board in making the determination required by this section shall be paid by the agency.

SEC. 3. Section 16332 of the Water Code is amended to read:

16332. Subsequent to the appointment of the first agency board the number of members composing the board shall be determined as follows:

(a) Each county within the agency shall be represented by one board member for each 225,000 persons within the portion of the county within the region, and one additional member for each major fraction thereof. For the purposes of this section each "major fraction thereof" shall be deemed to be more than 50 percent of 225,000 persons.

(b) Each county within the region shall have at least one representative on the agency board. In any case where the number of trustees representing a county is decreased by reason of a relative decrease in population, all trustees then in office representing the county shall be permitted to serve out the terms for which they were appointed.

SEC. 4. Section 16650 of the Water Code is amended to read:

16650. The agency shall develop and adopt a regional water quality management plan for the region. The plan shall be based on land use projections of the areawide agency designated by the federal or state government to perform metropolitan or regional planning, and other more detailed plans of local governments. The agency shall attempt to resolve any differences among local, regional and state projections of population to the extent that they will affect the development of the plan. The format and content of the plan shall be designed to satisfy the basic concepts of the water quality control and water reclamation elements of any metropolitan or regional plan adopted by the areawide agency designated by the federal or state government to prepare such plan. The plan shall include at least the following:

(a) Facilities Plan. A system or systems for conveyance, treatment, reclamation and disposal of municipal and industrial waste waters in such a manner as to meet state policies, plans and

requirements established pursuant to Division 7 (commencing with Section 13000). Insofar as practicable the facilities plan shall incorporate the existing plans of local or subregional agencies operating waste water treatment and disposal facilities.

(b) Implementation Plan. Identification of the appropriate local agency or agencies, acting separately or through joint exercise of powers or other available procedures, which should be responsible for construction and operation of water quality control facilities; a recommended timetable for construction of such facilities; and a proposed financing plan including apportionment of costs. Insofar as possible the implementation plan shall make use of existing local agencies, or combinations of local agencies for construction and operation of the facilities plan, and shall make recommendations accordingly.

SEC. 5. Section 16805 of the Water Code is amended to read:

16805. If the board elects to apportion costs and expenses among the counties as herein provided, it shall at the time set for approving the budget estimate determine the amount to be apportioned among the counties. The amount so determined shall be divided between the nine counties in the proportions that the populations of the portion of each county within the region bears to the total population within the agency; provided, that the amount apportioned to any one county shall not exceed an amount which shall be the equivalent of a rate of one-half cent ($0.005) per one hundred dollars ($100) of assessed valuation within such county, or portion thereof, as determined by the county assessor and the State Board of Equalization for the previous fiscal year. Population shall be determined and redetermined as provided for in Section 16333.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act because this act is in accordance with the request of a local governmental agency which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 541

An act to amend Section 5500.5 of the Financial Code, relating to savings and loan associations.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5500.5 of the Financial Code is amended to read:

5500.5. Whenever by statute or regulation there is extended to federal institutions doing business in this state whose accounts are insured by the Federal Savings and Loan Insurance Corporation or its successor any right, power, privilege, or duty not authorized herein to domestic associations, the commissioner may by regulation extend to domestic associations such right, power, privilege, or duty. Any such regulation shall expire on January 1 of the second succeeding year following the end of the calendar year in which such regulation was promulgated.

CHAPTER 542

An act to amend Section 21655 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the Department of Transportation or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 22406 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. Except as otherwise provided in this subdivision, when specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. If, however, specific lane or lanes have not been designated on a divided highway having four or more clearly marked lanes for traffic in one direction, any such vehicle may also be driven in the lane to the immediate left of such right-hand lane, unless otherwise prohibited under the provisions of this code When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering into or exiting from a highway or to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

CHAPTER 543

An act making an appropriation for construction of a National Guard training facility.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred seventy-two thousand dollars ($172,000) is appropriated from the General Fund to the Military Department for the state portion of capital construction of a California National Guard training facility in the Antelope Valley.

CHAPTER 544

An act to amend Sections 45 and 46.5 of the Elections Code, relating to elections.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 45 of the Elections Code is amended to read:

45. Wherever, by the Constitution or laws of this state, any initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters, only a person who is a registered qualified voter at the time he signs the petition or paper is entitled to sign it. Each signer shall at the time of signing the petition or paper include his printed name and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained. A space at least one-inch wide shall be left blank after each name for the use of the clerk in verifying the petition or paper. No such petition or paper may be signed within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

SEC. 2. Section 46.5 of the Elections Code is amended to read:

46.5. Wherever, by the Constitution or laws of this state, any petition or paper is required to be signed by voters, the circulator of the petition or paper shall indicate by affidavit, to be filed at the same time as such petition or papers, the dates between which all signatures to the petition or paper were obtained.

CHAPTER 545

An act to amend Section 41500 of the Vehicle Code, relating to traffic violations.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 41500 of the Vehicle Code is amended to read:

41500. (a) No person shall be subject to prosecution for any nonfelony offense arising out of the operation of a motor vehicle or violation of this code as a pedestrian which is pending against him at the time of his commitment to the custody of the Director of Corrections or the Department of the Youth Authority.

(b) Notwithstanding any other provisions of law to the contrary, no driver's license shall be suspended or revoked, nor shall the issuance or renewal of such license be refused as a result of a pending nonfelony offense occurring prior to the time a person was committed to the custody of the Director of Corrections or the Department of the Youth Authority or as a result of a notice received by the department pursuant to subdivision (a) of Section 40509 when the offense which gave rise to the notice occurred prior to the time a person was committed to the custody of the Director of Corrections or the Department of the Youth Authority.

(c) The department shall remove from its records any notice received by it pursuant to subdivision (a) of Section 40509 upon receipt of satisfactory evidence that a person was committed to the custody of the Director of Corrections or the Department of the Youth Authority after the offense which gave rise to the notice occurred.

(d) The provisions of this section shall not apply to any nonfelony offense wherein the department is required by this code to immediately revoke or suspend the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of such nonfelony offense.

(e) The provisions of subdivisions (a), (b), and (c) shall not apply to any offense committed by a person while he is temporarily released from custody pursuant to law or while he is on parole.

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CHAPTER 546

An act to amend Section 20001 of the Water Code, relating to districts securities.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20001 of the Water Code is amended to read:

20001. The State Treasurer is the successor to, and is vested with, all the powers, duties, and responsibilities of the California Districts Securities Commission, and all the powers, duties, and responsibilities previously vested in the California Bond Certification Commission, sometimes designated the State Irrigation District Bond Commission.

The California Districts Securities Commission has been abolished by Chapter 1396 of the Statutes of 1969, and the staff of such commission and all files, records, and equipment appurtenant thereto have been transferred to the office of the State Treasurer. The State Treasurer may, in his discretion, create a Districts Securities Advisory Commission to assist him in carrying out these powers, duties, and responsibilities.

The members of such commission shall be entitled to receive as compensation fifty dollars ($50) for each day while on official business of the commission, not to exceed a maximum of one thousand dollars ($1,000) in each fiscal year. In addition to such compensation, all members shall be entitled to receive their actual and necessary expenses while on official business of the commission.

No member of such commission shall be compensated or reimbursed for expenses pursuant to this section who is an officer or employee of a district or other public agency and who, by reason of such office or employment, is eligible to be compensated and reimbursed by such district or agency for his serving as a member of such commission.

Whenever the terms "California Districts Securities Commission," "California Bond Certification Commission," or "State Irrigation District Bond Commission" are used in any provision of law, such terms shall be construed as referring to the State Treasurer.

Whenever, by any statute now in force or that may be hereafter enacted, any power, duty, or responsibility is imposed or conferred upon the California Districts Securities Commission or upon the California Bond Certification Commission, sometimes designated the State Irrigation District Bond Commission, such power, duty, or responsibility shall be deemed to be imposed or conferred upon the State Treasurer.

CHAPTER 547

An act to amend Sections 20708, 20710, 20773, 20800, 20800.6, 20820, 20840, 20842, 20849, 20853, 20860, 20862.5, 20880, 20884, 20891, 20892, 20893, 20911, and 20930 of, and to repeal Sections 20882, 20882.5, and 20883 of, the Business and Professions Code, relating to petroleum.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20708 of the Business and Professions Code is amended to read:

20708. (a) "Sell" or any of its variants, as used in this chapter, includes attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale.

(b) "Manufacturer" includes manufacturer, refiner, producer or importer.

(c) "Petroleum products" includes gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, or white gasoline, or any motor fuel, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears or axles.

(d) "Barrel," when applied to petroleum products, shall consist of forty-two (42) gallons.

SEC. 2. Section 20710 of the Business and Professions Code is amended to read:

20710. "Octane number" or "antiknock index number," when used in this chapter, means that number assigned to a motor fuel which designates the antiknock quality of that motor fuel. Such "octane number" or "antiknock index number" shall be determined according to the latest American Society for Testing and Materials method or methods of test for knock characteristics of motor fuels as outlined in the latest American Society for Testing and Materials D-439.

SEC. 3. Section 20773 of the Business and Professions Code is amended to read:

20773. After July 31st of any fiscal year and until the last day of June of said fiscal year a sealer may refuse to issue a certificate of accuracy or a seal of accuracy for any pump, container or other dispensing device from which is dispensed at retail any petroleum product for use as fuel for internal combustion engines unless such pump, container or other dispensing device shall have been licensed as provided for in this article.

SEC. 4. Section 20800 of the Business and Professions Code is amended to read:

20800. Any lubricating oil, regardless of its origin, or any product that is a blend of recycled oil and new oil, shall not be sold, offered for sale, delivered, offered for delivery or stored as an engine lubricant, engine oil, motor oil or lubricating oil for use in an internal combustion engine unless such product conforms to the following specifications:

(a) It shall be free from water and suspended matter when tested by means of centrifuge, in accordance with the standard test therefor.

(b) The flashpoints for the various S.A.E. (Society of Automotive Engineers) classifications shall not be less than the following when tested in accordance with the standard method of test for flash and fire points by means of the Cleveland open cup:

Viscosity classification	Viscosity SSU at 210° F	Minimum flash degrees Fahrenheit
SAE 5W		305
SAE 10W		335
SAE 20W		345
SAE 20		345
SAE 30		355
SAE 40		375
SAE 50		400
Grade 60	110 to less than 125	435
Grade 70	125 to less than 150	470

(c) It shall meet the motor oil requirements established by the Society of Automotive Engineers for engine oil performance and engine service classification—SAE J183a or the latest revision thereof.

SEC. 5. Section 20800.6 of the Business and Professions Code is amended to read:

20800.6. It is unlawful for any person to sell, offer to sell, offer for sale, or deliver or offer to deliver any engine lubricant, engine oil, lubricating oil or motor oil unless the SAE/API service classification is conspicuously marked on each container.

SEC. 6. Section 20820 of the Business and Professions Code is amended to read:

20820. No person shall sell, offer for sale, or advertise for sale, at retail to the general public, any gasoline or other motor vehicle fuel from any place of business in this state by use of or through or from any dispensing apparatus, unless there is displayed on such dispensing apparatus in a conspicuous place at least one sign showing the actual total price per gallon, and the minimum octane number or antiknock index of, all gasoline or other motor vehicle fuel sold, offered for sale, or advertised for sale therefrom. The actual total price per gallon shall include fuel taxes and all sales taxes.

For purposes of this subdivision "gasoline" does not include

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gasoline sold for aviation purposes.

As used in this subdivision "octane number" means the octane number of the gasoline adopted by the Federal Trade Commission and if the Federal Trade Commission does not adopt an octane number, then the American Society for Testing and Materials octane number or antiknock index number of the gasoline as defined by Section 20710.

The provisions of this section relating to the posting of octane numbers shall not be operative unless and until the Federal Trade Commission or any federal governmental agency adopts regulations relating to posting of octane numbers, in which case the provisions of this section shall become operative at the time designated in such regulations.

SEC. 7. Section 20840 of the Business and Professions Code is amended to read:

20840. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product referred to in this chapter at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fillpipe of each underground storage tank, from which or into which such product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of such product including in the case of gasoline and diesel fuel the grade or brand name designation, if any, in letters not less than one-half of an inch in height, together with the brand name, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "engine lubricant," "engine oil," "lubricating oil" or "motor oil," or oils used to lubricate transmissions, gears or axles, the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of such product.

Any device or pump used to dispense a mixture or premixture of gasoline and motor oil shall have displayed on such device a sign or label stating in letters or numerals not less than one-half of an inch in height the ratio of gasoline to motor oil, the name of the product, and the brand name.

The provisions of this section shall apply, with respect to thinners or solvents, only to the sale or delivery or offer for sale of such products through service stations, garages and other retail outlets.

The viscosity grade classification number shall be determined in accordance with the Society of Automotive Engineers latest recommended practice of crankcase oil or transmission and axle lubricant viscosity classification, and shall be preceded by the letters "S.A.E." Lubricating oil, or motor oil or oils used to lubricate transmissions, gears or axles falling within more than one S.A.E. viscosity grade classification shall be labeled to show the grade or

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grades for which the supplier intends it for use.

On any container with a net content of one United States gallon or less the brand, trademark or trade name, and the S.A.E. viscosity grade classification number or other grade classification number and the words "motor oil," "engine lubricant," "engine oil," "lubricating oil," "transmission oil," "transmission lubricant," "gear oil," "gear lubricant," "axle oil," or "axle lubricant" may be painted, printed, embossed or otherwise firmly affixed on such containers in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

SEC. 8. Section 20842 of the Business and Professions Code is amended to read:

20842. If any engine lubricant, engine oil, lubricating or motor oil has no brand, trademark or trade name, each sign or label required by this article therefor shall consist of the words, in letters of gothic type with a stroke of not less than one-half inch in width, and not less than three inches in height, "engine lubricant, no brand," "engine oil, no brand," "lubricating oil, no brand," "motor oil, no brand." Such sign shall consist of red letters upon a white background.

SEC. 9. Section 20849 of the Business and Professions Code is amended to read:

20849. It is unlawful for any person to deposit or deliver, or permit to be deposited or delivered, into any tank, pump, container or receptacle, or into any bottle or bottles kept in a basket, stand or rack, at any place where petroleum products are kept or stored for sale, any petroleum product referred to in this chapter, other than that indicated by the brand, trademark, trade name, or in the case of engine lubricant, engine oil, lubricating oil or motor oil, or oils used to lubricate transmissions, gears or axles, the S.A.E. classification number or other viscosity grade classification number displayed on the tank, pump, container, receptacle, bottle, basket, stand or rack, or the inlet end of the underground storage tank, except as provided in this chapter.

SEC. 10. Section 20853 of the Business and Professions Code is amended to read:

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank and engine lubricant, engine oil, or motor oil, or a premixture of gasoline and engine lubricant, engine oil, or motor oil in a known ratio, from another tank, and dispensing them as a single combined product, or of withdrawing gasoline alone from the tank containing gasoline and of withdrawing a premixture of gasoline and engine lubricant, engine oil, or motor oil alone from the tank containing a premixture of gasoline and engine lubricant, engine oil, or motor oil shall be authorized when the department determines that all the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is

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dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed or the quantity being dispensed from the premixture of gasoline and engine lubricant, engine oil, or motor oil tank alone when the premixture of gasoline and engine lubricant, engine oil, or motor oil alone is dispensed.

(b) The device mechanism accurately and visibly records and displays: (1) the ratio of gasoline to engine lubricant, engine oil, or motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any engine lubricant, engine oil, or motor oil being dispensed or (2) the ratio of gasoline to engine lubricant, engine oil, or motor oil and the price per gallon for the product being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to engine lubricant, engine oil, or motor oil during dispensing.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing engine lubricant, engine oil, or motor oil, or a premixture of engine lubricant, engine oil, or motor oil and gasoline in a known ratio, and the other gasoline, provided that the engine lubricant, engine oil, or motor oil shall in its separate state meet the specifications for engine lubricant, engine oil, or lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

SEC. 11. Section 20860 of the Business and Professions Code is amended to read:

20860. It is unlawful for any person to transport in any tank vehicle, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum product referred to in this chapter unless and until there is compliance with either of the following:

(a) There shall be firmly attached to or affixed at each outlet faucet or valve of each such tank vehicle, a metal tag, plate or label, on which is displayed in letters not less than one-half inch in height, the name of the particular product in the tank compartment of the tank vehicle with which such valve or faucet is connected and the brand, trademark or trade name of such product, or the words "no brand," and in the case of engine lubricant, engine oil, lubricating oil or motor oil, the S.A.E. classification shall also be displayed in letters and numerals not less than one-half inch in height.

(b) The tank vehicle shall be equipped with a meter conforming to the provisions of this article relating to meters.

SEC. 12. Section 20862.5 of the Business and Professions Code is amended to read:

20862.5. In the event that a tank vehicle is equipped with a meter

or meters for the purpose of measuring the quantity of engine lubricant, engine oil, motor oil withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different grades, brands, or trade names of a engine lubricant, engine oil, motor oil for delivery at any place of business from which is being sold at retail any petroleum product mentioned in this chapter.

SEC. 13. Section 20880 of the Business and Professions Code is amended to read:

20880. (a) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon for a particular brand or trade name of gasoline or motor vehicle fuel permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon for the same brand or trade name of gasoline or other motor vehicle fuel permitted under the provisions of this article.

(b) Nothing in this article shall be construed to apply to the price signs referred to in Article 5 (commencing with Section 20820) of this chapter; provided, however, that any numerals designating the net tax-included price per gallon and the minimum octane number for a particular brand or trade name of gasoline permitted under the provisions of Article 5 (commencing with Section 20820) of this chapter, unless otherwise stated herein, shall be identical in numerical value with numerals designating the net tax-included price per gallon and the minimum octane number for the same brand or trade name of gasoline permitted under the provisions of this article.

For purposes of this subdivision "gasoline" does not include gasoline sold for aviation purposes.

As used in this subdivision "octane number" means the American Society for Testing and Materials octane number of the gasoline as defined by Section 20710.

(c) No person shall keep, maintain or display on or near the premises of any place of business in this state any advertising medium, which indicates or shows or advertises the price of gasoline or other motor vehicle fuel sold, offered for sale or advertised for sale from such premises, unless the actual price per gallon of gasoline or other motor vehicle fuel including taxes is also shown on such advertising medium, together with the word or words "gasoline" or "motor fuel" and the trade name or brand and grade designation of the gasoline or other motor vehicle fuel product advertised for sale by such advertising medium.

The numerals indicating the price on such sign shall be of uniform size and at least six inches in height. All letters or numerals used in designating the brand name or the words "no brand" on such sign shall not be less than one-third the size of the numerals designating

the price and the height of such letters or numerals shall not be more than twice the dimension of the width. All letters or numerals used in designating the product, such as "gasoline" or other motor fuel, shall be not less than one-third the size of the numerals designating the price; and the height of such letters or numerals shall not be more than twice the dimension of the width, except that these letters or numerals need not be larger than four inches in height. All letters or numerals on such sign designating the grade of the gasoline or motor fuel shall be not less than one-sixth the size of the numerals designating the price and the height of such letters or numerals shall not be more than twice the dimension of the width.

(d) No person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in the State of California shall post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per gallon, such as "save 5 cents" or "save 5 cents per gallon", or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less", or "discount" of a given amount, such as "5 cents discount", or otherwise using the words "save", "off", "discount", "less", "below", or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, statement or other advertising medium, the total price, or prices per gallon, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words shall be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made. Such words shall be clearly shown in letters at least one-third the size of the numerals indicating the prices.

(e) In the event that the same brand or grade of gasoline or motor fuel is sold at different prices from the dispensing devices on the premises of any single place of business, it shall be unlawful for any person to post or display any sign or advertising medium which indicates or shows or advertises a price of such brand or grade unless such sign or advertising medium indicates, shows, or advertises in letters or numerals of equal size each of the higher prices, including all taxes, for which such brand or grade is sold, offered for sale, or advertised for sale and unless such sign or advertising medium explains the conditions under which such brand or grade is advertised for sale, at different prices. The words of explanation shall be clearly shown in letters at least one-third the size of the numerals indicating the prices.

The provisions of this section relating to the posting of octane numbers shall not be operative unless and until the Federal Trade Commission or any federal governmental agency adopts regulations relating to posting of octane numbers, in which case the provisions of this section shall become operative at the time designated in such regulations.

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SEC. 14. Section 20882 of the Business and Professions Code is repealed.

SEC. 15. Section 20882.5 of the Business and Professions Code is repealed.

SEC. 16. Section 20883 of the Business and Professions Code is repealed.

SEC. 17. Section 20884 of the Business and Professions Code is amended to read:

20884. Except as provided in subdivisions (d) and (e) of Section 20880 the advertising medium referred to in this article shall not contain any other advertising matter whatsoever, except (1) words of description of the products sold or offered for sale, and (2) method of sale, such as "self serve," "full serve," or words of similar meaning. Any letters, figures or numerals used on the advertising medium as permitted by (1) shall not be larger than the words, letters, figures, or numerals used to indicate the price per gallon on the sign. Any letters, figures or numerals used on the advertising medium as permitted by (2) shall not be less than one-third the size of the words, letters, figures or numerals used to indicate the price per gallon on the sign.

SEC. 18. Section 20891 of the Business and Professions Code is amended to read:

20891. No person shall keep, maintain or display on the premises or near any place of business in this state any advertising medium which indicates or shows or advertises the price of "engine lubricant," "engine oil" "motor oil" or "lubricating oil" offered for sale or advertised for sale from such premises without clearly and conspicuously showing on the same advertising medium where such price is advertised, the trade name or brand name of the particular "engine lubricant," "engine oil" "motor oil" or "lubricating oil," the price of which is so advertised together with the words "engine lubricant," "engine oil" "motor oil" or "lubricating oil." If such "engine lubricant," "engine oil" "motor oil" or "lubricating oil" has no brand name or trade name, then the words "no brand" shall be displayed in connection with the designation of the product.

SEC. 19. Section 20892 of the Business and Professions Code is amended to read:

20892. (a) All letters, figures or numerals used in designating the brand name or the words "no brand" which are part of any advertising medium indicating, showing or advertising the price of "engine lubricant," "engine oil," "lubricating oil" or "motor oil," shall be of uniform size, type and design and may be of any convenient height except that the height shall not be more than twice the dimension of the width of each such letter, figure or numeral.

(b) All letters used in designating the words "engine lubricant," "engine oil," "motor oil" or "lubricating oil" which are part of any advertising medium indicating, showing or advertising the price of

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"engine lubricant," "engine oil," "lubricating oil" or "motor oil" shall be of uniform size, type and design and shall not be less than one-half the size nor greater than the size, either in height or width, of any letters, figures or numerals designating the brand name of the engine lubricant, engine oil, motor oil or lubricating oil being advertised.

(c) All letters, words, figures or numerals used for the purpose of indicating the price of "engine lubricant," "engine oil," "motor oil" or "lubricating oil" shall be uniform in size and shall not be more than twice the size of the letters, figures or numerals used for the purpose of designating the brand name or the words "no brand."

(d) All letters, figures or numerals used for designating the brand name or the words "no brand" when used as a part of any advertising medium indicating, showing or advertising the price of "engine lubricant," "engine oil," "motor oil" or "lubricating oil" shall be of like color or tint.

(e) All letters, figures or numerals used for designating the price of "engine lubricant," "engine oil," "motor oil" or "lubricating oil" shall be of like color or tint.

(f) All letters used in designating the words "engine lubricant," "engine oil," "motor oil" or "lubricating oil" when used as a part of any advertising medium indicating, showing or advertising the price of "engine lubricant," "engine oil," "motor oil" or "lubricating oil" shall be of like color or tint.

(g) All such color or tint shall contrast with the background and other parts of such advertising medium.

SEC. 20. Section 20893 of the Business and Professions Code is amended to read:

20893. It is unlawful for any person engaged in the business of selling at retail any gasoline or other motor fuel or any distillate, or kerosene, or any engine lubricant, engine oil lubricating or motor oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person describing or designating a brand, trademark or trade name or the words "no brand" of a gasoline or other motor fuel, distillate, kerosene, or engine lubricant, engine oil lubricating or motor oil for internal combustion engines, not actually sold or offered for sale or delivery at such place of business.

SEC. 21. Section 20911 of the Business and Professions Code is amended to read:

20911. (a) It is unlawful for any person to sell, attempt to sell, offer for sale or participate or assist in the sale of any gasoline, liquefied petroleum gas, distillate, kerosene or other motor fuel or engine lubricant, engine oil, lubricating oil or motor oil of any kind or quality whatever for use in internal combustion engines when the petroleum product is at the time it is sold, offered for sale, caused or attempted to be sold, falsely represented to the purchaser or intended purchaser thereof either verbally or by advertising labels, signs or literature as the product of any manufacturer, refiner, producer or importer other than the true manufacturer, refiner,

producer or importer.

(b) It is unlawful for any person to sell, attempt to sell, offer for sale or participate or assist in the sale of any gasoline, liquefied petroleum gas, distillate, kerosene or other motor fuel or engine lubricant, engine oil, motor oil or lubricating oil of any kind or quality whatever for use in internal combustion engines when the petroleum product is, at the time it is sold, offered for sale, caused or attempted to be sold, falsely represented to the purchaser or intended purchaser thereof, to be the product of the brand name or trade name specified by the purchaser or intended purchaser. It is unlawful to sell, offer for sale or attempt to sell to a purchaser or intended purchaser an engine lubricant, engine oil, motor oil or lubricating oil with an S.A.E. (Society of Automotive Engineers) number classification other than the S.A.E. number classification as specified by the purchaser or intended purchaser.

(c) It is unlawful for any person to permit, direct or cause any other person to do any of the acts prohibited by this section.

SEC. 22. Section 20930 of the Business and Professions Code is amended to read:

20930. It is unlawful for any person to mix or adulterate any gasoline or other motor fuel, distillate, kerosene, or engine lubricant, engine oil, lubricating or motor oil, or fraudulently to sell or offer for sale or attempt to sell or assist in the sale of, any of the products resulting from such mixture or adulteration as the gasoline or other motor fuel distillate, kerosene, or engine lubricant, engine oil, lubricating or motor oil, of a brand, trademark or trade name, maintained and in general use by the manufacturer, refiner, producer, or marketer of either or both of the products so mixed or adulterated or by any other manufacturer, refiner, producer or marketer.

This section applies to deliveries by tank vehicle, subject to the provisions of Article 7

CHAPTER 548

An act to amend Section 171f of the Penal Code, relating to crimes.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 171f of the Penal Code is amended to read:

171f. No person or group of persons shall willfully and knowingly:

1. Enter or remain within or upon any part of the chamber of either house of the Legislature unless authorized, pursuant to rules adopted or permission granted by either such house, to enter or remain within or upon a part of the chamber of either such house;

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2. Engage in any conduct within the State Capitol which disrupts the orderly conduct of official business.

A violation of this section is a misdemeanor.

As used in this section, "State Capitol" means the building which is intended primarily for use of the legislative department and situated in the area bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

Nothing in this section shall forbid any act of any Member of the Legislature, or any employee of a Member of the Legislature, any officer or employee of the Legislature or any committee or subcommittee thereof, or any officer or employee of either house of the Legislature or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties.

CHAPTER 549

An act to amend Section 6872 of the Education Code, relating to special education.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6872 of the Education Code is amended to read:

6872. A school district having any pupil receiving the benefits of special education facilities and services under the provisions of Section 6871 shall pay to the parent or guardian of such pupil a monthly amount on a current basis toward the cost of tuition of such attendance. The monthly payments shall be based on estimated amounts computed pursuant to Section 6871 or the monthly tuition charge, whichever is lesser. The district shall report the attendance of such pupil and submit a claim for the regular and special-purpose apportionment to be used as reimbursement to the district for payment to the parent or guardian of such pupil, through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

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CHAPTER 550

An act to amend Section 17540.10 of, and to add Section 17540.5 to, the Business and Professions Code, relating to transportation brokers and travel promoters.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 17540.5 is added to the Business and Professions Code, to read:

17540.5. "Ticket or voucher" means a writing which is itself good and sufficient to obtain the entire air or ocean transportation, or both, for which the passenger has contracted.

SEC. 2. Section 17540.10 of the Business and Professions Code is amended to read:

17540.10. (a) A travel promoter shall deposit 90 percent of all sums received for air or sea transportation or any other services or goods offered by the travel promoter in conjunction with such transportation in a trust account in a federally insured bank or savings and loan association.

(b) The trust account required by this section shall be created and maintained for the benefit of the persons paying money to the travel promoter. The travel promoter shall not in any manner encumber the corpus of such account and shall not withdraw money therefrom except: (1) in partial or full payment for the goods or services contracted for by the passengers to the carrier or person providing the other goods or services offered by the travel promoter; or (2) to make the refunds as required by this article or provided for by written contract between the travel promoter and passengers. This section shall not prevent the withdrawal from such account of any interest earned and credited to the trust account for the sole benefit of the travel promoter after all goods and services have been provided as contracted for or the withdrawal at such time of any other sums on deposit in such account.

(c) In lieu of such trust, an adequate bond shall be maintained by the travel promoter. A copy of such bond shall be filed with the Secretary of State prior to the advertisement of air or sea transportation, or both, by the travel promoter.

CHAPTER 551

An act to add Section 25110 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25110 is added to the Vehicle Code, to read:

25110. (a) The following vehicles may be equipped with utility flood or loading lamps mounted on the rear, and sides, which project a white light illuminating an area to the side or rear of the vehicle for a distance not to exceed 75 feet at the level of the roadway:

(1) Tow cars which are used to tow disabled vehicles may display such utility flood lights but only during the period of preparation for towing at the location from which a disabled vehicle is to be towed.

(2) Ambulances used to respond to emergency calls may display such utility flood and loading lights but only at the scene of an emergency or while loading or unloading patients.

(3) Firefighting equipment designed and operated exclusively as such may display such utility flood lamps only at the scene of an emergency.

(b) Lamps permitted under subdivision (a) shall not be lighted during darkness, except while the vehicle is parked, nor project any glaring light into the eyes of an approaching driver.

CHAPTER 552

An act to repeal, add, and repeal Section 5465 to the Health and Safety Code, relating to sewer bonds.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5465 of the Health and Safety Code is repealed.

SEC. 2. Section 5465 is added to the Health and Safety Code, to read:

5465. Notwithstanding any other provision of law, in any district which is authorized to provide sewer facilities and the district is authorized to incur bonded indebtedness after a favorable vote of two-thirds of the votes cast at an election held for that purpose, if at the last two such elections at which bond propositions were submitted for any required amount for the purpose of providing sewer facilities such a favorable vote was not received, and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health and such officer certifies that a present dangerous hazard to the public health exists, and the governing body of such

district or county, in conjunction with the public health officer, certifies that they will cease and desist in any activity which may contribute to such hazard, and such finding is concurred in by the State Department of Health and the board of supervisors of such county as evidenced by resolution, or if the regional water quality control board issues an order to the district to cease and desist, and the fact of such order is stated in a resolution, by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount which is certified by the district and the health officer to be necessary to alleviate the hazardous health condition may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until January 1, 1977, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1. 1977, deletes or extends such date.

CHAPTER 553

An act to amend Section 4 of, and to add Section 21.5 to, Chapter 819 of the Statutes of 1971, relating to the Stockton-East Water District.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of Chapter 819 of the Statutes of 1971 is amended to read:

Sec. 4. (a) The definition of a word applies to any of its variants.

(b) "Accumulated overdraft" means the aggregate amount by which the quantity of ground water removed from the ground water supplies within the district during all preceding water years shall have exceeded the quantity of water replaced therein by the replenishment of the ground water supplies in such water years by any natural or artificial means, based upon reports, records, and other data or evidence appropriate for the purpose of making such determination.

(c) "Agricultural water" and "water used for agricultural purposes" shall mean water used primarily in the commercial production of agricultural crops or livestock on parcels of land operated in units of more than two acres and shall not include water used for agricultural product-processing purposes.

(d) "Annual overdraft" means the amount by which the production of water from the ground water supplies within the district during the water year exceeds the natural replenishment of such ground water supplies in such year

(e) "Assessor" means the assessor of the county.

(f) "Auditor" means the auditor of the county.

(g) "Benefit review procedure" means the procedure set forth in subdivisions (g) through (i) of Section 28.

(h) "Board" means the board of directors of the Stockton-East Water District.

(i) "Board of supervisors" means the board of supervisors of the county.

(j) "Collector" means the person appointed by the board to determine and collect the accounts due the district prior to their transfer to the auditor, as set forth in this act. The collector shall be appointed by the board and hold office at the pleasure of the board. The collector may hold other offices, including, but not limited to, the office of secretary, or may perform other duties for the district but shall not be a member of the board.

(k) "County" means the County of San Joaquin.

(*l*) "Delinquent account" means any sum or sums due the district from an owner as disclosed by an annual bill presented by the collector pursuant to Section 13 which is not paid within the times set forth in Section 15, together with all penalties applicable to such sum or sums pursuant to this act.

(m) "Delinquent landowner" means the owner or owners of a parcel of land upon which one or more delinquent water-producing facilities are located as such ownership is disclosed by the last equalized assessment roll of the county.

(n) "Delinquent parcel" means a parcel of land upon which one or more delinquent water-producing facilities are located.

(o) "Delinquent water-producing facility" means a water-producing facility for which payment is required by this act and for which payment in full has not been received by the district within the times set forth in Section 15.

(p) "Director" means a member of the board.

(q) "District" means the Stockton-East Water District.

(r) "Division" means a division of the district established pursuant to the Water Conservation District Law of 1931, Division 21 (commencing with Section 74000) of the Water Code.

(s) "Full tax area" means any area within a planning area which has been excluded from the partial tax area in the manner provided in subdivision (b) of Section 27.

(t) "Ground water" means potable water beneath the surface of the ground suitable for municipal and irrigation use.

(u) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation. Unless there is filed with the district by an owner, information to the contrary, the district may presume that the owner of the parcel of land on which a water-producing facility is located is the owner of the water-producing facility.

(v) "Partial tax area" means all areas of the district which

pursuant to the terms of subdivision (a) of Section 27 are not required to pay the taxes, assessments, and charges specified in subdivision (a) of Section 27.

(w) "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

(x) "Planning area" means any one of the planning areas mentioned in subdivision (a) of Section 24 or in Section 35.

(y) "Prior act" means Chapter 1775 of the Statutes of 1963, as amended.

(z) "Production" or "producing" means the diversion or taking of stream-delivered water or the extraction or extracting of ground water, by any means, for domestic, municipal, irrigation, industrial, or other beneficial use.

(aa) "Advisory commission" means the California District Securities Advisory Commission.

(bb) "Stream-delivered water" means surface water used for agricultural purposes and taken by an owner's water-producing facility directly from the Stockton Diverting Canal, the Calaveras River, the Old Calaveras River, Mosher Creek, Mormon Slough, or any other watercourse within the district except those portions of any of the foregoing watercourses which are located within boundaries of the Delta Water Agency as the boundaries of the Delta Water Agency are presently defined by Section 10.1 of the Delta Water Agency Act of 1968 (Chapter 419 of the Statutes of 1968).

(cc) "Tax collector" means the tax collector of the county.

(dd) "Treasurer" means the treasurer of the county.

(ee) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within said district, or for the diversion of stream-delivered water.

(ff) "Dry year" means any year in which the board determines that there may be insufficient quantities of water to meet the needs of users who are dependent upon surface water sources.

SEC. 2. Section 21.5 is added to Chapter 819 of the Statutes of 1971, to read:

Sec. 21.5. The board is authorized to establish a reserve fund financed by the transfer of up to ten cents ($0.10) for each acre-foot of water to which the ground water assessment rate or the stream-delivered surface water charges levied pursuant to subdivision (a) of Section 9, in addition to ten cents ($0.10) for each acre-foot of treated water sold by the district under either an existing or future water service contract executed pursuant to Section 6. Such amounts transferred into a reserve fund created pursuant to this section shall be a part of, and not in addition to, the above-referenced ground water assessment rates, stream-delivered surface water charges, and contract prices. The reserve fund established under the authority of this section shall be a limited-purpose reserve fund. Expenditures out of such fund shall only be made for the purpose of

constructing, leasing or purchasing, maintaining, and operating ground water pumping facilities capable of delivering ground water into then existing district watercourses, water supply, or distribution facilities for the purpose of insuring the availability, to the extent possible, of a full supply of water to all users during dry years.

CHAPTER 554

An act to amend Sections 15459 and 15461 of the Education Code, relating to school buildings.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 15459 of the Education Code is amended to read:

15459. All plans, specifications, and estimates shall be prepared by a certified architect holding a valid license under Chapter 3 of Division 3 of the Business and Professions Code or by a structural engineer holding a valid certificate to use the title structural engineer under Chapter 7 of Division 3 of the Business and Professions Code, and the observation of the work of construction shall be under the responsible charge of such an architect or structural engineer, except that where plans, specifications, and estimates for alterations or repairs do not involve architectural or structural changes said plans, specifications, and estimates may be prepared and work of construction may be observed by a professional engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications, and estimates and work of construction are applicable.

SEC. 2. Section 15461 of the Education Code is amended to read:

15461. From time to time, as the work of construction or alteration progresses and whenever the Department of General Services requires, the licensed architect or structural engineer in charge of observation of construction or registered engineer in charge of observation of other work, the inspector on the work, and the contractor shall each make to the Department of General Services a report, duly verified by him, upon a form prescribed by the Department of General Services, based upon his own personal knowledge, indicating that the work during the period covered by the report has been performed and materials have been used and installed, in every material respect, in compliance with the approved plans and specifications, setting forth such detailed statements of fact as are required by the Department of General Services.

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The term "personal knowledge" as used in this section and as applied to the architect, and the registered engineer, means the personal knowledge which is obtained from periodic visits to the project site of reasonable frequency for the purpose of general observation of the work, and also which is obtained from the reporting of others as to the progress of the work, testing of materials, inspection and superintendence of the work that is performed between the above-mentioned periodic visits of the architect or the registered engineer. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the inspector means the actual personal knowledge which is obtained from his personal continuous inspection of the work of construction in all stages of its progress at the site where he is responsible for inspection and, when work is carried out away from the site, that personal knowledge which is obtained from the reporting of others on the testing or inspection of materials and workmanship for compliance with plans, specifications or applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the contractor means the personal knowledge which is obtained from the construction of the building. The exercise of reasonable diligence to obtain the facts is required.

CHAPTER 555

An act to amend Section 23802 of, and to add Section 23754.5 to, the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 23754.5 is added to the Education Code, to read:

23754.5. Notwithstanding the provisions of Section 23802, a nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States may pay the nonresident tuition fee required of such students in three equal installments per semester if attending on the semester system or in two equal installments per quarter if attending on the quarter system. Any such student shall pay all registration fees required of resident students by the same date as required for resident students. The first installment of the nonresident tuition fee for a nonresident student who is a citizen and resident of a foreign country and not a citizen of the United States shall be due no sooner than 30 days following the

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deadline for payment of registration fees by resident students. The trustees shall establish an appropriate payment schedule for payment of the nonresident tuition fee and may assess a service charge to finance the cost of administering this installment plan consistent with the provisions of this section.

SEC. 2. Section 23802 of the Education Code is amended to read:

23802. Notwithstanding any provision of law to the contrary, except as provided pursuant to Section 23754.5 with respect to nonresident students who are citizens and residents of a foreign country and who are not citizens of the United States, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. All unexpended funds and money collected on behalf of or by student body organizations, except funds and money collected from commercial services as provided in Section 24057, shall, with the approval of an appropriate officer of the student body organization, be deposited in trust by the chief fiscal officer of the state college and such money shall, subject to the approval of the trustees, be deposited or invested in any one or more of the following ways:

(a) Deposits in trust accounts of the centralized State Treasury system pursuant to Sections 16305 to 16305.7, inclusive, of the Government Code or in the State Colleges Trust Fund or in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations, provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code or investment by the State Treasurer in those securities.

(d) Participation in funds which are exempt from federal income tax pursuant to Section 501 (c) (3) of the Internal Revenue Code and which are open exclusively to nonprofit colleges, universities, and independent schools.

All moneys received by a state college from any agency of the state or federal government for the payment of student body organizations membership fees of students attending the college shall be deposited or invested as provided above.

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CHAPTER 556

An act to add Section 41805 to the Government Code, relating to city attorneys.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 41805 is added to the Government Code, to read:

41805. (a) No city attorney who does not, in fact, exercise prosecutorial responsibilities on behalf of the city or cities by which he is employed shall be precluded from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violation of any ordinance of the city or cities by which he is employed, provided that:

(1) The city or cities by which he is employed expressly relieve him of any and all prosecutorial responsibilities on its or their behalf; and

(2) The accused has been informed of and expressly waives any rights created as a result of any potential conflict created by his attorney's position as a city attorney.

(b) Where the above provisions are met, no partner or associate of a city attorney shall be prevented from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violations of any ordinance of the city or cities by which his partner or associate is employed as a city attorney.

This section shall not preclude any city from limiting or prohibiting the private practice of any attorney it retains or employs.

CHAPTER 557

An act to add Section 99407 to the Public Utilities Code, relating to transportation.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 99407 is added to the Public Utilities Code, to read:

99407 Notwithstanding any other provision of this chapter, the transportation planning agency may approve claims filed by a city for the construction of facilities for the exclusive use of pedestrians and bicycles, if the city is not expected to be served by public transportation within three years of the filing of the claims.

CHAPTER 558

An act to amend Sections 37912, 37915, 37922, 37923, 37925, and 37950 of, and to add Section 37922.1 to, the Health and Safety Code, relating to housing.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 37912 of the Health and Safety Code is amended to read:

37912. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (i), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.

(b) "Citizen participation" means action by the local agency to provide persons who will be affected by residential rehabilitation financed under the provisions of this part with opportunities to be involved in planning and carrying out the residential rehabilitation program. "Citizen participation" shall include, but not be limited to, all of the following and in the order provided below:

(1) Holding a public meeting prior to the hearing by the local governing body considering selection of the area for designation.

(2) Consultation with an elected or appointed citizen advisory board, composed of representatives of owners of property in, and residents of, a residential rehabilitation area, in developing a plan for public improvements and the rules and regulations for implementation of the residential rehabilitation program.

(3) Dissemination, at least seven days prior to the original hearing, by mailing to property owners within the proposed residential rehabilitation area at the address shown on the latest assessment roll and by distribution to residents of such area by a manner determined appropriate by the local agency, of information relating to the time and location of meetings, boundaries of the proposed residential rehabilitation area, and a general description of the proposed residential rehabilitation program.

"Citizen participation" also includes any other means of citizen involvement determined appropriate by the legislative body of the local agency.

Public meetings and consultations held to implement the requirements of citizen participation shall be conducted by a planning or rehabilitation official designated by the legislative body of the local agency. Public meetings shall be held at times and places

convenient to residents and property owners.

(c) "Financing" means the lending of moneys or any other thing of value for the purpose of residential rehabilitation and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation or the purchase of structures rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(d) "Legislative body" means the city council, board of supervisors, or other legislative body of the local agency.

(e) "Local agency ' means any of the following:

(1) Any city, county, or city and county.

(2) Any redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(3) Any housing authority functioning pursuant to Part 2 (commencing with Section 34200) of this division.

(f) "Participating party" means any person, company, corporation, partnership, firm, local agency, political subdivision of the state, or other entity or group of entities requiring financing for residential rehabilitation pursuant to the provisions of this part. No elective officer of the state or any of its political subdivisions shall be eligible to be a participating party under the provision of this part.

(g) "Residential rehabilitation" means the construction, reconstruction, renovation, replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise improving residences consistent with standards of strength, effectiveness, fire resistance, durability, and safety, so that such structures are satisfactory and safe to occupy for residential purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime because of any one or more of the following factors:

(1) Defective design and character of physical construction.

(2) Faulty interior arrangement and exterior spacing.

(3) Inadequate provision for ventilation, lighting, and sanitation.

(4) Obsolescense, deterioration, and dilapidation.

(h) "Residence" means a residential structure and, in residential rehabilitation areas only, also includes a commercial structure which, in the judgment of the local agency, is an integral part of a residential neighborhood.

(i) "Rehabilitation standards" means the applicable local or state standards for the rehabilitation of buildings located in residential rehabilitation areas or rehabilitated pursuant to Section 37922.1, including any higher standards adopted by the local agency as part of its residential rehabilitation financing program.

(j) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the local agency from the financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or reserve fund or other fund to secure the bonds or to

provide for the payment of the principal of, or interest on, the bonds and such other moneys as the legislative body may, in its discretion, make available therefor.

(k) "Residential rehabilitation area" means the geographical area designated by the local agency as one for inclusion in a comprehensive residential rehabilitation financing program pursuant to the provisions of this part.

SEC. 2. Section 37915 of the Health and Safety Code is amended to read:

37915. A local agency may determine the location and character of any residential rehabilitation to be financed under the provisions of this part and may lend financial assistance to any participating party for the purpose of financing residential rehabilitation in areas designated as residential rehabilitation areas by the local agency, or for the purpose of financing residential rehabilitation outside such areas, as provided in Section 37922.1.

SEC. 3. Section 37922 of the Health and Safety Code is amended to read:

37922 Prior to the issuance of any bonds or bond anticipation notes of the local agency for residential rehabilitation, the local agency shall by ordinance or resolution adopt a comprehensive residential rehabilitation financing program which shall include, but is not limited to, the following items:

(a) Criteria for selection of residential rehabilitation areas by the local agency which shall include findings by the local agency that:

(1) There are a substantial number of deteriorating structures in the area which do not conform to community standards for decent, safe, sanitary housing.

(2) Financial assistance from the local agency for residential rehabilitation is necessary to arrest the deterioration of the area.

(3) Financing of residential rehabilitation in the area is economically feasible.

However, these findings are not required when the residential rehabilitation area is a redevelopment project area that the provisions of the Community Redevelopment Law (Part 1 (commencing with Section 33000)) apply to.

(b) Procedures for selection of residential rehabilitation areas by the local agency which shall include:

(1) Provisions for citizen participation in selection of residential rehabilitation areas

(2) Provisions for a public hearing by the governing body of the local agency prior to selection of any particular residential rehabilitation area by the local agency.

(c) A commitment that, subject to budgeting and fiscal limitations of the local agency, rehabilitation standards will be enforced in 95 percent of the residences in each residential rehabilitation area.

(d) Guidelines for financing residential rehabilitation which shall be subject to the following limitations:

(1) Outstanding loans on the property to be rehabilitated,

including the amount of the loans for rehabilitation, shall not exceed 80 percent of the anticipated after-rehabilitation value of the property to be rehabilitated, except that the local agency may authorize loans of up to 95 percent of the anticipated after-rehabilitation value of the property if such loans are made for the purpose of rehabilitating the property for residential purposes, there is demonstrated need for such higher limit, and there is a high probability that the value of the property will not be impaired during the term of the loan.

(2) The maximum repayment period for residential rehabilitation loans shall be 40 years or four-fifths of the economic life of the property, whichever is less.

(3) The maximum amount loaned for rehabilitation for each dwelling unit and for each commercial unit which is, or is part of, a "residence" within the meaning of that term as defined in this part, shall be thirty thousand dollars ($30,000).

(4) No more than 20 percent of any loan for residential rehabilitation shall be used for residential rehabilitation which is not required under the local agency's rehabilitation standards except that in the case of owner-occupied one- to four-dwelling-unit properties, up to 40 percent of the loan for residential rehabilitation may be used for residential rehabilitation not required under the local agency's rehabilitation standards.

(5) Loans shall not be made for the purpose of refinancing the outstanding indebtedness of the participating party with respect to property which is subject to residential rehabilitation, unless the cost, including in such costs any amounts previously expended for residential rehabilitation of that property by a participating party, within a residential rehabilitation area or a redevelopment project area established at the time of such expenditure, of meeting the rehabilitation standards is at least 20 percent of the principal amount of the loan.

(e) A requirement that a plan for public improvements necessary to successful rehabilitation of the residential rehabilitation area be developed, with citizen participation, for each residential rehabilitation area and that the plan for public improvements be adopted by the local agency prior to the financing of residential rehabilitation in any residential rehabilitation area, together with a commitment that, subject to budgetary and fiscal limitations, such plan will be carried out by the local agency.

SEC. 4. Section 37922.1 is added to the Health and Safety Code, to read:

(a) A comprehensive residential rehabilitation financing program may authorize residential rehabilitation outside residential rehabilitation areas of residences which meet the following qualifications:

(1) The residence is located in an area determined by the legislative body to be a stable and viable residential neighborhood.

(2) Rehabilitation of the residence is determined by the

legislative body to be economically feasible.

(3) Dwelling units rehabilitated within the residence with financing under this part are committed for the period during which the loan is outstanding for occupancy by persons and families of low or moderate income, as defined in Section 41056, pursuant to a governmental assistance program.

(b) Guidelines for financing residential rehabilitation of residences specified in subdivision (a) shall be included in the comprehensive residential rehabilitation financing program if financing of such rehabilitation is authorized pursuant to this section. Such guidelines shall be subject to the limitations prescribed by subdivision (d) of Section 37922. The maximum repayment period for residential rehabilitation loans for residences described in subdivision (a) shall be 40 years or four-fifths of the economic life of the property or the duration of the governmental rent assistance, whichever is less.

(c) With respect to rehabilitation of residences specified in subdivision (a), the comprehensive residential rehabilitation financing program shall provide for notice to affected owners and tenants of the proposed rehabilitation and for an opportunity for participation by them in the designation of dwelling units to be rehabilitated and in the planning of the proposed rehabilitation.

SEC. 5. Section 37923 of the Health and Safety Code is amended to read:

37923. The local agency shall require that any residence which is rehabilitated with financing obtained under this part shall be open, upon sale or rental of any portion thereof, to all regardless of race, color, religion, national origin, or ancestry. The local agency shall also require that contractors and subcontractors engaged in residential rehabilitation financed under this part provide equal opportunity for employment, without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry. All contracts and subcontracts for residential rehabilitation financed under this part shall be let without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry. It shall be the policy of the local agency financing residential rehabilitation under this part to encourage participation by minority contractors, and the local agency shall adopt rules and regulations to implement the provisions of this section.

SEC. 6. Section 37925 of the Health and Safety Code is amended to read:

37925. Any action challenging the legality of a comprehensive residential rehabilitation financing program, the selection of a residential rehabilitation area, the selection of residences for residential rehabilitation pursuant to Section 37922.1, or the adoption of a plan for public improvements for a residential rehabilitation area, shall be commenced within 60 days of the adoption of such program, selection of such area or residences, or adoption of such plan for public improvements.

SEC. 7. Section 37950 of the Health and Safety Code is amended to read:

37950. The local agency may provide financing to any participating party for the purpose of residential rehabilitation authorized pursuant to a comprehensive residential rehabilitation financing program. All agreements for such loans shall provide that the architectural and engineering design of the residential rehabilitation shall be subject to such standards as may be established by the local agency and that the work of such residential rehabilitation shall be subject to such supervision as the local agency deems necessary.

CHAPTER 559

An act to add Article 28.1 (commencing with Section 74655), to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 28.1 (commencing with Section 74655) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 28.1. Lompoc

74655. This article applies to the municipal court established in the Lompoc Judicial District.

74656. There shall be one judge.

74657. There shall be one clerk of the municipal court—Lompoc, one assistant clerk of the municipal court—Lompoc, one municipal court clerk, one clerk-typist III, one clerk-typist II, and extra help workers as needed, each of whom shall receive a salary in accordance with Sections 74658 and 74658.1.

74657.1. There shall be one marshal—Lompoc who shall receive a salary in accordance with Sections 74658 and 74658.1.

74658. (a) The biweekly salaries for the following classes of positions shall be, and shall be increased in accordance with the schedule set forth below:

	Range	Hourly rate step A	A	B	C	D	E
Clerk of the municipal court—Lompoc	296	6 1041	488 33	513 30	539 55	567 14	596 14
Assistant clerk municipal court—Lompoc	246	4 7569	380 55	400 02	420 47	441 97	464 57
Municipal court clerk	217	4 1163	329 30	346.14	363.85	382.46	402 02
Marshal—Lompoc	338	7 5265	602 12	632 92	655 32	699 34	735.10
Clerk-typist III	192	3 6335	290.68	305 54	321 18	337 62	354 89
Clerk-typist II	165	3 1757	254 06	267 05	280 71	295 07	310 15
Extra help worker as needed	(to be compensated in accordance with the salary ordinance of Santa Barbara County)						

All figures in columns A, B, C, D and E represent dollars for each biweekly pay period.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position classification shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara.

(c) On the effective date of this article, the following regulations will govern the administration of the classification and compensation schedule contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this article shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the civil service system of Santa Barbara County, but such employees and attachés may be placed under the civil service system by court rule adopted by the judges of this municipal court.

(2) For purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74657 and 74657.1.

74658.1. Notwithstanding any other provision of this article, whenever a different compensation is established for any of the hereinafter mentioned positions under the County of Santa Barbara

salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk II, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court—Lompoc, assistant clerk of the municipal court—Lompoc and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as clerk-typist III, clerk-typist II and extra help worker under this article the percentage of such increase or decrease shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

(c) Whenever a different compensation is established for the position now and hereafter designated in the Santa Barbara County salary ordinance as sheriff's deputy, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal—Lompoc under this article, shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable.

Any changes in compensation made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following such changes, unless ratified by the Legislature.

74659. All fees collected by court officers and attachés for official duties shall be deposited in the county treasury.

74659.1. All officers and attachés of the court shall devote their full time to the performance of their duties.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity and the financing of municipal courts is the responsibility of local governmental entities.

CHAPTER 560

An act to amend and to repeal Section 597g of the Penal Code, and to add Section 20301 to the Criminal Code, relating to the poling of horses.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 597g of the Penal Code is amended to read:

597g. Poling a horse is a method of training horses to jump which consists of (1) forcing, persuading, or enticing a horse to jump in such manner that one or more of its legs will come in contact with an obstruction consisting of any kind of wire, or a pole, stick, rope or other object with brads, nails, tacks or other sharp points imbedded therein or attached thereto or (2) raising, throwing or moving a pole, stick, wire, rope or other object, against one or more of the legs of a horse while it is jumping an obstruction so that the horse, in either case, is induced to raise such leg or legs higher in order to clear the obstruction. The poling of any horse is unlawful and any person violating the provisions of this section is guilty of a misdemeanor.

SEC. 1.3. Section 597g of the Penal Code is repealed.

SEC. 1.5. Section 20301 is added to the Criminal Code, to read:

20301. In this chapter, the following terms have the following meanings:

(a) "Animal" means every living creature except a human being.

(b) "Cruelty" means any act or omission resulting in unnecessary or unjustifiable death, bodily injury, or suffering to any animal, including, but not limited to, any of the following:

(1) Torturing, mutilating, maiming, wounding, beating, overworking, overburdening, or overriding any animal, or otherwise subjecting any animal to extreme physical abuse.

(2) Transporting, housing, maintaining for sale, or impounding any animal without providing proper food, water, shelter, or other care necessary for the well-being of such animal, or abandoning any animal.

(3) Causing or training for the purpose of amusement, exhibition, or personal pleasure any animal to fight a human being, or to fight or worry another animal, whether of the same or of a different species.

(4) Attaching any animal to any device for the purpose of causing it to be pursued by another animal, or pursuing or driving any animal by the use of any vehicle designed or used to propel its occupants across ice or snow.

(5) Training any animal to jump by causing its legs to come in contact with any device designed to inflict pain, including, but not limited to, any kind of wire, or a pole, stick, rope or other object with

brads, nails, tacks or other sharp points imbedded therein or attached thereto.

(6) Using a bristle burr, tack burr, or similar device on any animal for any purpose.

(7) Cutting the solid part of the tail of any horse, shortening the tail of any horse, or importing any horse whose tail has been so altered except for the purpose of breeding or exhibition.

(8) Selling or giving away any rabbit or baby fowl as a contest prize or as an inducement to enter any place of business, place of amusement, or any contest, or dyeing or artificially coloring any rabbit or baby fowl.

(9) Killing any dog or cat with the sole intent of selling or giving away the pelt of such animal.

(10) Failing to comply with the requirements of Section 532.5 of the Penal Code.

SEC. 1.7. It is the intent of the Legislature, if this bill and Senate Bill No. 565 are both chaptered and become effective January 1, 1976, both bills affect Section 597g of the Penal Code, and enact Section 20301 of, or add Section 20301 to, the Criminal Code, that the changes affecting Section 597g proposed by both bills be given effect and be incorporated in Section 20301 of the Criminal Code in the form set forth in Section 1.5 of this act. Therefore, Sections 1.3 and 1.5 of this act shall become operative only if this bill and Senate Bill No. 565 are both chaptered and become effective January 1, 1976, both affect Section 597g of the Penal Code and enact Section 20301 of, or add Section 20301 to, the Criminal Code, in which case Section 1 of this act and Section 20301 of the Criminal Code as enacted by Section 1 of Senate Bill No. 565 shall not become operative.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable costs changes.

CHAPTER 561

An act to add Section 13459.1 to the Education Code, relating to schools.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13459.1 is added to the Education Code, to read:

13459.1. An employee granted a leave of absence pursuant to Section 13457, 13458, or 13458.5 may agree in writing with the governing board of the school district not to receive compensation during the period of the leave.

CHAPTER 562

An act to add Section 2225.5 to the Corporations Code, relating to corporations.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2225 5 is added to the Corporations Code, to read:

2225.5. (a) Every written proxy of a domestic corporation shall, with respect to each proposal contained therein, or in connection with which such proxy is solicited, contain an appropriate space, clearly marked "abstain, " whereby a shareholder may indicate a desire to abstain from voting his or her shares on the proposal.

With regard to each proposal, a proxy marked "abstain" by the shareholder shall not be voted either for or against such a proposal.

(b) In any election of directors to the board, a proxy in which the directors to be voted upon are named therein as candidates and are marked "withhold" or otherwise marked in a manner indicating that the authority to vote for the election of directors is withheld shall not be voted either for or against the election of a director.

(c) This section shall not apply to the use of general proxies where specific proposals or directors to be voted upon as candidates are not set forth therein.

CHAPTER 563

An act to amend Section 1158 of the Evidence Code, relating to patient's records.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1158 of the Evidence Code is amended to read:

1158. Whenever, prior to the filing of any action or the appearance of a defendant in an action, an attorney at law presents a written authorization therefor signed by an adult patient, by the guardian or conservator of his person or estate, or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, or a copy thereof, a physician and surgeon, dentist, registered nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, or pharmacist or pharmacy, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of the patient's records under his or its custody or control available for inspection and copying by such attorney at law or his representative, promptly upon the presentation of the written authorization.

Failure to make such records available, during business hours, within five days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce the provisions of this section.

CHAPTER 564

An act to add Section 31789.2 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31789.2 is added to the Government Code, to read:

31789.2. Upon the death of any person after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate, or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of seven hundred fifty dollars ($750).

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section.

The death benefit provided by this section shall be paid in lieu of a payment under Section 31789 or 31789.1 and may be paid in part, from contributions of the county or district in accordance with

Section 31789, and in part, from surplus earnings of the retirement system in accordance with Section 31789.1.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by a majority vote, make the provisions of this section applicable in such county and until such time as the board of retirement, by resolution adopted by a majority vote, determines that its portion of the benefits may be financed from surplus earnings of the retirement fund.

CHAPTER 565

An act to add Article 7.7 (commencing with Section 19699.90) to Chapter 10 of Division 14 of the Education Code, relating to regional occupational centers and programs, and making an appropriation therefor.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 7.7 (commencing with Section 19699.90) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 7.7. Regional Occupational Center of Kern

19699.90. Not to exceed six million dollars ($6,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974 shall be allocated by the State Allocation Board to the Regional Occupational Center of Kern for the construction and equipping of a new regional occupational center to be located in Kern County. Such funds shall be available for allocation to such entity for a period of not more than four years from the effective date of this article and during such period the entity shall apply for such funds as are necessary to accomplish the purposes of this article. Funds shall be expended after such four-year period with respect to allocations made during such four-year period.

Only Sections 19551, 19552, 19553, 19554, and 19555, and Sections 19559, 19562, 19563, 19565, 19618, 19623, 19623.1, 19626, and 19628 of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article unless the context of this article as determined by the State Allocation Board requires otherwise.

19699.91 The Legislature finds that the Regional Occupational Center of Kern is comprised of three school districts in Kern County and it provides vocational training in areas of social and economic need. The Legislature further finds that such entity is in need of

school building facilities and the participating school districts have levied the permissive override tax authorized by Education Code Section 7456 to meet the cost of such construction. Inflation dictates that construction must begin at the earliest possible time to minimize the overall cost. The Legislature intends, therefore, in enacting this article to make available the necessary funds for immediate construction of the needed school facilities. The Legislature intends, however, that such funds shall be paid back in full with interest as provided by this article so that the taxpayers of this state shall not be required to pay for the support of such facilities.

19699.92. Any amounts allocated and disbursed to the Regional Occupational Center of Kern pursuant to this article shall be fully repaid with interest by the entity to the state in 20 equal annual payments commencing with the second fiscal year after the date of disbursement to the entity. Interest shall be paid at a rate determined by the State Allocation Board. Amounts allocated pursuant to this article shall be repaid by the entity from the proceeds of the tax levied by the participating school districts pursuant to Section 7456 and such payments shall be transferred by the county auditor of Kern County to the State Treasury for the credit of the State School Building Aid Fund in accordance with established regulations and procedures.

19699.93. If at the time of considering the entity's application the State Allocation Board determines that the revenue to be received from the tax permitted by Section 7456 will be insufficient to pay the principal and interest of the loan in 20 equal annual payments, the board shall approve such application and allocate the funds therefor only upon condition that an election be called by the governing board of the entity and that two-thirds of the qualified electors of the entity voting on a proposition therefor, authorize the governing board to accept, expend and repay as provided in this article such allocation or apportionment. Such election shall be called, held, and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words: "Shall the Governing Board of the Regional Occupational Center of Kern, for the purpose of providing permanent facilities for a regional occupational center, be authorized to accept, expend, and repay an apportionment from the State of California under and subject to the provisions of Article 7.7 (commencing with Section 19699.90) of Chapter 10, Division 14 of the Education Code, in an amount not to exceed $_____. Yes ____ No ____"

19699.94. On or before the first day of January of each fiscal year the State Controller shall determined the annual repayment due.

SEC. 2. No appropriation is made by this act nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required or performed by it by this act because the

Legislature hereby finds and declares:

(a) It is the intention of the Legislature to encourage local governmental entities to act to solve local problems and to set their own priorities to meet local needs.

(b) This act is intended to advance funding to a local entity to acquire facilities to carry out the program specified by this act which meets a local need.

(c) By its action on this act the Legislature is mandating the allocation, acceptance, and expenditure of funds in order to accommodate the need of the local entity for facilities in which to conduct a unique program beneficial to persons served by such local entity.

(d) The local entity or entities affected by this act recognize and acknowledge that they shall bear the total cost of carrying out the provisions herein and are already authorized by statute to raise the funds necessary to repay the costs over the period stipulated pursuant to this act.

CHAPTER 566

An act to add Section 73089.1 to the Government Code, relating to traffic trial commissioners.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 73089.1 is added to the Government Code, to read:

73089.1. Any traffic trial commissioner appointed pursuant to Article 10 (commencing with Section 72450) of Chapter 8 of this title to serve in a municipal court district in Alameda County, shall receive a salary equal to 80 percent (80%) of the salary of a judge of the superior court.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because this act is in accordance with the request of a local government entity which desires legislative authority to act to carry out the program specified in this act.

CHAPTER 567

An act to add Section 21251.16 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21251.16 is added to the Government Code, to read:

21251.16. Notwithstanding anything in Section 21251.15 to the contrary, the retirement allowance of a state member, other than a university member, payable upon retirement within one year of reinstatement from an earlier retirement of six months or less and based on service prior to such reinstatement shall not include any allowance based on service credited under Section 20862.5.

Notwithstanding Section 20019.1 of this part, this section shall not apply to school members.

CHAPTER 568

An act to amend Section 13990.10 of the Government Code, relating to railroads.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13990.10 of the Government Code is amended to read:

13990.10. (a) Upon receiving notice pursuant to Section 7531.5 of the Public Utilities Code of a railroad corporation's intent to abandon a line of railroad, the board shall promptly notify each city, county, transit district, statutorily created regional transportation planning agency, privately or publicly owned public utility furnishing gas, electric, or communication service, and council of governments of the area where the line of railroad proposed to be abandoned is located of such fact.

(b) The board shall conduct a study, in cooperation with such public entities and public utilities, as to the transportation uses that may be made of such line.

(c) The board shall issue, within 90 days of the date of receipt of a copy of an application forwarded to it pursuant to Section 7531.5 of the Public Utilities Code, its finding and recommendations with respect to the transportation uses that may be made of such line to the public entities and public utilities specified in subdivision (a).

CHAPTER 569

An act to amend Section 18707.5 of the Government Code, relating to the State Personnel Board, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18707.5 of the Government Code is amended to read:

18707.5. This section establishes the State Personnel Board Cooperative Personnel Services Revolving Fund, which fund is hereby continuously appropriated, for use by the board subject to the following provisions:

(a) Any money paid to the state pursuant to such agreements as provided for in Section 18707 shall be deposited at least once each month accompanied by a detailed statement thereof into the fund.

(b) The balance in the fund at the end of any fiscal year shall not exceed 15 percent of the preceding fiscal year's reimbursements. If the Department of Finance determines that there are moneys in the fund in excess of the 15-percent limit, it shall notify the State Controller and the State Controller shall transfer such excess amounts of money to the General Fund. Advances from the General Fund shall not be considered to be part of the fund when computing the percent of surplus.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that the Cooperative Personnel Services Program have the flexibility of adjusting the level of their services, and thus their fiscal appropriations, in accordance with the fluctuation of demands for those services by local governments.

CHAPTER 570

An act to amend Section 24908 of the Public Utilities Code, relating to transit districts.

[Approved by Governor September 5, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24908 of the Public Utilities Code is amended to read:

24908. The board shall establish rules for its proceedings and may provide, by ordinance or resolution, that each member shall receive for each attendance at the meetings of the board, and for each day any member is engaged in authorized district business other than attendance at meetings of the board, the sum of fifty dollars ($50) but not to exceed two hundred fifty dollars ($250) in any calendar month, and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

CHAPTER 571

An act to add Section 23826.7 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 23826.7 is added to the Business and Professions Code, to read:

23826.7. Notwithstanding any other provision of this chapter, in any county where the inhabitants number less than 5,000 but more than 3,000 according to the 1970 federal census and where the major economy of that county is dependent upon the year-round use of that county's recreational facilities the department may issue five additional new original on-sale general licenses for bona fide public eating places. Any premises to qualify for a license under this section shall have a seating capacity for 100 or more diners. In no event shall more than five such licenses be issued under this section.

In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

Nothing in this chapter shall prohibit a person who currently holds a valid on-sale general license for seasonal business from applying for an original on-sale general license pursuant to this section.

A license issued under this section shall not be transferred from one county to another nor shall it be transferred to any premises not qualifying under this section.

4 1092 28 9 625 773

CHAPTER 572

An act to amend Section 1712 of the Streets and Highways Code, relating to bicycle routes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1712 of the Streets and Highways Code is amended to read:

1712. (a) A county and a city or cities may join in the acquisition of rights-of-way, construction, maintenance, improvement, or repair of bicycle routes or paths, or portions thereof, located within or without any such city or cities.

(b) The cost or expense thereof shall be apportioned among the county and the city or cities as the legislative bodies thereof determine by agreement.

(c) The authority and responsibility for such acquisition and work shall vest in the county or in the city or cities, or in both, as provided in the agreement apportioning the cost or expense thereof.

(d) This section shall have no application in the County of Los Angeles until such time as the county, or a city or cities therein, plan a system of bicycle routes or paths that includes a minimum of 100 miles of such routes or paths in that region commonly known as the San Fernando Valley. Such plan is not required to be prepared in conformance to, or approved in accordance with, the provisions of Title 7 (commencing with Section 65000) of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as the Los Angeles County general plan, which included plans for bicycle routes that would have made Section 1712 of the Streets and Highways Code applicable in Los Angeles County, was invalidated in Coalition for Los Angeles County Planning in the Public Interest v. Board of Supervisors (Los Angeles Superior Court Civ. No. C-63218); and inasmuch as a system of bicycle routes exists in other plans for the San Fernando Valley, and is ready for construction, it is necessary that this act, which would authorize such construction, take effect immediately.

CHAPTER 573

An act to amend Sections 39126 and 39177 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 6, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 39126 of the Health and Safety Code is amended to read:

39126. The board may exempt classifications of motor vehicles subject to this article for which certified devices are not available, motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, motor-driven cycles, and implements of husbandry. The charge that can be made for the inspection and certification of such exemption shall not exceed three-tenths (0.3) of one hour multiplied by the hourly labor rate charged by the particular garage or service station. Such charge shall be posted as a fixed fee.

SEC. 2. Section 39177 of the Health and Safety Code is amended to read:

39177. The board may exempt classifications of motor vehicles for which accredited devices were not intended or are not available, motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, motor-driven cycles, and implements of husbandry. The charge that can be made for the inspection and certification of such exemption shall not exceed three-tenths (0.3) of one hour multiplied by the hourly labor rate charged by the particular garage or service station. Such charge shall be posted as a fixed fee.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Numerous motor vehicles which do not require motor vehicle pollution control devices have already been certified as being exempt, and there have been instances where motorists have been charged unreasonable prices for certification of such exemption. To protect consumers from any further unreasonable charges, it is necessary that the act take effect immediately.

CHAPTER 574

An act to add Section 31641.03 to the Government Code, relating to retirement.

[Approved by Governor September 6, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.03 is added to the Government Code, to read:

31641.03. In any county the board of supervisors may provide by ordinance that members specified in the ordinance shall be credited, for up to 100 percent of sick leave accumulated as of the date of their retirement, and that sick leave credit shall be in addition to service credit. The additional cost to the retirement system shall be borne by the county or district.

This section shall not apply to members who are employed by a district unless the governing board of the district provides by resolution for its application to such members.

CHAPTER 575

An act to amend Sections 10751, 23182, and 23184 of the Revenue and Taxation Code, and to amend Section 9103 of the Vehicle Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 6, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10751 of the Revenue and Taxation Code, as amended by Chapter 1489 of the Statutes of 1970, is amended to read:

10751. (a) Except as provided in subdivision (b), a license fee is hereby imposed for the privilege of operating upon the public highways in this state any vehicle of a type which is subject to registration under the Vehicle Code. Notwithstanding any other provision of law, vehicles of banks, including national banking associations, shall be subject to all provisions of the Vehicle Code to the same extent and same manner as other vehicles, and shall be subject to this part.

(b) The owner of any used vehicle, except a used trailer coach, which the owner purchased during the month of December of any year, shall not be required to pay any license fee for the year in which the vehicle is purchased, if such owner of the vehicle, at the time of registration as required by Section 9267 of the Vehicle Code,

provides a certificate of nonoperation showing that such vehicle was not operated, moved, or left standing on any highway during the first 11 months of such year and pays the required fees for the ensuing year.

SEC. 2. Section 10751 of the Revenue and Taxation Code, as amended by Chapter 889 of the Statutes of 1973, is amended to read:

10751. A license fee is hereby imposed for the privilege of operating upon the public highways in this state any vehicle of a type which is subject to registration under the Vehicle Code. Vehicles of banks, including national banking associations, shall be subject to all provisions of the Vehicle Code to the same extent and same manner as other vehicles, and shall be subject to this part.

SEC. 3. Section 23182 of the Revenue and Taxation Code is amended to read:

23182. The tax imposed under Section 23181 upon banks is in lieu of all other taxes and licenses, state, county and municipal, upon the said banks except taxes upon their real property and motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

SEC. 4. Section 23184 of the Revenue and Taxation Code is amended to read:

23184. (a) Financial corporations may offset against the franchise tax the amounts paid during the income year to this state or to any county, city, town, or other political subdivisions of the state as personal property taxes, or as license fees or excise taxes for the following privileges:

(1) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Law provided for in Division 9 (commencing with Section 22000) of the Financial Code.

(2) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(3) Storing, using or otherwise consuming in this state of tangible personal property by savings and loan associations.

(b) The offset allowed to any financial corporation for any income year as provided in this section may, at the election of that financial corporation, be offset, in whole or in part, against its franchise tax for that income year or offset in whole or in part against its franchise tax in one or more of the next four succeeding years of its selection, until such time as the total amount of such offset is so utilized; provided, however, that for such purposes, offsets elected to be utilized against the franchise tax of a succeeding year shall be applied in the order of their respective years of origin and prior to the application of the offset which might otherwise be allowable for amounts paid during that income year.

(c) Notwithstanding anything to the contrary contained in this section, the tax on financial corporations after the allowance of all offsets provided for herein shall not be less than 7.6 percent of its net

income for the preceding income year nor less than the following minimum tax:

(1) In the case of financial corporations, other than credit unions whose gross income is twenty thousand dollars ($20,000) or less, one hundred dollars ($100).

(2) In the case of credit unions whose gross income is twenty thousand dollars ($20,000) or less, twenty-five dollars ($25).

(d) For purposes of this section, with respect to calendar or fiscal years ending after June 30, 1973, the tax on financial corporations after the allowance of all offsets shall not be less than 9 percent of its net income nor less than the minimum tax as provided by subdivision (c).

(e) For income years beginning after December 31, 1971, the one hundred dollars ($100) specified in paragraph (1) of subdivision (c) shall be two hundred dollars ($200) instead of one hundred dollars ($100).

SEC. 5. Section 9103 of the Vehicle Code is amended to read:

9103. No fees specified in this code, except fees for duplicate plates, certificates, or cards need be paid for any vehicle of a type subject to registration under this code owned by the United States or by any state or political subdivision thereof or by any municipality duly organized under the Constitution or laws of this state.

SEC. 6. The provisions of this act shall be operative as follows:

(a) If this act becomes effective on or before October 1, 1975, Section 1 of this act shall become operative on January 1, 1976, and shall remain operative only until March 8, 1976, and on that date Section 2 of this act shall become operative and Section 1 of this act shall have no further force or effect; Section 5 shall become operative on January 1, 1976, and Sections 3 and 4 shall apply with respect to income years beginning after December 31, 1975.

(b) If this act becomes effective after October 1, 1975, Section 1 of this act shall not become operative; Sections 2 and 5 shall become operative on January 1, 1977; and Sections 3 and 4 shall apply with respect to income years beginning after December 31, 1976.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 576

An act to amend Section 27498 of the Government Code, relating to coroner's subpoenas.

[Approved by Governor September 6, 1975. Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

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SECTION 1. Section 27498 of the Government Code is amended to read:

27498. The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he appoints, which may be served by any competent person. The coroner may also require any doctor or custodian of records of any hospital, nursing home or other health care facility to bring with him any books, medical records, documents, or other things under his control concerning the decedent's mental or physical condition which, in the opinion of the coroner, are necessary to the conduct of the inquest and as a further aid in determining the circumstances, manner, and cause of death of the decedent. To enforce the provisions of this section, the coroner may issue subpoenas duces tecum in accordance with Section 1985 of the Code of Civil Procedure. In case of failure of a witness to attend, and in the case of a subpoena duces tecum, for the failure to produce the items set forth therein, the coroner, or his authorized deputy, issuing the subpoena upon proof of service thereof, and the failure of the witness, may certify the facts to the superior court in the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why he should not be ordered to comply. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before a superior court. The items set forth on the subpoena duces tecum shall not be made public unless an inquest is held.

CHAPTER 577

An act to add Section 21222.6 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 6, 1975 Filed with Secretary of State September 6, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21222.6 is added to the Government Code, to read:

21222.6. In addition to the increase of allowance authorized by and granted pursuant to the provisions of Section 21222 and notwithstanding the limitation in subdivision (b) of Section 21224, any monthly allowance computed under or limited by Section 21251.1 prior to its repeal by Chapter 266, Statutes of 1972, and paid with respect to a local miscellaneous member whose retirement or

whose death before retirement occurred prior to July 1, 1971, shall be increased by 15 percent. Such percentage shall be applied to the allowance payable on the date this section becomes applicable to the contracting agency and the allowance as so increased shall be paid for time on and after that date and until the first day of April immediately following the date of such application. The base allowance shall be increased by the same percentage for annual adjustments beginning with the adjustment effective for time commencing with that annual adjustment.

This section shall apply only to such portion of the allowance as based on service in employment with the employer electing to be subject to this section.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after January 1, 1976, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 578

An act to amend Sections 1513, 1516 and 1520 of, and to add Section 1522 to, the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor September 5, 1975 Filed with Secretary of State September 7, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1513 of the Code of Civil Procedure is amended to read:

1513. Subject to Sections 1510 and 1511, the following property held or owing by a business association escheats to this state:

(a) Any demand, savings, or matured time deposit made with a banking organization, together with any interest or dividends thereon, excluding, from demand deposits only, any reasonable service charges which may lawfully be withheld and which do not (where made in this state) exceed those set forth in schedules filed by the banking organization from time to time with the State Controller, when the owner, for more than 15 years in the case of a savings or matured time deposit, or for more than seven years in the case of a demand deposit, has not:

(1) Increased or decreased the amount of the deposit, or presented the passbook or other similar evidence of the deposit for the crediting of interest; or

(2) Corresponded in writing with the banking organization

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concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum or other record on file with the banking organization.

No banking organization may discontinue any interest or dividends on any savings deposit because of the inactivity contemplated by this section.

(b) Any funds paid toward the purchase of shares or other interest in a financial organization or any deposit made therewith, and any interest or dividends thereon, excluding any service charges the amount of which is specifically provided by federal statute or regulation of a federal agency and which do not (where paid or made in this state) exceed those set forth in schedules filed by the financial organization from time to time with the State Controller, when the owner, for more than 15 years, has not:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum or other record on file with the financial organization.

No financial organization may discontinue any interest or dividends on any funds paid toward purchase of shares or other interest, or on any deposit, because of the inactivity contemplated by this section.

(c) Any sum payable on a travelers check issued by a business association that has been outstanding for more than 15 years from the date of its issuance, when the owner, for more than 15 years, has not corresponded in writing with the business association concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with such association.

(d) Any sum payable on any other written instrument on which a banking or financial organization is directly liable, including, by way of illustration but not of limitation, any draft, certified check, or money order, that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than seven years, has not corresponded in writing with the banking or financial organization concerning it, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization.

(e) Any sum payable on a money order issued by a business association (other than a banking or financial organization) that has been outstanding for more than seven years from the date it was payable, or from the date of its issuance if payable on demand, when the owner, for more than seven years, has not corresponded in writing with the business association concerning it, or otherwise

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indicated an interest as evidenced by a memorandum or other record on file with the business association.

SEC. 1.5. Section 1516 of the Code of Civil Procedure is amended to read:

1516. (a) Subject to Section 1510, any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to its shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponded in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, escheats to this state.

(b) Subject to Section 1510, any intangible interest in a business association, as evidenced by the stock records or membership records of the association, escheats to this state if (1) the interest in the association is owned by a person who for more than seven years has neither claimed a dividend or other sum referred to in subdivision (a) nor corresponded in writing with the association or otherwise indicated an interest as evidenced by a memorandum or other record on file with the association, and (2) the association does not know the location of the owner at the end of such seven-year period. With respect to such interest, the business association shall be deemed the holder.

(c) Subject to Section 1510, any dividends or other distributions held for or owing to a person at the time the stock or other security to which they attach escheats to this state also escheat to this state as of the same time.

SEC. 2. Section 1520 of the Code of Civil Procedure is amended to read:

1520. All tangible personal property located in this state and, subject to Section 1510, all intangible personal property, except property of the classes mentioned in Sections 1513, 1514, 1515, 1516, 1517, 1518, and 1519, including any income or increment thereon and deducting any lawful charges, that is held or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable escheats to this state.

For purposes of this section, "lawful charges" means charges which are specifically authorized by statute, other than the Unclaimed Property Law, or by a valid, enforceable contract.

SEC. 3. Section 1522 is added to the Code of Civil Procedure, to read:

1522. No service, handling, maintenance or other charge or fee of any kind may be deducted or withheld from any property subject to escheat under this chapter, unless specifically permitted by this chapter.

Even when specifically permitted by this chapter, such charges or fees may not be excluded, withheld or deducted from property subject to this chapter if, under its policy or procedure, the holder

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would not have excluded, withheld or deducted such charges or fees in the event the property had been claimed by the owner prior to being reported or remitted to the State Controller.

SEC. 4. This act shall apply to all property reported or required to be reported pursuant to the provisions of the Unclaimed Property Law on or after the effective date of this act.

CHAPTER 579

An act to amend Sections 6795, 6796, 6799, 8801, and 8805 of the Business and Professions Code, relating to State Board of Registration for Professional Engineers.

[Approved by Governor September 7, 1975 Filed with Secretary of State September 7, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6795 of the Business and Professions Code is amended to read:

6795 Certificates of registration as a professional engineer, and certificates of authority, shall be valid for a period of four years commencing July 1, 1976. All certificates in effect on the effective date of this amendment to this section shall expire at 12:00 midnight on June 30, 1976. Quadrennial renewals shall be staggered on a quarterly basis. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration indicated on the renewal receipt, or on or before June 30, 1976, if no date of expiration is specified, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

Until January 1, 1977, the board may renew certificates of registration for less than a four-year period, in order to redistribute renewal dates, but only if the renewal fees are varied accordingly so that no person is charged more for a renewal on a yearly basis than any other person.

Prior to June 30, 1976, the list of active registrants shall be divided alphabetically into 16 groups corresponding to the 16 quarters in the quadrennial renewal period and renewal notices shall be sent to all registrants based on the following pro rata schedule:

Group	Interim expiration date	Renewal fee
One-eighth	December 31, 1976	$5.00
One-sixteenth	March 31, 1977	7.50
One-sixteenth	June 30, 1977	10.00
One-sixteenth	September 30, 1977	12.50
One-sixteenth	December 31, 1977	15.00
One-sixteenth	March 31, 1978	17.50

One-sixteenth	June 30, 1978	20.00
One-sixteenth	September 30, 1978	22.50
One-sixteenth	December 31, 1978	25.00
One-sixteenth	March 31, 1979	27.50
One-sixteenth	June 30, 1979	30.00
One-sixteenth	September 30, 1979	32.50
One-sixteenth	December 31, 1979	35.00
One-sixteenth	March 31, 1980	37.50
One-sixteenth	June 30, 1980	40.00

On July 1, 1976, as certificates of registration are renewed, new receipts shall be issued indicating the interim expiration date. As interim expiration dates come up, certificates of registration shall be renewed for the full four-year period and new receipts issued indicating the next quadrennial expiration date.

SEC. 2. Section 6796 of the Business and Professions Code is amended to read:

6796 Except as otherwise provided in this article, certificates of registration as a professional engineer, and certificates of authority may be renewed at any time within five years after expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs.

SEC. 3. Section 6799 of the Business and Professions Code is amended to read:

6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer at not more than sixty dollars ($60), for authority to use the title "structural engineer" at not more than seventy-five dollars ($75), and for each application for certification as engineer in training at not more than forty dollars ($40).

(b) The duplicate certificate fee at not more than six dollars ($6).

(c) The temporary registration fee for professional engineer at not more than twenty dollars ($20).

(d) The renewal fee for professional engineer shall be fixed by the board at not more than forty dollars ($40) for each branch of professional engineering in which registration is held; and the renewal fee for authority to use the title "structural engineer" at not more than forty dollars ($40).

(e) The delinquency fee for a certificate which expires after June 30, 1961, is an amount equal to fifty percent (50%) of the renewal fee in effect on the date of its reinstatement.

Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.

SEC. 4. Section 8801 of the Business and Professions Code is amended to read:

8801. Licenses issued under this chapter expire every four years, if not renewed. All licenses in effect on the effective date of this amendment to this section shall expire at 12 midnight on June 30, 1976. Quadrennial renewals shall be staggered on a quarterly basis. To renew an unexpired license the license holder shall on or before the date of expiration indicated on the renewal receipt or on or before June 30, 1976, if no date of expiration is specified, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

Until January 1, 1977, the board may renew licenses for less than a four-year period, in order to redistribute renewal dates, but only if the renewal fees are varied accordingly so that no person is charged more for a renewal on a yearly basis than any other person.

Prior to June 30, 1976, the list of active licensees shall be divided alphabetically into 16 groups, corresponding to the 16 quarters in the quadrennial renewal period and renewal notices shall be sent to all licensees based on the following pro rata schedule:

Group	Interim expiration date	Renewal fee
One-eighth	December 31, 1976	$5.00
One-sixteenth	March 31, 1977	7.50
One-sixteenth	June 30, 1977	10.00
One-sixteenth	September 30, 1977	12.50
One-sixteenth	December 31, 1977	15.00
One-sixteenth	March 31, 1978	17.50
One-sixteenth	June 30, 1978	20.00
One-sixteenth	September 30, 1978	22.50
One-sixteenth	December 31, 1978	25.00
One-sixteenth	March 31, 1979	27.50
One-sixteenth	June 30, 1979	30.00
One-sixteenth	September 30, 1979	32.50
One-sixteenth	December 31, 1979	35.00
One-sixteenth	March 31, 1980	37.50
One-sixteenth	June 30, 1980	40.00

On July 1, 1976, as certificates of registration are renewed, new receipts shall be issued indicating the interim expiration date. As interim expiration dates come up, certificates of registration shall be renewed for the full four-year period and new receipts issued indicating the next quadrennial expiration date.

SEC. 5. Section 8805 of the Business and Professions Code is amended to read:

8805. The amount of the fees prescribed by this chapter shall be

fixed by the board in accordance with the following schedule:

(a) The application fee for the examination is as follows:

(1) For the first division of the examination, not more than forty dollars ($40).

(2) For the second division of the examination, not more than sixty dollars ($60).

(b) The duplicate certificate fee at not more than six dollars ($6).

(c) The renewal fee shall be fixed by the board at not more than forty dollars ($40).

(d) The temporary license fee at not more than twenty dollars ($20).

(e) The delinquency fee for a license which expires after June 30, 1961, is an amount equal to 50 percent of the renewal fee in effect on the date of its reinstatement.

CHAPTER 580

An act to amend Section 6546.3 of the Government Code, relating to joint exercise of powers.

[Became law without Governor's signature September 7, 1975 Filed with Secretary of State September 7, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6546.3 of the Government Code is amended to read:

6546.3. Notwithstanding any other provision of law, any local agency entering into one or more leases or rental contracts or agreements with a joint powers entity formed for the purposes specified in Section 6546.2 shall do so only following the effective date of an ordinance adopted by the governing body of the local agency authorizing the local agency to enter into one or more such leases or rental contracts or agreements. Any ordinance adopted pursuant to this section shall not take effect until and unless it shall first have been approved by a majority of the voters of the local agency. The ordinance submitted to the voters shall, in general terms:

(a) Describe the property or facilities to be leased or rented.

(b) State the maximum time period for which the lease or rental contract or agreement will run.

(c) State the maximum amount to be paid by the local agency to the joint powers entity under the lease or rental contract or agreement and the maximum yearly or monthly payments to be made thereon.

In the event that the governing body of the local agency desires to levy, or have levied on its behalf, a property tax rate in addition to the maximum property tax rate established pursuant to Article 4

(commencing with Section 2260) of Chapter 3 of Part 4 of Division 1 of the Revenue and Taxation Code, to provide funds for the preparation of plans and specifications, the payment of rentals and other amounts payable by the local agency under any such lease or rental contract or agreement or the payment of other costs and expenses related to the operation or maintenance of the regional public park or regional public recreation area, the governing body may specify in the ordinance to be submitted to the voters the additional property tax rate to be authorized for such purposes and the number of years for which such additional property tax rate shall be authorized. The revenue from such an additional property tax rate shall be used only for the purposes specified in the ordinance. Such additional property tax rate, when levied, shall be reported to the State Controller as provided in Section 2325 of the Revenue and Taxation Code.

As used in this section, "property tax rate" shall have the meaning specified in Section 2213 of the Revenue and Taxation Code.

For purposes of this section "lease or rental contract or agreement" means any lease, sublease, contract or other agreement involving land or buildings, structures or other facilities which are permanently attached to land, where the lease, sublease, contract or agreement is made directly or indirectly between a local agency and a joint powers entity, if the proceeds of the lease, sublease, contract or agreement provided by the local agency will be used in whole or in part by such joint powers entity for payment of principal or interest on any bonds issued by it pursuant to Section 6546.2.

CHAPTER 581

An act to amend Section 7 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961), to amend Section 3.4 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to amend Section 10 of the Contra Costa County Water Agency Act (Chapter 518 of the Statutes of 1957), to amend Section 8 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), to amend Section 3.4 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to amend Section 3.4 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959), to amend Section 14 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 7 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959), to amend Section 3.4 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to amend Section 3.4 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session), to amend Section 3.4 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945), to amend Sections 65 and 66 of, and to repeal

Section 67 of, the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957), to amend Section 3.4 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to amend Section 8 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969), to amend Section 8 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959), and to amend Section 3.4 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), relating to eminent domain.

[Became law without Governor's signature September 7, 1975 Filed with Secretary of State September 7, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961) is amended to read:

Sec. 7. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Alpine shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 2. Section 3.4 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary or convenient for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use without the consent of the public agency owning such property, unless provision is made to furnish substitute facilities for the use of such public agency.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by

the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Amador shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 3. Section 10 of the Contra Costa County Water Agency Act (Chapter 518 of the Statutes of 1957) is amended to read:

Sec. 10. The agency has the power of eminent domain to acquire within the agency any property necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned water rights or property held or used for the development, storage or distribution of water for public use; provided, however, that the agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location.

SEC. 4. Section 8 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is amended to read:

Sec. 8. The agency shall have the power of eminent domain to acquire within the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. The agency in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal and relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which require removal only, or removal and reinstallation in a new location.

SEC. 5. Section 3.4 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary or convenient for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation water or property held or used for the development, storage or distribution of water for public use without the consent of the owner of such property, unless provision is made to furnish an equivalent water supply and substitute facilities of equal usefulness for the use of the owner of such property

In lieu of compensation and damages for the taking or damaging

of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Kern shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 6. Section 3.4 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

SEC. 7. Section 14 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 14. The agency has the power of eminent domain to acquire any property necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned water rights or property held or used for the development, storage or distribution of water for public use; provided, however, that the agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal and, where necessary, relocation of any structures, railways, mains, pipes, conduits, wires, cables and poles, of any public utility which require removal only, or removal and reinstallation in a new location. In no event shall the agency exercise the power of eminent domain with respect to property situated outside the boundaries of the agency.

SEC 8. Section 7 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959) is amended to read:

Sec. 7. The agency shall have the power of eminent domain to

acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Nevada shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 9. Section 3.4 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Placer shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 10. Section 3.4 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency any property necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for development, storage or distribution of water for public use, or

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publicly owned property held or used by any flood or reclamation district. The agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location.

The agency shall not condemn property outside the boundaries of the agency unless the board of supervisors of each county in which such property is located has consented to such acquisition by resolution.

SEC. 11. Section 3.4 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency any property necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location.

SEC. 12. Section 65 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957) is amended to read:

Sec. 65. The agency shall have the power of eminent domain to acquire within or outside the agency any property necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation property held or used for the development, storage or distribution of water for public use or property held or used by a public agency for the development or distribution of electric power.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Shasta shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 13. Section 66 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957) is amended to read:

Sec. 66. The agency in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles, of any public utility which is required to be moved to a new location.

SEC. 14 Section 67 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957) is repealed.

SEC. 15. Section 3.4 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is amended to read.

Sec. 3.4. The agency shall have the power of eminent domain to acquire within the agency any property necessary for carrying out

the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property, nor property owned by private irrigation companies, held or used for the development, storage or distribution of water for public use, unless provision is made to furnish substitute facilities for the use of such public agency or private irrigation company.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

SEC. 16. Section 8 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969) is amended to read:

Sec. 8. The agency shall have the power of eminent domain to acquire within the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

SEC. 17. Section 8 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959) is amended to read:

Sec. 8. The authority shall have the power of eminent domain to acquire within or without the authority any property necessary for carrying out the powers and purposes of the authority, except that the authority shall not have the power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the authority shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged

or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the authority shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 18. Section 3.4 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or without the agency any property necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the power to acquire by condemnation publicly owned property, nor property owned by private irrigation companies, held or used for the development, storage or distribution of water for public use, unless provision is made to furnish substitute facilities for the use of such public agency or private irrigation company.

In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Yuba shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 19. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 582

An act to amend Sections 61610 and 66657 of the Government Code, to amend Sections 5900.4, 6076, 6296, 6896, and 7147 of the Harbors and Navigation Code, to amend Section 8961 of the Health and Safety Code, to amend Section 5542 of, to add Section 13070.1 to, and to repeal Sections 5542.5 and 5566 of, the Public Resources Code, to amend Sections 12703 and 16404 of, and to repeal Section 16405 of, the Public Utilities Code, to amend Sections 25280, 27166, 31001, and 31201 of, and to repeal Sections 25052, 31002, 31003, 31004, 31202, 31203, and 31204 of, the Streets and Highways Code, and to amend Sections 22425, 22456, 31040, 43532.5, 60230, 71693, 71694, and 74553

of, and to repeal Sections 22229, 22455, 31043, 31044, 35625, 35626, 39061, 43531, 43532, 43533, and 74555 of, the Water Code, relating to eminent domain.

[Became law without Governor's signature September 7, 1975 Filed with Secretary of State September 7, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 61610 of the Government Code is amended to read:

61610. A district may acquire real or personal property of every kind within or without the district by grant, purchase, gift, devise, lease, or eminent domain. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location.

SEC. 2. Section 66657 of the Government Code is amended to read:

66657. In eminent domain or inverse condemnation proceedings for any property within the area of the commission's jurisdiction, in determining "just compensation," as used in Section 19 of Article I of the California Constitution, or the compensation provided in Chapter 9 (commencing with Section 1263.010) and Chapter 10 (commencing with Section 1265.010) of Title 7 of Part 3 of the Code of Civil Procedure, the influence of the San Francisco Bay Plan, in effect at the time of the taking or damaging of the property, upon the value of the property or the interest being valued shall be inadmissible as evidence and not a proper basis for an opinion as to the value of the property.

SEC. 3. Section 5900.4 of the Harbors and Navigation Code is amended to read:

5900.4. The board may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers conferred by this part.

SEC. 4. Section 6076 of the Harbors and Navigation Code is amended to read:

6076. It may exercise the right of eminent domain to take any property necessary or convenient to the exercise of its powers.

SEC. 5. Section 6296 of the Harbors and Navigation Code is amended to read:

6296. It may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 6. Section 6896 of the Harbors and Navigation Code is amended to read:

6896. It may exercise the right of eminent domain to take any

property necessary or convenient to carry out any of its purposes.

SEC. 7. Section 7147 of the Harbors and Navigation Code is amended to read:

7147. The district may acquire by eminent domain any property necessary, convenient or useful to the exercise of its powers, but may exercise the power to acquire property outside the district by eminent domain only with the consent of the governing body of the county, or city if any, in which the property is located.

SEC. 8. Section 8961 of the Health and Safety Code is amended to read:

8961. The district may maintain a cemetery or cemeteries, and for this purpose may take and hold title to property by grant, gift, devise, condemnation, lease, or any other method. Cemeteries shall be limited in use to burial in the ground of residents or taxpayers of the district or former residents or taxpayers of the district who purchased burial rights in lots or plots while residents or taxpayers of the district or members of their families. Families shall be limited to a spouse, parents, grandparents, children and brothers and sisters and their families. Adopted children, stepchildren, stepfathers and stepmothers shall also be considered family members.

SEC. 9. Section 5542 of the Public Resources Code is amended to read:

5542. A district may exercise the right of eminent domain to take any property necessary or convenient to accomplish the purposes of this article.

A district may not acquire by condemnation any of the lands, properties, or facilities of any municipal utility district which are appropriated to public use or are used in or are useful to the operations of the municipal utility district or which are within the watershed of any stream or reservoir which supplies water for domestic use or which the directors of the municipal utility district determine by resolution to be properties which are required for the purposes of the municipal utility district.

SEC. 10. Section 5542.5 of the Public Resources Code is repealed.

SEC. 11. Section 5566 of the Public Resources Code is repealed.

SEC. 12. Section 13070.1 is added to the Public Resources Code, to read:

13070.1. As used in this chapter, "acquire" includes, but is not restricted to, taking by condemnation, purchase, or lease and receiving by donation or dedication.

SEC. 13. Section 12703 of the Public Utilities Code is amended to read:

12703. A district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this division.

SEC. 14. Section 16404 of the Public Utilities Code is amended to read:

16404. A district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the

powers granted in this division.

SEC. 15. Section 16405 of the Public Utilities Code is repealed

SEC. 16. Section 25052 of the Streets and Highways Code is repealed.

SEC. 17. Section 25280 of the Streets and Highways Code is amended to read:

25280. The board of directors of the district may request the board of supervisors and the proper officers of any county situated within the district to condemn and acquire property or rights-of-way within that county which are necessary for the projects of the district. Upon receipt of the request, the board of supervisors shall undertake the condemnation and acquisition requested by the board of directors and the cost thereof shall be a proper deduction from any levy made by the district upon or within that county. Any excess in such cost over and above the amount of any such levy shall be paid to the county by the district out of any funds provided for that purpose. The proceedings required to be taken by any county or county officers under the provisions of this section may include the taking of possession prior to judgment of any property or rights-of-way necessary for district purposes.

SEC. 18. Section 27166 of the Streets and Highways Code is amended to read:

27166. The district may exercise the right of eminent domain to take any property necessary to the exercise of the powers granted in this part, or in any provision of law, to the district.

SEC. 19. Section 31001 of the Streets and Highways Code is amended to read:

31001. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceedings pursuant to this section to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution required by Section 1245.220 of the Code of Civil Procedure.

SEC. 20. Section 31002 of the Streets and Highways Code is repealed.

SEC. 21. Section 31003 of the Streets and Highways Code is repealed

SEC. 22. Section 31004 of the Streets and Highways Code is repealed.

SEC. 23. Section 31201 of the Streets and Highways Code is amended to read:

31201. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceedings pursuant to this section to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution required by Section 1245.220 of the Code of Civil Procedure.

SEC. 24. Section 31202 of the Streets and Highways Code is repealed.

SEC. 25. Section 31203 of the Streets and Highways Code is repealed.

SEC. 26. Section 31204 of the Streets and Highways Code is repealed.

SEC. 27. Section 22229 of the Water Code is repealed.

SEC. 28. Section 22425 of the Water Code is amended to read:

22425. A district may acquire by any means any property or interest in property to carry out its purposes, including any of the following:

(a) Property for the construction, improvement, and operation of works in this state or in any other state or in a foreign nation.

(b) Works being constructed.

(c) Stock of domestic or foreign corporations owning water, water rights, canals, waterworks, franchises, concessions, or rights.

(d) Works by which land has been or may be supplied with water for irrigation.

(e) Property not otherwise authorized herein that may be required as a condition to obtaining state financial assistance for local projects as set forth in Chapter 5 (commencing with Section 12880), of Part 6, Division 6, of the Water Code.

(f) Public buildings and grounds.

SEC. 29. Section 22455 of the Water Code is repealed.

SEC. 30. Section 22456 of the Water Code is amended to read:

22456. The district may exercise the right of eminent domain to take any property necessary to carry out its purposes.

SEC. 31. Section 31040 of the Water Code is amended to read:

31040. A district may take any property necessary to carry out the

business of the district by grant, purchase, gift, devise, condemnation, or lease with or without the privilege of purchase.

SEC. 32. Section 31043 of the Water Code is repealed.

SEC. 33. Section 31044 of the Water Code is repealed.

SEC. 34. Section 35625 of the Water Code is repealed.

SEC. 35. Section 35626 of the Water Code is repealed.

SEC. 36. Section 39061 of the Water Code is repealed.

SEC. 37. Section 43531 of the Water Code is repealed.

SEC. 38. Section 43532 of the Water Code is repealed.

SEC. 39. Section 43532.5 of the Water Code is amended to read:

43532.5. Notwithstanding any other provision in this article, the board shall not commence any proceedings in eminent domain with respect to property located outside of a county in which the district is located unless the board of supervisors of the county in which such property is situated gives its approval to such proceedings.

SEC. 40. Section 43533 of the Water Code is repealed.

SEC. 41. Section 60230 of the Water Code is amended to read:

60230. For the purposes of replenishing the ground water supplies within the district, a district shall have power:

(1) To have perpetual succession.

(2) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals.

(3) To adopt a seal and alter it at pleasure.

(4) To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its power.

(5) Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district.

(6) For the common benefit of said district, to store water in underground water basins or reservoirs within or outside of said district, to appropriate and acquire water and water rights within or outside of said district, to import water into said district, and to conserve water within or outside of said district.

(7) To carry out the purposes of this division, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to determine or adjudicate all or a portion of the rights to divert, extract, or use waters within the district, or within any segments thereof or subbasins therein, as between owners of or claimants to said rights, to prevent any interference with water or water rights used or useful to the lands, inhabitants, owners, operators, or producers within said district, or to prevent the diminution of the quantity or quality of the

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water supply of said district, or to prevent unlawful exportation of water from said district.

(8) To exercise the right of eminent domain to take any property necessary to supply the district or any portion thereof with replenishment water, except (a) water and water rights already devoted to beneficial use, and (b) property (other than water and water rights) already appropriated to public use unless the taking be for a more necessary public use than that to which the property is already appropriated; provided, the district in exercising such power shall in addition to the damage for taking, injuring, or destruction of property also pay the cost of removal, reconstruction or relocation of any structure, including, but not limited to, railways, mains, pipes, conduits, wires, cables, towers, or poles of any public utility which is required to be removed to a new location. No use by a district of property owned, at the time the action to condemn is brought, by an existing agency having powers to provide for the replenishment of ground waters, shall constitute a more necessary public use than the use to which the property is already appropriated.

A district shall not exercise the right of eminent domain to acquire property outside the boundaries of the principal county in which the district is situated unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located.

(9) To act jointly with or cooperate with the United States or any agency thereof, and, under the applicable laws of this state, cooperate and act jointly with the State of California, or any county or agency thereof, or any political subdivision or district therein, including flood control districts, public and private corporations, and any person, to the end that the purposes and activities of this district may be fully and economically performed.

(10) To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act and to maintain such reserve funds for the future purchase of water for replenishment purposes as are hereinafter authorized to be levied.

(11) To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

(12) To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

(13) To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent a year from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election.

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(14) To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor.

(15) To fix the rates at which water shall be sold for replenishment purposes, and to establish different rates for different classes of service or conditions of service, provided the rates shall be uniform for like classes and conditions of service.

(16) To fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end a district may become a party to such contract and pay from district funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment.

SEC. 42. Section 71693 of the Water Code is amended to read:

71693. A district may exercise the right of eminent domain to take any property necessary to supply the district or any portion thereof with water. The district, in exercising such power, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be removed to a new location.

SEC. 43. Section 71694 of the Water Code is amended to read:

71694. A district may exercise the right of eminent domain to take any property necessary to carry out any powers of the district. The district, in exercising such right, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be removed to a new location.

A district shall not exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for any purpose, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located; provided, however, that a district may exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for the acquisition of rights-of-way in any county in which territory of the district is located or in any county adjacent to such county without obtaining the consent of the board of supervisors thereof.

When a district proposes to exercise the power of eminent domain, under this section, for the condemnation of property outside the boundaries of the district for the acquisition of rights-of-way in any county in which territory of the district is located or in any county adjacent to such county, it shall give written notice, at least two weeks prior to condemning the property, to the board of supervisors of the county in which the property is located. Such written notice

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shall contain a description of the property to be condemned.

SEC. 44. Section 74553 of the Water Code is amended to read:

74553. A district may exercise the right of eminent domain to take any property necessary to be used for dams, damsites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this division, or to operate or to make use of such works.

SEC. 45. Section 74555 of the Water Code is repealed.

SEC. 46. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 583

An act to amend Section 31873 of, and add Sections 31630 and 31639.85 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Became law without Governor's signature September 7, 1975 Filed with Secretary of State September 7, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 31630 is added to the Government Code, to read:

31630. Notwithstanding any other provisions in this chapter, in any county which has adopted Section 31676.1, 31676.11, 31676.12, 31676.13, 31676.14 or 31676.15 the board of supervisors may, on recommendation of the board of retirement, agree to pay any portion of the members' normal contributions to the system. All such contributions paid by the county shall remain county contributions, and no right therein shall accrue to any employee prior to such employee's election to take a regular, deferred or disability retirement.

Any such contributions paid by the board of supervisors on behalf of such members shall be as determined by upon actuarial advice, and approved by the board of retirement.

SEC. 2. Section 31639.85 is added to the Government Code, to read:

31639.85. Notwithstanding any other provisions in this chapter, in any county which has adopted Section 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, or 31676.15 the board of supervisors may, on recommendation of the board of retirement, agree to pay any portion of the safety members' normal contributions to the system. All such contributions paid by the county shall remain county contributions, and no right therein shall accrue to any employee

prior to such employee's election to take a regular, deferred or disability retirement.

Any such contributions paid by the board of supervisors on behalf of such safety members shall be as determined upon actuarial advice, and approved by the board of retirement.

SEC. 3. Section 31873 of the Government Code is amended to read:

31873. Any increases in contributions shall be shared equally between the county or district and the contributing members, with the individual member's contributions based upon his sex and age at his nearest birthday at time of entrance into the retirement system. The board of supervisors by a majority vote may elect to pay part of the costs of the contributions which would otherwise be assessed to the individual members.

CHAPTER 584

An act to amend Section 5 of, and to repeal Section 28.1 of, the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), to amend Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to amend Sections 6 and 7 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955), to amend Sections 8 and 26 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), to amend Sections 6 and 7 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), to amend Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), to amend Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to amend Sections 5 and 6 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to amend Sections 5 and 6 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951), to amend Sections 6 and 8 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), to amend Section 6 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to amend Section 5 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session), to amend Sections 5, 6, and 6.1 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), to amend Section 3 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to amend Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), to amend Sections 5 and 6 of, and to repeal Section 6.1 of, the the Santa

Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), and to amend Section 5 of the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969), relating to flood control and water conservation.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination,

pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest

7. To cooperate, and to act in conjunction with or contribute funds to, the United States or the State of California or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Alameda, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make

measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with or necessary to comply with an act of authorization of the United States, or any state, county, district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Alameda County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Alameda County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for

water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Alameda County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

No action in eminent domain to acquire water rights outside the boundaries of the County of Alameda shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

14. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control, drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable

fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

15. The powers hereinabove granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwat rs, jetties, outlets, channels, harbors, basins, or other work pertaining thereto, in such manner as to render them adaptable and useful to shoreline, beach, harbor, navigation, park or marina development or use, and to do such work in cooperation with any other public or quasi-public agency or corporation concerned with such development or use.

16. To establish and maintain building setback lines along the banks of any river, creek, stream or other waterway, in any case where the board determines that such setback line is necessary for any of the following reasons:

(a) To prevent impediment of the natural flow of water;

(b) To protect life and property;

(c) To prevent damage from flooding, bank caving, or erosion;

(d) To prevent the pollution of waters.

SEC. 2. Section 28.1 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is repealed.

SEC. 3. Section 5 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4 To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or

improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6 To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the

normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California or any of its engineers, officers, boards, commissions, departments, or agencies, the United States of America, or any federal department or agency, or with any public or private corporati n, or with the County of Contra Costa or adjacent counties, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United

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States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to employ for temporary services only, expert appraisers, consultants, attorneys, and technical advisers, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act, including property required for recreational facilities. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city

and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Contra Costa County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of Contra Costa and cities and districts within the county, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Contra Costa.

15. To construct, accept, maintain, repair, or otherwise improve structures or channels for any purpose, in whole or in part, related to the purposes and powers of the district, or perform any act necessary or incidental to the complete exercise and effect of any of its powers.

16. The district may provide, operate, maintain, and charge for public use of recreation facilities in connection with flood control works and improvements within the jurisdiction of the district.

17 In connection with flood control works and related improvements, the district may install and maintain appropriate landscaping and take other actions as necessary for the purpose of mitigation of environmental damage resulting from such works and improvements.

18. The district may cause to be designed and inserted in the specifications and contract for any flood control channel or storm drain planned to be constructed under this act as an open channel, provision for the construction in conjunction therewith of facilities for the covering or crossing over of any such portion, or a part of such portion, if, in the judgment of such governing body, such crossing or covering will not impair the usefulness of such flood control channel or storm drain and will not be otherwise adverse to the best interests of the district.

SEC. 4. Section 6 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955) is amended to read:

Sec 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to

carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation,

or with the County of Del Norte, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or for the purpose of controlling or abating mosquitoes within said district or for other purposes of sanitation therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9 To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Del Norte County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir

of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Del Norte County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 5. Section 7 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955) is amended to read:

Sec. 7. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

SEC. 6 Section 8 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 8. Said district shall be and constitute a public corporation,

and as such shall have the powers in this act enumerated, all powers necessarily or reasonably implied therefrom, and all powers necessarily or reasonably implied from the creation and existence of such district. Such powers shall include the following:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To exercise the power of eminent domain, either within or without the district, to take any property necessary to carry out any of the objects or purposes of this act.

4. To take by grant, purchase, gift, lease, devise or otherwise and to hold, use and enjoy real or personal property of every kind within or without the district necessary to or convenient for the full exercise of its powers.

5. To acquire lands, rights-of-way, easements, privileges and property of every kind and nature, to construct, maintain and operate any or all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized, or any works or improvements owned or constructed by the City of Fresno, the County of Fresno, Fresno Irrigation District, or any other public agency, or any two or more thereof, and used in whole or in part for flood control or storm drain purposes.

6. To levy or cause to be levied as herein provided taxes upon the taxable real property in said district for the purpose of providing funds for such district and for paying any obligations thereof.

7. To incur indebtedness and to issue notes, bonds or other evidence of such indebtedness in the manner herein provided

8. To make contracts and to employ appraisers, consultants, attorneys, engineers and other technical advisers and all employees necessary or convenient for the administration of said district, the maintenance and operation of any works under its jurisdiction, and the planning of any works or construction under this act.

9. To contract with the City of Fresno, County of Fresno, Fresno Irrigation District, or any other public agency or any public utility for the use of any rights-of-way, easements, lands, works or property owned by any thereof which are necessary, convenient or useful to the district or necessary or convenient for the construction or operation of any flood control works or storm drain works proposed to be financed by the flood control district, to contract with any such public agencies for the acquisition or construction by such public agency of any flood control or storm drain works financed by the district, or the maintenance and operation thereof, or for any or all of the foregoing, and such flood control district may carry out any or all of its powers either separately or in conjunction with one or more of said public agencies, and may make any contract or lease or accept any conveyance of property necessary or convenient for the

accomplishment of the purposes of said flood control district. The powers granted by this subparagraph shall be liberally construed.

10. To develop property for recreational uses and purposes in connection with the use thereof for control or conservation of waters or to lease to or contract with individuals or public or private agencies for use or for development and use thereof for such recreational purposes.

11. To lease, let, sell, or dispose of real and personal property or any interest therein or part thereof whenever, in the judgment of two-thirds of the board of directors, such real or personal property or interest therein or part thereof is no longer required for the purposes of the district or may be leased or let for any purpose without interfering with the use thereof for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act.

SEC. 7. Section 26 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955) is amended to read:

Sec. 26. The district, in exercising the power of eminent domain, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location.

SEC. 8. Section 6 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter, and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To furnish water for any of the purposes herein authorized and to construct all necessary facilities to distribute such water. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water

rights, and import water into the district and to conserve within or outside of the district, water for any purpose of the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses and watersheds outside of the district of streams flowing into the district.

7 To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Humboldt, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make

measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Humboldt County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Humboldt County Flood Control District, or for the purpose of exchanging the same for other water,

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water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided, including, but not limited to, the issuance of bonds on a district-wide or zone basis, the proceeds to be used for the works necessary to obtain, store, supply, and distribute water to the inhabitants of the district for any purposes herein authorized.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 9. Section 7 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945) is amended to read:

Sec. 7. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

SEC 10. Section 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2 To sue and be sued in the name of said district.
3. To adopt a seal

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, water and water rights, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To conserve all waters within said district, and to control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to develop waters within or without said district for domestic, irrigation, industrial and recreational uses, and to construct works therefor, including works for the storage and delivery of water; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To cooperate and to act in conjunction with the federal government, the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Lake or adjacent counties, or with any other agencies, in the construction of any work for the storage or delivery of all waters within or without the district for domestic, irrigation, industrial and recreational uses and for the conservation of waters within said district, for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to the beneficial use of waters within or without the district, including domestic, irrigation, industrial and recreational uses and to the conservation of water and to the control of floods both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district,

through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location.

The district shall not condemn property outside the County of Lake unless the consent of the governing board of the county, in which the property to be condemned is located, has first been obtained.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Lake County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To provide for the operation and maintenance of any works of any kind or channelways, which may be built or operated by the State of California or the federal government without cost to the district, for the control or disposition of flood and storm waters within

the district whether such waters originate within or without the district

14. To contract with the County of Lake, because of the interest of the County of Lake in the general welfare and preservation and promotion of land values in the county and in the maintenance, construction and improvement of public roads, bridges and other county property within any zone which may be damaged or destroyed by such flood and storm waters and which will be protected by proper control and disposition of such waters, for the participation by such county, on a percentage or other appropriate basis, in the amount or amounts that may be taxed or assessed from time to time against any lands in any zone by any taxing or assessing agency or authority, including the district, to provide funds for the operation and maintenance of any works of any kind or channelways which may be built, maintained or operated by the State of California or the federal government or the district for the benefit of such zone; and the County of Lake is hereby authorized to enter into any such contract with the Lake County Flood Control and Water Conservation District.

15. To levy assessments in any zone, on the basis of benefits as provided in Section 13.1 hereof, to raise funds for payment of expenses of operation and maintenance of works or channelways in any such zone and the cost of levying, calling and collecting such assessments.

SEC. 11. Section 5 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act. Construction or improvement of existing facilities may involve landscaping, related recreational activities, and other aesthetic treatment in order that the facility will be compatible with existing or planned development in the area of improvement.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any

zone or zones affected, to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds, provided further, that none of the provisions of this act shall preclude the exercise by any other political

subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8 To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition,

use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain, within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood

Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district.

15. In addition to its other powers, the district shall have the power to preserve and enhance its properties, including related recreational enhancement, and, upon a finding by the board of supervisors that the acquisition is necessary for such purposes, to acquire, preserve, and enhance lands or interests in lands within the County of Marin contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment for such properties or such lands.

SEC. 12. Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to

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assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Monterey, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

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9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Monterey County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Monterey County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or

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storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To buy, provide, sell and deliver water.

14. To exchange water.

15. To distribute water to persons in exchange for ceasing or reducing ground water extractions.

16. To transport, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.

17. To construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district whether within or without the district, subject to the limitations as to eminent domain use for recreational purposes outside the district set forth in Section 4, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof.

18. To regulate, inspect, and license all structures, including docks and wharves, or structures used as docks or wharves, and their anchorage or mooring system, that float on or are designed to float on the surface of reservoirs operated or contracted to be operated by the district or that are located within the area subject to its flowage easement, or that are located on real property of the district, and to charge a reasonable fee for licensing such structures. Any of such structures that are unlicensed more than 30 days after notice to license the structure has been posted thereon, or any unlicensed structure that is neither anchored nor moored, or is found on property owned in fee by the district is a nuisance. The district may have injunctive relief for any of such nuisances, or may summarily abate any untended structure floating on the surface of such reservoir that is neither anchored nor moored, or any untended structure found on property owned in fee by the district. It shall be unlawful and it is hereby declared to be a misdemeanor to maintain, anchor, or moor or suffer to be maintained, anchored, or moored on property of which one is possessed any unlicensed structure when such structure is required to be licensed pursuant to the provisions of this act. Such misdemeanor shall be punishable by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county

jail for not to exceed six months, or by both such fine and imprisonment. Each day of violation of these provisions shall constitute a separate offense.

SEC. 13. Section 6 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947) is amended to read:

Sec. 6. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

SEC. 14. Section 5 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including

but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Napa, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and

carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Napa County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped,

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stored, appropriated or otherwise acquired or secured, for the use of the Napa County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 15. Section 6 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951) is amended to read:

Sec. 6. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

SEC 16. Section 6 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and

proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs, within or outside of the district for the benefit of any zone or zones of the district affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, any waters not needed for beneficial uses within the district; to prevent unlawful exportation of water from said district; to commence, maintain, intervene in, defend or compromise, in the name of the district, in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of importing waters for beneficial use into said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully

acquired or owned by said San Benito County Water Conservation and Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Benito County Water Conservation and Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 17. Section 8 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 8. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to

the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

Nothing in this act shall authorize the district to condemn any of the properties, structures or works now owned or hereafter to be constructed or acquired by the Pacheco Pass Water District.

SEC. 18. Section 6 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual existence.

2. To sue and be sued in the name of the district.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, excepting water rights owned by a public corporation or agency without the consent of such public corporation or agency, and to construct, maintain, alter and operate any and all projects or works of improvement, within or without the district, necessary or proper to carry out any of the objects or purposes of this act, or convenient to the full exercise of its powers, and to construct, complete, extend, add to, alter, remove, reconstruct, repair or otherwise improve any projects or works of improvement, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which streams and the floodwaters thereof flow into the district, and to conserve such waters for beneficial and useful purposes within the district by retarding, spreading, storing, retaining and causing the same to percolate into the soil within or without the district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district; provided, that water rights now existing, public or private, be not thereby taken or damaged without compensation; provided further, that none of the provisions of this act shall in any manner limit or preclude the full exercise by any county, city, district, public or municipal authority, agency or corporation, or any political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising any of its powers, although such be of the same nature as the powers of the district. Any such other public entity may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other public entity has an interest, or for

the use, or joint use, of property or facilities in which the district has an interest.

6. To cooperate and to act in conjunction with or contribute funds to, the United States or the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Diego, or with any public agency or district, in the construction of any projects or works of improvement for the controlling of flood or storm waters of or flowing into the district, or for the protection of life or property therein, or for the purposes of conserving said waters for beneficial use within said district, or for the protection of beaches and shorelines from erosion, or for the restoration of beaches and shorelines, or in any other works, acts or purposes provided for herein, and to adopt and carry out any definite plan or system of projects or works of improvement for any such purpose; and to enter into, and to do any and all acts necessary or proper for the performance of, any agreement with, or necessary to comply with any act of authorization of, the United States, or any state, county or district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint financing, acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, projects or works of improvement, or other property of any kind which might be lawfully acquired or owned by the district.

7. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned by the district, and to grant to any person the right to carry any water owned by such person through any tunnel, canal, ditch or conduit of the district; provided, that the district shall not acquire any such rights from a municipality or public water agency or district other than with the consent of such municipality or public water agency or district.

8. To carry on technical and other investigations of all kinds, make measurements, collect data, and to make analyses, studies, and inspections pertaining to water supply, water rights, ocean currents, tides, erosion, control of floods, and use of water, and to make surveys, studies, and maps and plats relative to the location of necessary projects and works of improvement including but not limited to dams, levees, channels, conduits, canals, pipelines, roadways and other rights-of-way, and relative to the acquisition of lands, or interests therein, and other property; provided, that the foregoing powers may be exercised by the district to the extent necessary to accomplish the purposes of this act; and further provided, that the district has the right of access through its authorized representatives to all properties within or without the district in order to accomplish the acts authorized by this section or any of them. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and

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maps thereof.

Whenever a project or work of improvement is contemplated due consideration shall be given to the location of existing sewage lines and to the possible locations of future sewage lines, and the district shall solicit the recommendations of public sewage disposal agencies in order that district facilities may be located equitably in light of such sewage lines.

9. To incur indebtedness and to issue bonds in the manner hereinafter provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, to employ labor, to employ expert appraisers, consultants and technical advisers and assistants, and to do all acts necessary for the full exercise of all powers vested by this act in said district or in any of the officers thereof.

12. The district may exercise the right of eminent domain within the County of San Diego, either within or without the district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles or other property of any public utility or public corporation or district which is required to be moved to a new location. No right shall exist in the district to take by proceedings in eminent domain any water rights appropriated to public use by any existing municipal corporation, water district, or other public agency. Nothing in this act contained shall be deemed to authorize the district or any person to divert the waters of any river, creek, stream, irrigation system, canal or ditch or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing municipal corporation, water district or other public agency providing water to the public or as affecting the absolute control of any properties of such municipal corporation, water district or public agency necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in the district or any officer thereof, or in any person referred to in this act, except to the extent consented thereto by such municipal corporation, water district or public agency.

13. To plan, improve, operate, maintain, and keep in a sanitary condition a system of public parks, playgrounds, beaches, swimming areas, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, as an incident to the carrying out of the projects and works of improvement of the district and on land acquired or used for the flood control, drainage, beach or shoreline erosion control, or water conservation purposes of this

act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic grounds and equipment incidental thereto, bathhouses, golf courses, tennis courts, and other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the district shall not, for the purposes specified in this subsection, interfere with the control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district, county or municipal corporation, except with the consent of the governing body of such district, county or municipal corporation, and upon such terms as may be mutually agreed upon between the board and such governing body; and further provided, that no such recreational facility shall be established in any city or in the unincorporated territory of a county without the consent of the governing body of such city or county, and further provided, that if any such recreational facility is located within the unincorporated territory of a county then that county, or if any such recreational facility is located within the corporate limits of any city then that city, by resolution duly passed by the governing body of such county or city, may assume the management and control of such recreational facility, in which event such county or city shall establish and collect nondiscriminatory fees and charges for the use of such recreational facility and may establish rules and regulations pertaining to such recreational facility, and the county or city annually shall deduct from such fees and charges an amount sufficient to reimburse the county or city for the costs and expenses incurred in such management and control of such recreational facility, and shall pay over to the district, for use for general district purposes, all money collected in excess of the amount necessary for such reimbursement.

14. The powers herein granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other projects or works of improvement pertaining thereto for the protection of shoreline or beaches.

15. To lease, sell or dispose of any property or interest therein whenever, in the judgment of the board, said property or said interests therein or part thereof is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of such property for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act; provided, however, that nothing herein contained shall authorize the board or any officer of said district to sell, lease or otherwise dispose of any water, water right, reservoir space or

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storage capacity or any interest or space therein, except to public agencies for recreational purposes or except as heretofore provided in subsection 6 of this section, or except, in the discretion of the board, as is necessarily incidental to the accomplishment of the purposes of this act or to the public welfare; provided, however, that the district may grant and convey to the United States, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam, or reservoir site, or shoreline or beach, improved and constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed, and in improving such lands and interests in land, deemed reasonable in the discretion of the board.

16. To grant or otherwise convey to counties, cities and counties, cities, the State of California or the United States easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by the district.

17. To remove, carry away and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

18. Notwithstanding any provision of this act, the district shall not have the power to compete with water selling or distribution agencies, either public or private, by selling or distributing water to consumers for domestic, agricultural or industrial use; provided, however, that the district shall have the power to sell to water agencies, either public or private, such surplus water as it may accumulate.

19. To establish by ordinance and maintain building setback lines along the banks of any river, creek, stream, or other waterway, in any case where the board determines that such setback line is necessary to prevent impediment of the natural flow of water or to prevent damage from flooding, bank caving, or erosion related to the property on which the setback is established.

The landowner may submit an engineered alternative to the setback for approval by the board.

20. To do all acts necessary to participate in all programs authorized by the federal government whereby federal funds are granted to the district or any of its residents for purposes of health, education, welfare, public works, or community improvement, including, without limitation thereto, contracting and cooperating with the federal government, the state or its agencies, other local public agencies, and private persons and corporations, and to make any expenditure of district funds required for such participation.

21. To regulate the discharge of pollutants into the district's facilities by requiring dischargers to obtain a permit from the district prior to any such discharge and by prohibiting the discharge of

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pollutants into the district's facilities without a permit first having been obtained from the district; to require fees to be collected prior to issuance of such permits; to require all permitholders to indemnify the district from any and all damages, penalties, or other expenses imposed on or required of the district by state or federal agencies due to any discharge by such permitholders into the district facilities; to require as a condition of obtaining discharge permits from the district that all such dischargers also obtain state and federal waste discharge permits and any other permits required by state and federal law and submit the necessary fees and applications for such permits to the district for submittal to any such state and federal agencies.

SEC. 19. Section 5 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for present and future use within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the

lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision which owns property or facilities of a type that may be owned by the district may, by written agreement with the district, provide for the use, or joint use, of such property or facilities, or for the use or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection

of life or property therein, or for the purpose of conserving any waters whatsoever for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of

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exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13. To exercise the right of eminent domain within said district to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such San Joaquin County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

14. To make contracts with the County of San Joaquin, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of San Joaquin.

15. To purchase, or to contract for the purpose of purchasing, water, from the United States, or any of its agencies, from the state, or any of its agencies, from any other public district, agency or organization, from any private firm, corporation, entity, or organization, or from any person.

16. To have power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act

of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of contracting works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made.

17. To sell or distribute, and to contract for such sale or distribution water to any person, firm, corporation, entity, or organization within the district, whether sold or distributed for consumption or for resale or redistribution; provided that the district shall have no power to sell or distribute or to contract for such sale or distribution of, water for use on any lands within any county water district, reclamation district, irrigation district, water conservation district, protection district, municipality, flood control district, or other district or political subdivision of the state now or hereafter established, in or partially within, the limits of the district, which is empowered to deliver water to water users, without either contracting with such entity or without the express written permission of the governing body of such entity.

18. To establish tolls or charges for any water sold or distributed by it.

19. To levy assessments to pay the costs of acquiring and distributing any water in any water conservation zones which are benefited.

SEC. 20. Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present

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and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Luis Obispo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses of streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Luis Obispo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of

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the San Luis Obispo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 21. Section 6 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 6. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

SEC. 22. Section 6 1 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec 6.1. No authority is granted to the district to acquire riding and hiking trails by condemnation.

SEC. 23. Section 3 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is amended to read:

Sec. 3 The San Mateo County Flood Control District is hereby

declared to be a body corporate and politic and as such shall have in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To adopt a seal and alter it at pleasure.

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

4. To acquire, by grant, purchase, gift, devise, lease, contract, construction or otherwise, lands, rights-of-way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To hold, use, enjoy and to lease, sell, or otherwise dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers.

6. To incur indebtedness, and to issue bonds in the manner herein provided.

6.5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the

lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters and watercourses, watersheds, harbors, public highways, life and property in said district.

8. To exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner prescribed by law. The district in exercising such powers shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railroads, mains, pipes, conduits, wires, cable, poles of any public utility which is required to be reconstructed or relocated.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, operation, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, powerplants, easements, franchises, concessions or rights; to enter into and to do

any and all acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Mateo County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district or other political entity of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the San Mateo County Flood Control District; to cooperate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

10. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water sources, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

12. To make contracts and to employ labor and professional services and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof by this act.

Provided, that in the exercise of the powers vested in it by this act, with respect to lands lying without the exterior boundaries of the County of San Mateo, said San Mateo County Flood Control District shall obtain, prior to the taking of any action to carry out the purposes of this act without said boundaries, written approval of the action from the governing body of each affected county, city and county, and city.

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13. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreation ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

SEC. 24. Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from

damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Santa Barbara, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of storm waters and floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair

and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances; to enter into contracts and agreements with, and do any acts necessary or proper for the performance of any such contracts and agreements with the United States, or any state, county, district of any kind, public or private or municipal corporation, association, firm, or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain, either within or without said district to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

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Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district or other district or public agency to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Santa Barbara County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

13. To make contracts with the County of Santa Barbara and with municipalities and public agencies, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Santa Barbara.

SEC. 25. Section 5 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected: to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the

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landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be

entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the district or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the district and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone,

including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the district for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency, district, or educational institution recognized under Division 21 (commencing with Section 29001) of the Education Code, a portion of the cost of water imported by such city, public agency, district, or educational institution into, for use within, and of benefit to the Santa Clara Valley Water District.

15. To establish designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code).

16. To acquire, construct, maintain, operate and install landscaping or recreational facilities in connection with any dam, reservoir, or other works owned or controlled by the district.

SEC. 26. Section 6 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 6. The district may exercise the right of eminent domain, either within or without said district, to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its

channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

Nothing in this act shall authorize the district to condemn any of the properties, structures or works, now owned or hereafter to be constructed or acquired, by any water conservation district within the County of Santa Clara.

SEC. 27. Section 6.1 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is repealed.

SEC. 28. Section 5 of the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district.

3. To adopt a seal.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act

5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

6. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city or county, in the construction of any works for the controlling of flood or storm waters of or flowing into said district or for the protection of life or property therein, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to control of floods both within and without

said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of flood or storm water, and all necessary appurtenances; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to carry water through any canal, ditch or conduit not owned or controlled by the district.

9. To incur indebtedness and to issue bonds in the manner herein provided

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12. To exercise the right of eminent domain within said district to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location. No right shall exist in said district to take by proceedings in eminent domain any property appropriated to public use by any existing county or municipal utility district. Nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

13. To make contracts with the County of Tulare, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Tulare, except subdivisions within incorporated cities.

14. To have power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of contracting works, for drainage or flood control, or for the acquisition, purchase, extension, operation, or maintenance of such works, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract so made.

SEC. 29. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 585

An act to repeal Section 28 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), to repeal Section 19 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961), to repeal Section 4.9 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), to repeal Section 29 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), to repeal Section 30 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955), to repeal Section 20 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), to repeal Section 30 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945), to repeal Section 4.9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), to repeal Section 33 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), to repeal Section 651 of the Madera County Flood Control and Water Conservation Agency Act (Chapter 916 of the Statutes of 1969), to repeal Section 28 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to repeal Section 4.9 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959), to repeal Section 29 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), to repeal Section 29 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951), to repeal Section 19 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959), to amend Section 39 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), to repeal Section 4.9 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), to repeal Section 35 of the Riverside County Flood

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Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), to repeal Section 4.9 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session), to repeal Section 33 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), to amend Section 25 of the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939), to repeal Section 39 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session), to repeal Section 33 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session), to repeal Section 29 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), to repeal Section 31 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), to repeal Section 30 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955), to repeal Section 4.9 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945), to repeal Section 29 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), to repeal Section 58 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957), to repeal Section 4.8 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), to repeal Section 4.9 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), to repeal Section 32 of the Tulare County Flood Control District Act (Chapter 1149 of the Statutes of 1969), to repeal Section 20 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969), to amend Section 29 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), to repeal Section 19 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959), and to repeal Section 4.9 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959), relating to property subject to or devoted to public use.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 28 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is repealed.

SEC. 2. Section 19 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961) is repealed

SEC. 3. Section 4.9 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is repealed.

SEC. 4. Section 29 of the Contra Costa County Flood Control and

Water Conservation District Act (Chapter 1617 of the Statutes of 1951) is repealed.

SEC. 5. Section 30 of the Del Norte County Flood Control District Act (Chapter 166 of the Statutes of 1955) is repealed.

SEC. 6. Section 20 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is repealed.

SEC. 7. Section 30 of the Humboldt County Flood Control District Act (Chapter 939 of the Statutes of 1945) is repealed.

SEC. 8. Section 4.9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is repealed.

SEC. 9. Section 33 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951) is repealed.

SEC. 10. Section 651 of the Madera County Flood Control and Water Conservation Agency Act (Chapter 916 of the Statutes of 1969) is repealed.

SEC. 11. Section 28 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is repealed.

SEC. 12. Section 4.9 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959) is repealed.

SEC. 13. Section 29 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947) is repealed.

SEC. 14. Section 29 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449 of the Statutes of 1951) is repealed.

SEC. 15. Section 19 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959) is repealed.

SEC. 16. Section 39 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 39. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project the board of directors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain any of the works of the district over and through any of the lands which are now, or may become the property of this state and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

SEC. 17. Section 4.9 of the Placer County Water Agency Act

(Chapter 1234 of the Statutes of 1957) is repealed.

SEC. 18. Section 35 of the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945) is repealed.

SEC. 19. Section 4.9 of the Sacramento County Water Agency Act (Chapter 10 of the Statutes of 1952, First Extraordinary Session) is repealed.

SEC. 20. Section 33 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953) is repealed.

SEC. 21. Section 25 of the San Bernardino County Flood Control Act (Chapter 73 of the Statutes of 1939) is amended to read:

Sec. 25. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property.

SEC. 22. Section 39 of the San Diego County Flood Control District Act (Chapter 55 of the Statutes of 1966, First Extraordinary Session) is repealed.

SEC. 23. Section 33 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session) is repealed.

SEC. 24. Section 29 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is repealed.

SEC. 25. Section 31 of the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959) is repealed.

SEC. 26. Section 30 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955) is repealed.

SEC. 27. Section 4.9 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945) is repealed.

SEC. 28. Section 29 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is repealed.

SEC. 29. Section 58 of the Shasta County Water Agency Act (Chapter 1512 of the Statutes of 1957) is repealed.

SEC. 30. Section 4.8 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is repealed.

SEC. 31. Section 4.9 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

SEC. 32. Section 32 of the Tulare County Flood Control District

Act (Chapter 1149 of the Statutes of 1969) is repealed.

SEC. 33. Section 20 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969) is repealed.

SEC. 34. Section 29 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session) is amended to read:

Sec. 29. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court.

SEC. 35. Section 19 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959) is repealed.

SEC. 36. Section 4.9 of the Yuba County Water Agency Act (Chapter 788 of the Statutes of 1959) is repealed.

SEC. 37. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 586

An act to amend Section 61 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959), to amend Section 15 of the Bighorn Mountains Water Agency Law (Chapter 1175 of the Statutes of 1969), to amend Section 15 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to amend Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), to amend Section 11 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session), to amend Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), to amend Section 26 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), to amend Section 2 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), to amend Section 15 of the San Gorgonio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), and to amend Section 2 of, and to repeal Section 26 of, the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to eminent domain.

[Became law without Governor's signature September 8, 1975. Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 61 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 61. The Antelope Valley-East Kern Water Agency incorporated as herein provided, shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, lease, or lease with option to purchase, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Antelope Valley-East Kern Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized;

5a. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Antelope Valley-East Kern Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor;

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

6a. To supply and deliver agency water to publicly owned and

operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

7. To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water, and to carry out any other powers of the agency. The agency, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency may exercise the power of eminent domain with respect to property situated outside the boundaries of the agency if it first obtains the consent thereto of the board of supervisors of the county in which such property is located;

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

8a. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Antelope Valley-East Kern Water Agency but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the Antelope Valley-East Kern Water Agency or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

9a. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage,

and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

10. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

11. To make contracts, to employ labor, and do all acts necessary for the full exercise of the agency's powers;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used

in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Antelope Valley-East Kern Water Agency incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency.

15. To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the agency, or a common benefit to lands within the agency or its inhabitants.

16. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use water from a nontributary source in lieu of ground water, and to such end the agency may become a party to such contract and pay from agency funds such portion of the cost of such waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited.

17. To issue bonds under Section 68 of this act for the purpose of providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Antelope Valley-East Kern Water Agency may be annexed to and become a part of said metropolitan water district. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

18. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency formed under this act.

19. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this

act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Antelope Valley-East Kern Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Antelope Valley-East Kern Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Antelope Valley-East Kern Water Agency.

(b) "Municipality" and "city" shall mean the Antelope Valley-East Kern Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Antelope Valley-East Kern Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Antelope Valley-East Kern Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Antelope Valley-East Kern Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the Antelope Valley-East Kern Water Agency.

20. To disseminate information concerning the rights, properties, and activities of the agency.

SEC. 2. Section 15 of the Bighorn Mountains Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended to read:

Sec. 15. The Bighorn Mountains Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Bighorn Mountains Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Bighorn Mountains Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11 To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from

revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Bighorn Mountains Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the Bighorn Mountains Water Agency, or, if said assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

17. To acquire, control, distribute, store, spread, sink, treat, purify,

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reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

18. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

19. To commence, maintain, intervene in, defend and

compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

23. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Bighorn Mountains Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Bighorn Mountains Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Bighorn Mountains Water Agency.

(b) "Municipality" and "city" shall mean the Bighorn Mountains Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Bighorn Mountains Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Bighorn Mountains Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Bighorn Mountains Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Bighorn Mountains Water Agency.

SEC. 3. Section 15 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 15. The agency incorporated as herein provided, shall have the power to acquire water from the State of California under the State Water Plan and to be a wholesale distributor of such water through a transmission system to be acquired or constructed by the agency, and to carry out these purposes shall have the following powers:

1. To have perpetual succession.

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency.

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell for use within the area of the agency at wholesale only water of the agency to cities, to other public corporations and public agencies, and to water corporations as defined in the Public Utilities Code of the State of California, and to any mutual water companies engaged in distributing water to its members for use, without any preference and it may, whenever the board shall find that there is a surplus of water above that which may be required by such

consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers.

7. To exercise the right of eminent domain to take any property necessary or desirable for any facility reasonably required for the importation and transmission of water in the area of the agency. The agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. No action in eminent domain to acquire property outside the boundaries of the agency shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

8. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

9. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate.

10. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor.

11. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential.

12. To prescribe and define by ordinance, the restrictions,

prohibitions and exclusions referred to in subdivision 11 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency.

13. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers.

14. To provide by ordinance of its board of directors for the pensioning of employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of employees before such pensions shall be available to them.

15. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United

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States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

16. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

17. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent ($0.01) for each one hundred dollars ($100) of assessed valuation of the taxable property in such agency.

SEC. 4. Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 5. Any authority incorporated as herein provided shall have power:

(1) To have perpetual succession.

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

(3) To adopt a corporate seal and alter it at pleasure.

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and

personal property of any kind within or without the authority and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without the authority, and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(5) To exercise the power of eminent domain to take any property necessary to the exercise of the powers herein granted.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands which are now, or may become the property of the State of California; provided, however, that the authority shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. The grant of the right to use such vacant state lands shall be effective upon the filing by such authority with the Division of State Lands of the Department of Finance, of an application showing the boundaries, extent and locations of the lands, rights-of-way, or easements desired for such purposes. If the land, rights-of-way or easement for which application shall be made is for the construction of any aqueduct, ditch, pipeline, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles, or towers and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the authority therefor, unless, in the opinion of the Chief of such Division of State Lands the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the authority shall pay for the lands to be taken and for such portion of any legal subdivision which, in the opinion of said Chief of the Division of State Lands, are rendered valueless or unsalable. If the lands for which application is made are for purposes other than the construction of roads or for works for the conveyance of water, or electricity or telephonic or telegraphic communication, such authority shall pay to the state for such lands at the reasonable rate determined by the Division of State Lands. Upon filing such application, accompanied by map or plat showing the location or proposed location of such works and/or facilities, the fee title to so much of such state lands as shall be found by the Chief of the Division of State Lands of the Department of Finance to be necessary or convenient to enable such authority to construct or maintain its works and/or to establish or maintain its facilities, shall be conveyed to such authority by patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of said state affixed, and countersigned by the Registrar of State Lands; if an easement or right-of-way only over such lands be sought

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by such authority, such easement or right-of-way shall be evidenced by permit or grant executed by such Chief of the Division of State Lands. The Chief of the Division of State Lands may reserve in such patents, grants or permits, easements and rights-of-way across any lands therein described for the construction of streets, roads and highways. Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions hereof, must be paid. In the event that the duties or titles of any of the officers herein mentioned shall be changed by lawful authority, the functions herein required to be performed shall be performed by the appropriate officer or officers of the State of California. No fee shall be exacted from such authority for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets or highways the authority shall be subject to the reasonable rules and regulations of the governmental agency in charge thereof, concerning excavations and the refilling of excavations, the relaying of pavements and the protection of the public during periods of construction; provided, that the authority shall not be required to pay any license or permit fees, or file any bonds. The authority may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; provided, however, that no authority incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) percent of the taxable property of the authority as shown by the last equalized assessment roll of the county in which the authority is located.

(8) To levy and collect taxes for the purpose of carrying on the operations and paying the obligations of the authority; provided, however, that such taxes levied under this section exclusive of any tax levied to meet the bonded indebtedness of such authority and the interest thereon and exclusive of any tax levied to meet any obligation to the United States of America or to any board, department or agency thereof, shall not exceed five cents ($0.05) on each such one hundred dollars ($100) of assessed valuation.

(9) To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the authority, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient for the transaction of the business of the authority.

(10) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom.

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Such contracts may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof or this or any other state or any political district, subdivision or public agency thereof.

(11) To acquire water and water rights within or without the state, but not within the county in which the authority is organized and/or located; to develop, store and transport such water; to provide, sell and deliver water at wholesale for municipal, domestic and other beneficial uses and purposes; provided, each public agency, the area of which shall be a part of any authority incorporated hereunder, shall have a preferential right to purchase from the authority for distribution by such public agency, or any public utility therein empowered by said public agency for the purpose, for domestic, municipal and other beneficial uses within such public agency, a portion of the water served by the authority which shall, from time to time, bear the same ratio to all of the water supply of the authority as the total accumulation of amounts paid by such public agency to the authority on tax assessments and otherwise, towards the capital cost of the authority's works as defined from time to time by order of the board of directors shall bear to the total payments received by the authority on account of tax assessments and otherwise, towards such capital cost as defined from time to time by order of the board of directors; also to provide, sell and deliver surplus water of the authority not needed or required for beneficial purposes by the public agencies, the corporate area of which is included in such authority, but giving preference to uses within the authority; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the authority to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic, municipal or other beneficial uses within the authority upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the authority whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by any public agency, the corporate area of which is included within said authority, for domestic, municipal or other beneficial uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor.

(12) To cooperate and contract with United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation, for the purposes of construction of works, necessary or proper for carrying out the purposes of said authority, or for the acquisition, purchase extension, operation or maintenance of

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constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States; also to borrow or procure money from the United States, or any agency thereof for the purpose of financing any of the operations of the authority.

SEC. 5. Section 11 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 11. The Crestline-Lake Arrowhead Water Agency incorporated as herein provided, shall have all of the following powers:

(1) To have perpetual succession.

(2) To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(3) To adopt a seal and alter it at pleasure.

(4) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Crestline-Lake Arrowhead Water Agency.

(5) To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

(6) To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Crestline-Lake Arrowhead Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

(7) To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies, within the agency for use within said agency without any preference and it may whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers.

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(8) To supply and deliver agency water to property not subject to agency taxes at special rates, terms and conditions as are determined by the board for such service.

(9) To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water. The agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. No action in eminent domain to acquire property outside the boundaries of the agency shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

(10) To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

(11) To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be payable from revenues and taxes legally derived pursuant to any maximum property tax rate procedure; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) but shall not otherwise exceed the lesser of either five hundred thousand dollars ($500,000) or 2 percent of the assessed valuation of the taxable property in the Crestline-Lake Arrowhead Water Agency or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate.

(12) To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor.

(13) To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit use of such water during such periods for specific uses which the agency may from time to time find to be nonessential.

(14) To prescribe and define by ordinance the restrictions,

prohibitions and exclusions referred to in subdivision (13) hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency.

(15) To make contracts, to employ labor, and do all acts necessary for the full exercise of the agency's powers.

(16) To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

(17) To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

(18) To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the

United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Crestline-Lake Arrowhead Water Agency or improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency or improvement district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency or improvement district.

(19) To commence, maintain, intervene in, and compromise, in the name of the agency, any action or proceeding involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the district, or a common benefit to lands within the agency or its inhabitants.

(20) Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end a district may become a party to such contract and pay from district funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment.

(21) To issue bonds under Section 18 of this act for the purpose of providing money required to be paid to the agency organized under the Metropolitan Water District Act by the board of directors of the agency as all or part of the terms and conditions upon which the corporate area of the Crestline-Lake Arrowhead Water Agency may be annexed to and become a part of said metropolitan water district. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(22) To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this act.

(23) To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Crestline-Lake Arrowhead Water Agency. In the application of said

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Improvement Act of 1911 to proceedings instituted by the Crestline-Lake Arrowhead Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the Board of Directors of the Crestline-Lake Arrowhead Water Agency.

(b) "Municipality" and "city" shall mean the Crestline-Lake Arrowhead Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Crestline-Lake Arrowhead Water Agency.

(g) "Mayor" shall mean the President of the Board of Directors of the Crestline-Lake Arrowhead Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Crestline-Lake Arrowhead Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the Secretary of the Crestline-Lake Arrowhead Water Agency.

(24) The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at the bus bar and at wholesale to any public agency or private entity, or both, or the federal or state government.

(25) In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 6. Section 15 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water. The agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall not exercise the power of eminent domain with respect to property situated outside the boundaries of the agency unless it first obtains the consent of the board of supervisors of the county in which such

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property is located; provided, however, that the agency may exercise the right of eminent domain for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county without obtaining the consent thereto of the board of supervisors thereof. When the agency proposes to exercise the power of eminent domain, under this section, for the condemnation of property outside the boundaries of the agency for the acquisition of rights-of-way in any county in which territory of the agency is located or in any county adjacent to such county, it shall give written notice, at least two weeks prior to condemning the property, to the board of supervisors of the county in which the property is located. Such written notice shall contain a description of the property to be condemned. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than 50,000 acres of land within its boundaries.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be payable from revenues and taxes legally derived pursuant to any maximum property tax rate procedure; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage,

and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

17. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency; provided further that rights to any water made available by the Desert Water Agency are owned and controlled exclusively by the agency, and no person within or outside of the boundaries of the Desert Water Agency shall acquire any property or other right in such water, except as provided by contract with the agency, or pursuant to such rules and regulations as the agency may from time to time establish and enforce.

18. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such

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contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

19. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20. To commence, maintain, intervene in, defend and

compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

24. To use the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by such improvement acts on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of such improvement acts to proceedings instituted by the Desert Water Agency, the terms used in such improvement acts shall have the following meanings:

(a) "City council," "council," or legislative body shall mean the Board of Directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary of the agency.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the Treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the President of the Board of Directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

(i) "Auditor" means the county auditor.

Any certificates or documents required by such improvement acts to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the Desert Water Agency.

25. To disseminate information concerning the rights, properties, and activities of the agency.

SEC. 7. Section 26 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951) is amended to read:

Sec. 26. The district shall have the following powers, including those necessarily implied therefrom:

(1) To have perpetual succession.

(2) To sue and be sued except as otherwise provided herein or by law in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(3) To adopt a seal and alter it at pleasure.

(4) To do any and every lawful act necessary to be done to furnish water and electrical energy in the district for any present or future beneficial use or uses, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, power and other beneficial uses.

(5) To take by grant, purchase, gift, devise, lease, either with or without the privilege of purchase, or otherwise, and to hold, use, enjoy, and to lease and dispose of real and personal property of every kind within or without the district necessary to the full exercise of its powers.

(6) To construct, purchase, lease, or otherwise acquire waterworks and other works and machinery, canals, conduits, and reservoirs and to purchase, lease or otherwise acquire water rights, storage rights, storage sites, watersheds, lands, rights and privileges useful or necessary to convey, supply, store or otherwise make use of water for any purposes authorized by this act and to operate and maintain the same for the benefit of the district.

(7) To construct, purchase, lease or otherwise acquire works for the generation, transmission, distribution, sale and lease of electric power, including the sale and disposition thereof to municipalities, districts, corporations or persons and to do all necessary and proper acts for the construction and operation of such electric power works.

(8) To appropriate, acquire and conserve water and water rights for any useful purpose, and to store and conserve water for future use.

(9) To commence, maintain, intervene in and compromise in the name of the district and to assume the costs of any action or proceeding involving or affecting the ownership or use of water or water rights within the district used or useful for any purpose of the district; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural underground supply of waters used or useful for any purpose of the district or a common benefit to lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any interference with such waters as may endanger the inhabitants or lands of the district or as may impair, damage or threaten the exercise of any right to waters belonging to the district or a common benefit to lands within the district or to its inhabitants.

(10) To sell water or the use thereof for any useful purposes and, when there is a surplus, to sell and otherwise dispose of the same to municipalities, public agencies or to consumers or users, including publicly and privately owned utilities, mutual water companies, corporations and persons without the boundaries of the district.

(11) To sell, dispose of and distribute electric power for any useful purpose, and, when there is a surplus, to sell or otherwise dispose of the same to consumers or users including public and private corporations without the boundaries of the district.

(12) To exercise the right of eminent domain to take any property necessary or convenient for carrying out the purposes of this act except that the district shall not have power to acquire by condemnation any property held or used for the development, storage, or distribution of water for public use.

(13) To borrow money and incur indebtedness and to issue bonds or other evidences of indebtedness; also to refund and retire any indebtedness or lien that may exist against the district or the property thereof.

(14) To make contracts, employ labor and do all acts necessary for the full exercise of the powers of the district. The board may cause construction or other work to be performed or carried out by contract or by the district under its own superintendence.

(15) To sell or lease any lands belonging to the district for oil, gas, or other hydrocarbon substances or other minerals when deemed by the board to the best interest of the district, subject, however, to the provisions of Chapter 5 (commencing with Section 7051), Part 2, Division 6, of the Public Resources Code.

(16) To cooperate, act in conjunction and contract with the United States, State of California, municipalities, public and private corporations of any kind and persons in the construction of any works for storing, conserving or distributing waters of the district or belonging to any inhabitant or owner of land or water rights therein or for the control of flood and storm waters, the draining or reclaiming of lands, the protection of property, watersheds, watercourses, underground supplies, highways or life or for the

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purpose of conserving, storing, salvaging, recapturing, distributing, or transporting such waters for beneficial use or uses of the district or of the owners of rights to water therein, and for the use, operation, management and control of such works; to make and perform any agreement with the United States, the State of California, any public or private corporation of any kind and any person, or any of them, for the joint acquisition, disposition or operation of any property or works of a kind which might be acquired, disposed of or operated by the district.

(17) To cooperate and contract with the United States under the Federal Reclamation Act of June, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore enacted authorizing or permitting such cooperation or contract for the purpose of construction of works, whether for irrigation, drainage, flood control or for the development of electric or other power, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States and to carry out and perform the terms of any contract so made, and for said purposes the district shall have all powers, rights and privileges possessed by irrigation districts and, except as herein otherwise provided, shall exercise such powers, rights and privileges in the same manner and subject to the same restrictions and limitations as irrigation districts, all as provided in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code, as such provisions now exist; provided, however, that in any such contract made by the district and the United States, the land which may be charged with any taxes or assessments under such contract shall be designated and described, and the contract shall not include any lands which will not be benefited by the works or system contemplated under such contract, nor shall it impair, restrict, or provide for the control of any right in or to water or the use thereof without the consent of the owner of such right. Such contract may exempt from tax or assessment any land benefited by the works or system contemplated by such contract if such land, or any agency on its behalf, has paid to the district or to the United States its proper share of the construction costs of such works or system. Such contract may provide for the release of the land described therein, or any portion thereof, from any tax or assessment upon payment to the district or the United States of its proper share of the construction cost of such works or system. Nothing herein contained shall prevent the district, whether pursuant to any such contract or otherwise, from levying taxes or assessments for the cost of the operation and maintenance of any such works or system, subject, however, to the limitations provided in Section 37 of this act. The proceedings for voting at an election upon a proposal to enter into such contract with the United States shall be had, insofar as applicable, in the manner provided in the case of the issuance of district bonds; provided, however, that in the event the board shall determine that all

liabilities of the district incurred under the provisions of such contract can be repaid and liquidated as to both principal and interest from revenues from the works or system contemplated under such contract and payments made to the district by public or private corporations or persons pursuant to written contracts providing for the payment of whatever amounts may be necessary to amortize the portion of said cost which may under said contracts be underwritten by such corporation or persons, then upon the adoption of such resolution the board shall have power on behalf of the district, without the necessity of an election, to enter into such repayment contracts with the United States, subject to all provisions of this act applicable to such contracts except provisions requiring an election to authorize such contracts; provided further, however, no such contract shall charge any land with any tax or assessment for the payment of the cost of constructing the works or system contemplated in such contract. In the event that the revenues of the district from the works contemplated by any contract approved at an election shall be, or in the judgment of the board are likely to be, inadequate to pay all charges payable to the United States under such contract and all charges for construction, acquisition, operation and maintenance of the works acquired or constructed under such contract, a tax shall be levied for the payment of such charges on the land in the portion of the district designated and described in such contract as the territory to be charged therewith.

(18) To conserve and store water, including storm and floodwaters, by means of any works authorized in this act and by spreading and sinking the same in any underground basin or basins or the gravels and detritus thereof by any means appropriate therefor, which storage and conservation, whether surface or underground, may be made by the district on its own behalf or on behalf of any owner of the right to the water so stored or conserved on such terms and conditions as may be fixed by the board and the owner; and the district or the owner in whose behalf it acted, when waters are so stored and conserved, may recapture and use the same for any beneficial purpose or use or may permit the recapture and use thereof by others under such terms and conditions as may be fixed by the board or by such owner and the board if conserved and stored on behalf of the owner; and the district may contract with others for the use of any property, conduits, canals, ditches, reservoirs or reservoir sites or dams or other facilities for the purpose of conserving, storing, spreading, or sinking, transporting or distributing such waters.

(19) To control flood and storm waters within the district and flood and storm waters of streams or watercourses outside of the district which flow into the district and conserve such waters by storage either surface or underground, to divert and transport such waters for beneficial uses within the district and otherwise to reduce the waste of water and protect life and property from floods within the district.

(20) To drain and reclaim lands within the district either by surface or underground works or both; and to divert, store, conserve, transport and dispose of water resulting from such operations for any beneficial use.

SEC. 8. Section 2 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 2. The "Orange County Water District" shall have power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;

5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery, facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment and protect the quality of the common water supplies of said district, and purposes incidental thereto;

6. For the common benefit of said district and for the purpose of replenishing, regulating and protecting the ground water supplies within the district to:

(a) Store water in underground water basins or reservoirs within or outside of said district;

(b) Appropriate and acquire water and water rights within or outside of said district;

(c) Purchase and import water into said district;

(d) Conserve water within or outside of said district;

(e) Buy and to sell water at such rates as shall be determined by the board of directors;

(f) Exchange water;

(g) Distribute water to persons in exchange for ceasing or reducing ground water extractions;

(h) Transport, reclaim, purify, treat, inject, extract, or otherwise manage and control water for the beneficial use of persons or property within the district and to improve and protect the quality of the ground water supplies within the district; and

(i) Fix the terms and conditions of any contract under which owners or operators of water-producing facilities within the district may agree to use water from an alternative nontributary source in lieu of ground water, and to such end the district may become a party to such a contract and may pay from district funds such portion of the cost of water from an alternate source as will encourage the purchase and use of the same in lieu of producing ground water, as long as persons or property within the district are directly or indirectly benefited by the resulting replenishment;

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(j) Determine in the manner herein provided the amount and percentage of water produced from the ground water supplies within the district to the total amount of water produced within district by all persons and operators, including the total amount of water from supplemental sources; require that persons and operators produce more or less of their total water needs from the ground water within district than the basin production percentage determined by district as provided herein; levy a basin equity assessment on those persons and operators who are required by district to produce, or have in fact produced, more water from the ground water within district; and to compensate other such persons and operators who are directed by district to produce less than the basin production percentage from ground water within district;

7. To provide for the protection and enhancement of the environment within and outside such district in connection with the water activities of such district;

8. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use and purpose of such lands, facilities, and works by such district;

9. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination of water within said district or exporting water outside of said district's boundaries or any threat thereof;

10. To exercise the right of eminent domain to take any property necessary to the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipelines, water distributing systems, waterworks, or powerplants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plantlife. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said

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district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights-of-ways upon and across and under which to construct pipelines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do;

11. The district shall, in addition to the other powers herein granted by this act, have the following rights and powers: to act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

12. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

13. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

14. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 9. Section 15 of the San Gorgonio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961) is amended to read:

Sec. 15. The agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or

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waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water under the control of the agency to any city, or any company or public agency serving a city, which city is located wholly or partially within the agency, for distribution only within such city; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

9. To exercise the right of eminent domain to take any property necessary to supply the agency or any portion thereof with water. The agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. In no event shall the agency exercise the power of eminent domain with respect to property situated outside the boundaries of the agency, unless it first obtains the consent of the board of supervisors of the county in which such property is located to such exercise of said power.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or

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retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 2 percent of the assessed valuation of the taxable property in the agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service

covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

17. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River system are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the San Gorgonio Pass Water Agency.

18. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. Particularly, but not exclusively, the agency may contract with the State of California for delivery of water under the State Water Plan. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of

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two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

19. To commence, maintain, intervene in, defend and compromise, in the name of the agency, and to assume the costs and expenses of any and all actions and proceedings which involve or affect the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or inhabitants of the agency, and in any such action or proceeding the agency may act as a representative of any class or classes of users of water within the agency, producers of water within the agency or owners of rights to water used or useful within the agency, or owners of property within the agency.

20. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

21. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency to the State of California or any agency thereof under any contract which shall be made with it, or as all or part of the terms and conditions under which the corporate area of the agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

22. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to the agency.

23. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be

exercised by the respective boards, officers and agents of the agency. In the application of said Improvement Act of 1911 to proceedings instituted by the agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the agency.

(b) "Municipality" and "city" shall mean the agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the agency.

(g) "Mayor" shall mean the president of the board of directors of the agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the Secretary of the San Gorgonio Pass Water Agency.

24. To disseminate information concerning the activities of the agency; and in instances in which it shall be found by two-thirds vote of the board of directors to be necessary for the protection of agency rights and properties to disseminate information concerning such rights and properties, also concerning matters which in the judgment of the board may adversely affect such rights and properties; provided, that expenditures during any fiscal year for such purposes shall not exceed one cent ($0.01) for each one hundred dollars ($100) of assessed valuation of such agency.

SEC. 10. Section 2 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is amended to read:

Sec. 2. Powers of District. Any water conservation district organized and established as herein provided shall have power:

A. To have perpetual succession.

B. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

C. To adopt a seal and alter it at pleasure.

D. To take by grant, appropriation, purchase, gift, devise, condemnation or lease, and to hold, use. enjoy and to sell, lease, or otherwise dispose of, real and personal property of every kind, within or without the district necessary or convenient to the full exercise of its powers.

E. To make and perform any agreement with the United States, under the federal reclamation laws or otherwise, to the extent that it is not inconsistent with any state law applicable to the district, or

with any state, county, district of any kind or zone or subdivision of such district, public corporation, any person or any number of them, as follows:

(1) For the joint acquisition, disposition, or operation of any property of a kind which might be acquired by the district;

(2) To cooperate to obtain rights, permits or licenses to appropriate water, and to purchase, acquire, sell, lease or otherwise transfer or dispose of such rights, permits or licenses in accordance with such agreement;

(3) For the transfer of assets, for the public purpose of water conservation, to the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public corporation of the State of California, having power to use such assets for purposes of water conservation and to make such transfer without consideration;

(4) To acquire assets, for the public purpose of water conservation, by transfer without consideration from the United States, the State of California, or any county, district of any kind, or zone or subdivision of such district, or a public corporation of the State of California, having the power to use such assets for purposes of water conservation;

(5) To acquire, store and distribute a surface water supply for purposes of irrigation, seasonal storage, or underground replenishment, or for any or all such purposes;

(6) To provide for the construction, operation or maintenance of such works, facilities or operations within or without the district boundaries as the board deems necessary to protect the land in or property of the district, from damage by flood or overflow, to replenish underground water, or to store, supply or distribute surface waters to lands within the district, and to contribute to the cost or expense thereof out of its general fund or any special fund provided therefor. Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953; except that such acquisition is authorized if acquired incidental to acquisition of land for other purposes of the district; provided, that the district shall be prohibited from exercising such rights so acquired.

F. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by acquiring dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, and constructing dams and reservoirs for storage of water, and by spreading and sinking water; to build, construct or acquire the necessary dams, dam sites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve

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water and water rights for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district.

G. To exercise the right of eminent domain to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act.

H. To cause taxes to be levied, as herein provided, for the purpose of paying any obligations of the district and to accomplish the purposes of this act in the manner herein provided.

I. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted; provided, that said district shall not have power to commence, intervene in, compromise, maintain or defend actions, or pay costs of the same, in controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district.

J. To fix and collect tolls or charges for water supplied for surface irrigation.

K. To submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof and the authority of the district to make the contract. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of irrigation district bonds, and with like effect.

L. To provide for, construct, maintain and operate such works and facilities, within or without its boundaries, as the board may deem necessary to protect the land in, or the property of, the district, from damage by flood or overflow, or to store, supply or distribute surface waters to lands within the district, and to pay the cost and expense thereof out of its general fund or any special fund provided therefor. Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953; except that such acquisition is authorized if acquired

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incidental to acquisition of land for other purposes of the district; provided, that the district shall be prohibited from exercising such rights so acquired.

M. To establish rules and regulations regarding the sale of water, its distribution, and the collection of tolls and charges therefor, and to therein provide for payment in advance of delivery and for refusal of water delivery to persons against whom there are delinquent water tolls or charges. Nothing herein shall be construed as requiring the district to deliver water to any person or lands within the district, ratably or otherwise.

SEC. 11. Section 26 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is repealed.

SEC. 12. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 587

An act to amend Section 80 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session), to amend Sections 5 and 7 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), to repeal Section 19 of Chapter 158 of the Statutes of 1885, to amend Section 14 of, and to repeal Section 16 of, the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to amend Section 22 of the Drainage District Improvement Act of 1919 (Chapter 354 of the Statutes of 1919), to amend Section 81 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session), to amend Section 81 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to amend Section 44 of the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951), to amend Section 6.3 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961), to amend Section 80 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959), to amend Section 30 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), to amend Section 5 of Chapter 99 of the Statutes of 1913, to amend Section 35 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961), to amend Section 141 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), to amend Section 45 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955), to amend Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), to amend Section 4.8 of, and to repeal Section 4.9 of, the

Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945), to amend Section 51 of the Mountain View Shoreline Regional Park Community Act (Chapter 1109 of the Statutes of 1969), to amend Section 6 of Chapter 201 of the Statutes of 1895, to repeal Section 15 of Chapter 25 of the Statutes of 1907, to amend Section 5 of Chapter 361 of the Statutes of 1915, to amend Section 27 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), to amend Section 45 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), to amend Section 141 of the Tahoe-Truckee Sanitation Agency Act (Chapter 1560 of the Statutes of 1971), to amend Section 2 of, and to repeal Section 23 of, the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), to amend Section 6.6 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of 1964, First Extraordinary Session), and to amend Section 15 of Chapter 310 of the Statutes of 1905, relating to eminent domain.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 80 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 80. The district may exercise the right of eminent domain, within but not without the county in which the district is located, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 2. Section 5 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements,

or property acquired by it as authorized by this act.

5. To install and maintain any or all works of or useful to carrying out the purposes of this act. Such installation or maintenance may include any or all of the following work: the placing, replacing, installation, cleaning, repairing, renewal, widening, straightening, deepening or otherwise improving storm drain structures, watercourses or drainage channels, whether in existence or not, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities.

6. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to the installation or maintenance of storm drains. For such purposes, the district shall have the right of access through its authorized representatives to all properties within the district and elsewhere relating to the installation or maintenance of storm drains within the district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

7. To enter upon any land, to make surveys and locate the necessary works of improvements and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, gift, devise, or other legal means all lands and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, and all necessary appurtenances; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by Contra Costa County Storm Drainage District; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for use within said district, or in any other work, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To incur indebtedness and to issue bonds in the manner herein provided.

9. To cause assessments to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

10. To make contracts, and to employ labor, and to do all acts

necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 3. Section 7 of the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953) is amended to read:

Sec. 7. The district may exercise the right of eminent domain within the district to take any property necessary to carry out any of the objects or purposes of this act. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, which is required to be moved to a new location. No right shall exist in the district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing county, city or municipal utility district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing county, city or municipal utility district to provide for a water supply for such county, city or municipal utility district or as affecting the absolute control of any properties of such county, city or municipal utility district necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in said Contra Costa County Storm Drainage District or in any officer thereof or in any person referred to in this act.

SEC. 4. Section 19 of Chapter 158 of the Statutes of 1885 is repealed.

SEC. 5. Section 14 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is amended to read:

Sec. 14. The board shall have the power and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; provide for the payment, from the proper fund, of all the debts and just claims against the district; employ and appoint when necessary, engineers to survey, plan, locate, and estimate the cost of the works necessary for drainage and the land needed for right-of-way, including drains, canals, sluices, watergates, embankments and material for construction, and to construct, maintain, and keep in repair all works necessary for the purpose of drainage. The board shall also have the right to acquire, hold and possess either by donation, purchase or condemnation, any property necessary for the construction, use, maintenance, repair, and improvement of any works required for the purpose of drainage. The board may establish equitable bylaws, rules and regulations necessary or proper for carrying on the business herein contemplated, and generally may perform all such acts as shall be necessary to fully carry out the purposes of this act.

SEC. 6. Section 16 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is repealed.

SEC. 7. Section 22 of the Drainage District Improvement Act of

1919 (Chapter 354 of the Statutes of 1919) is amended to read:

Sec. 22. It shall be the duty of the engineer of construction where possible, to obtain options on rights-of-way necessary to the carrying out of the plans and specifications and to submit the same to the board of supervisors for ratification. Whenever the board of supervisors of any county in which a district is formed under this act cannot purchase at a reasonable price or procure any property found by them to be necessary in order to carry out the plans and specifications for the proposed drainage of any such district, or procure the consent of all parties interested to join or connect with any existing ditches or outlets, the board may proceed to condemn the same.

The costs of such property or such condemnation proceedings shall be paid by the county, but the amount thereof shall thereupon become a charge upon the contractor as provided in Section 18 of this act.

SEC. 8. Section 81 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 81. The district may exercise the right of eminent domain, within but not without the district, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 9. Section 81 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 81. The district may exercise the right of eminent domain, within but not without the district, to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 10. Section 44 of the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951) is amended to read:

Sec. 44. The district may exercise the right of eminent domain to acquire any property necessary to carry out any of the objects or purposes of the district.

SEC. 11. Section 6.3 of the Fresno Metropolitan Transit District Act of 1961 (Chapter 1932 of the Statutes of 1961) is amended to read:

Sec. 6.3. The district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this act. The district, in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility which is required to be moved to a new location; provided such facilities are being maintained pursuant to a franchise from a city or county.

No action in eminent domain to acquire property or interests therein outside the boundaries of the County of Fresno shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution.

SEC. 12. Section 80 of the Guadalupe Valley Municipal

Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 80. The district may exercise the right of eminent domain, either within or without the district, to take any property necessary to carry out any of the purposes or powers of the district.

SEC. 13. Section 30 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 30. The district may exercise the power of eminent domain for any of the following purposes:

(a) To acquire, enhance, or improve lands within its jurisdiction as set forth in Section 5.5.

(b) To acquire lands immediately contiguous to lands subject to its jurisdiction as set forth in Section 5.5 as of November 23, 1970.

(c) To acquire rights-of-way to lands within such jurisdiction.

(d) To acquire any property necessary or convenient for the purposes specified in this act.

SEC. 14. Section 5 of Chapter 99 of the Statutes of 1913 is amended to read:

Sec. 5. The board of drainage commissioners shall have power to adopt bylaws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the drainage of the lands of the district; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; provided, that said board of drainage commissioners must report to the Reclamation Board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the drainage of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses; to acquire any property, whether outside or within the limits of the district, necessary or requisite for levees, canals and other drainage works by donation, contract, purchase or by eminent domain; to sue and be sued in the name of said drainage district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the drainage of lands within said drainage district. It shall be the duty of said board of drainage commissioners to take such steps as may be necessary to open a cut through Knight's Landing Ridge in Yolo County, and to construct a canal leading from said cut for the purpose of draining and disposing of the waters of Colusa Basin by carrying the same to the head of the proposed Yolo Bypass in Section 8, Township 10 north, Range 3 east, M D.B. and M., in said County of Yolo, as defined by and in accordance with the general plan of the California Debris Commission, transmitted to the Speaker of the House of Representatives of the United States by the Secretary of

War, on the 27th day of June, 1911, with such modifications or amendments as may hereafter be adopted by said Reclamation Board, and in accordance with such plan as shall be approved by said Reclamation Board, or made in accordance with law and in the manner hereinafter provided. The said canal shall be of such size and the embankments thereof of sufficient strength and dimensions as to prevent the waters therein from overflowing its banks. No water shall be permitted to flow through any cut or excavation in said ridge provided to be made in this act until the canal to be constructed as hereinbefore provided shall have been completed so as to convey the waters flowing or to flow through said cut to the head of said proposed Yolo Bypass in said Section 8, in a manner satisfactory to the said Reclamation Board. Said Reclamation Board shall have power to direct the method of the construction of said cut, canal and levees. Said drainage commissioners shall also have power to construct such gates in said canal or ridge, or in or near Sycamore Slough where the same enters the Sacramento River above said ridge, as may be necessary to carry out such plan. If required by the said Reclamation Board, such gates must be constructed before such ridge is cut or excavated.

SEC. 15. Section 35 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961) is amended to read:

Sec. 35. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this act, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The district board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the state or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

(g) To borrow money, give security therefor, purchase on

contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this act.

SEC. 16. Section 141 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 141. A district may exercise the power of eminent domain to take any property necessary to carry out any powers of the district except water and water rights already devoted to beneficial use and powerplants devoted to public use; however, a district may not exercise the power of eminent domain for the purpose of taking any water or right to water conserved or stored behind any flood control dam constructed by any flood control district created by act of the Legislature.

SEC. 17. Section 45 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955) is amended to read:

Sec. 45. The district may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 18. Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec. 3. Corporate Powers. Said Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted the following powers, namely:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without the district necessary to the full exercise of its power.

5. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by it as herein authorized.

6. To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act.

7. To incur indebtedness, and to issue bonds in the manner herein provided.

7a. Borrowing Money From Federal Agencies, Etc. In addition to the powers given in the next preceding subsection, to borrow money from the United States of America, or any agency or department thereof, or from any person, or from any corporation organized under the laws of this state, or elsewhere, for the acquisition of lands and improvement thereof for airport district purposes authorized under this act, and to repay the same in annual

installments over a period of not to exceed twenty (20) years, with interest 7 percent, payable semiannually; and without the necessity of an election, when authorized so to do by resolution of the board of directors of said district, and as evidences of such indebtedness, said district is hereby authorized to execute and deliver a note, or a series of notes or bonds, or other evidences of indebtedness, signed by the chairman of said board of directors, and the secretary thereof, which notes, bonds or other evidences of indebtedness, shall be negotiable instruments if so declared in said resolution providing for their issuance, and said notes, bonds or other evidences of indebtedness may have interest coupons attached to evidence interest payments, signed by the facsimile signature of the chairman of said board. All applications for such loans shall specify the particular airport district work or project or projects for which the funds will be expended, and when received, the money shall be deposited in a special fund, and expended for those purposes only which are described and referred to in the application, or applications. If a surplus remains after the completion of said work, said surplus shall be applied to the payment of the note, notes, bonds, or other evidences of indebtedness executed, as aforesaid, for the loan, including interest coupons. The board of supervisors, on demand of the board of directors of the district, shall annually levy a tax upon the taxable property therein sufficient to pay the interest and installments of principal, as the same shall become due and payable, under any loan made pursuant to the authority of this section, and to create and maintain a reserve fund to assure the prompt payment thereof, as may be provided by resolution of said board of supervisors; provided, however, that the amount of taxes levied in any fiscal year, pursuant to the provisions of this subsection, shall pro tanto, reduce to the extent of such special taxes the authority of said board of directors to demand, and of the board of supervisors, during any such year, to levy taxes under Sections 19 and 23 of this act, but this proviso shall not be a limitation upon the power and duty to levy and collect taxes under this subsection.

Limitation on Amount Borrowed. Notwithstanding anything in this subsection to the contrary, the total amount which said district may borrow under the authority of any and all the provisions of this subsection is limited to and shall not exceed in the aggregate one million dollars ($1,000,000).

7b. Such Bonds as Legal Investments. Such bonds or notes, when declared negotiable instruments, as in subsection 7a hereinabove provided, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, trust companies, and for the State Department of Finance, and state school funds, and whenever any money or funds may by law, now in effect or hereafter enacted, be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such money or funds may be invested in the said negotiable bonds or notes of said Monterey Peninsula Airport

District; provided, however, no bank shall invest or loan more than 5 per centum of its assets on any one such bond or note issue.

8. Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner herein provided.

9. Exercise of Powers—Contracts. To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in said district, or in any of the officers thereof, by this act.

10. Disposal of Property. To lease, sell or dispose of any property (or any interest therein) acquired in fee, or otherwise, whenever in the judgment of said board of directors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act.

11. Operation and Concession Agreements. To make contracts for the operation, or operation maintenance, of any airport of said district, or for any concession thereupon necessary or convenient thereto.

12. Police Powers of District. To equip and maintain a police department; to adopt ordinances and resolutions and make regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach thereto, owned or controlled by the district and to prescribe penalties for the violation thereof; provided, that the police powers of said district, hereby granted, shall be limited strictly to the provisions of this subsection.

Violation of any such ordinance, resolution or regulation shall constitute a misdemeanor.

13. General Powers. To possess and exercise all powers necessary or appropriate to a public airport district which are not prohibited by the Constitution, including all powers granted by, or which may be hereafter granted by, any general law of the state to any public airport district therein, and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by the provisions of this act.

SEC. 19. Section 4.8 of the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945) is amended to read:

Sec. 4.8. The authority may exercise the right of eminent domain, within the territorial limits defined in Section 3.3, to take any property necessary for the purposes set forth in this act, but lands belonging to the State of California, and private property already appropriated to public use, which use is available to the authority from an established private utility under the rules and regulations of the California Public Utilities Commission, shall not be subject to

condemnation hereunder. The use of any property necessary or useful for the purposes of the authority, within the territorial limits of the authority as defined in Section 3.3 is hereby declared to be a superior and permanent right and necessity, and a more necessary use and purpose than the use or purpose to which such property has already been appropriated or dedicated, except a public use or purpose already served by an established private utility or utilities operating under the jurisdiction of the California Public Utilities Commission, but lands which belong to the State of California, Secs. 3, 5, T. 4 S., R. 3 E., and Secs. 29, 33, T. 3 S., R. 3 E. and lands within the territorial limits of Mount San Jacinto State Park shall not be subject to condemnation hereunder.

SEC. 20. Section 4.9 of the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945) is repealed.

SEC. 21. Section 51 of the Mountain View Shoreline Regional Park Community Act (Chapter 1109 of the Statutes of 1969) is amended to read:

Sec. 51. The community may exercise within its boundaries the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the community, but the right of eminent domain may not be exercised in the unincorporated portions of the community without the prior consent of the board of supervisors, expressed by resolution.

SEC. 22. Section 6 of Chapter 201 of the Statutes of 1895 is amended to read:

Sec. 6. Each protection district shall be governed and controlled by the board of supervisors of the county in which it is situated. Said board shall have power, in the name of the county and in behalf of the district, to purchase, receive by donation, or acquire by condemnation any real or personal property necessary to carry out the purposes for which the district was formed. The said board shall also have power to employ such engineers, surveyors and others as may be necessary to survey, plan or locate, or supervise the construction or repair of, the improvements necessary to carry out the purposes for which the district was formed; to construct, maintain and keep in repair any and all improvements, and do all other things requisite or necessary to carry out the purposes of the district; and to employ the services of any person, legal or otherwise, which in the judgment of said board, may be necessary to carry out said purposes. All work done in any district shall be ordered by the board of supervisors of the county in which said district is located and shall be under the direction of the county surveyor or county engineer All work which shall exceed an estimated cost of one thousand dollars ($1,000) shall be advertised and let to the lowest bidder; provided, however, that at the time floodwaters shall threaten the levee of a district the board of supervisors may order emergency work done without advertising for bids therefor. As soon as said district is formed, the board shall cause a survey of the contemplated improvements to be made, or adopt a survey already

made, and shall also cause a map of such survey, and plans and specifications showing such improvements in detail, to be prepared, and they shall adopt such surveys, maps, plans and specifications, and thereafter all such improvements shall be made in accordance with the survey, maps, plans and specifications so adopted; provided, that at any time after the adoption of said survey, map, plans and specifications, and before the commissioner's report of assessment of benefits and award of damages has been finally adopted and confirmed by the board, said board may rescind their action in adopting said survey, map, plans and specifications, and may modify the same or adopt others in place thereof, in which case a new assessment shall be made, or may, by a four-fifths vote of the members thereof, abandon the contemplated improvement and dissolve the said protection district, in which case the expenses already incurred in behalf of such district shall be a county charge.

SEC. 23. Section 15 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 24. Section 5 of Chapter 361 of the Statutes of 1915 is amended to read:

Sec. 5. The board of levee commissioners shall have power to adopt bylaws not in conflict with general laws; to appoint an executive committee with such powers as shall not be in conflict with general laws; to employ engineers and others to survey, plan, locate and estimate the cost of the works necessary for the protection of the lands of the district from the floodwaters of the Sacramento River overflowing or coming therefrom on the west side of said river; to thereafter, at any time, in its discretion, modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary; provided, that said board of levee commissioners must report to the said Reclamation Board such original plan or plans of the work and every new, supplemental or additional plan, if any, together with the estimates of the cost of the works necessary for the protection of the lands of the district, in pursuance of any such plan or plans, together with an estimate of incidental expenses; such plans and estimates shall include the cost of construction and maintenance; to acquire any property, whether outside or within the limits of the district, necessary or requisite for levees, by donation, contract, purchase or eminent domain; to sue and be sued in the name of said levee district and to do all other acts or things necessary or requisite for the full exercise of its powers or necessary for the promotion of the protection of lands within said levee district from the floodwaters of the Sacramento River. It shall be the duty of said board of levee commissioners to take such steps as may be necessary to acquire dominion and control of all levees along or adjacent to the west bank of the Sacramento River and within the said levee district, and to repair the breaks or openings now therein; also to reconstruct all existing levees; also to construct and maintain levees where there may be none, and generally to do all other things that it may deem

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necessary or requisite to prevent the flood or overflow waters from the Sacramento River flowing over or through the west bank or west levee thereof, either inside or outside of said levee district, entering the lands within said district, or any part thereof, and, for this purpose, to control the levee or levees within said district along the west bank of the said Sacramento River, or any levee or levees outside of said district, as may be necessary for such purpose; also to construct, reconstruct and repair and maintain and protect such levees, and, for this purpose, to construct and maintain any protection or works of any kind which may be deemed necessary for the purpose of assuring the safety of such levees hereinbefore referred to, with a view of keeping the waters from the Sacramento River flowing onto the lands within said district, or any part thereof.

SEC. 25. Section 27 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 27. The district may exercise the right of eminent domain within the boundaries of the district to take any property necessary or convenient to the exercise of its powers.

SEC. 26. Section 45 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 45. The district may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

SEC. 27. Section 141 of the Tahoe-Truckee Sanitation Agency Act (Chapter 1560 of the Statutes of 1971) is amended to read:

Sec. 141. The agency may exercise the right of eminent domain to take any property, located either inside or outside its boundaries, necessary to carry out any powers of the agency; provided, however, that the agency shall not exercise such right to take any property located outside its boundaries unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located. In exercising such right, the agency shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railway, mains, pipes, conduits, wires, cables, or poles of any public utility which are required to be removed to a new location.

SEC. 28. Section 2 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session) is amended to read:

Sec. 2. Objects and Purposes of Act and Powers of District. The objects and purposes of this act are to provide for the collection and disposal of sewage and industrial waste and for the control and disposition of the storm and flood waters of said district, and to protect the public health and also to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district. The Legislature hereby declares

that special facts and circumstances peculiar to the area within the district having the boundaries hereinabove defined makes the accomplishment of the objects and purposes of this act impossible under existing general law and special legislation is necessary. The state and the people thereof have a primary and supreme interest in the securing to the inhabitants and property owners within the district hereinabove described adequate facilities for the collection and disposal of sewage and the protection from waters naturally flowing into the district from the surrounding mountainous watershed. Special investigation has shown that the conditions within the district hereinabove described are peculiar to that area and that this act is essential to carry out the objects and purposes herein expressed and for the elimination of duplication of governmental authority and securing greater economy of administration. It is further found and determined that the area within the district herein defined has no facilities for the sanitary treatment and disposal of sewage and is consequently contaminating and polluting the waters of San Francisco Bay. The area within the district is of strategic importance due to the proximity of Mare Island Navy Yard. The influx of Navy personnel and their families and civilian workers at the Mare Island Navy Yard has greatly aggravated the problem of sewage disposal in that area; said problem of sewage disposal is further aggravated by lack of adequate drainage and floodwater control and the infiltration of storm and flood waters into existing sanitary sewers; both the problem of sanitary sewage and drainage and the problem of storm water flood control are so correlated and interrelated that the special problems relating to each can only be solved by uniform administration and a uniform control plan of sewage disposal and flood control works.

The Vallejo Sanitation and Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

(a) Succession. To have perpetual succession.

(b) Suits. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) Seal. To adopt a seal and alter it at pleasure.

(d) Ownership of Property. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

(e) Acquisition of Property. To acquire or contract to acquire lands, rights-of-way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

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(f) Eminent Domain. To exercise the right of eminent domain, either within or without the district, to acquire any property necessary to carry out any of the objects or purposes of the district.

(g) Sanitary Sewage Disposal Works. To acquire, construct, reconstruct, alter, own, operate, maintain and repair sewage treatment plants, including digesters, sludge heaters, sludge drying beds, effluent pumping plants, screens, clarifiers, storage ponds, control buildings, oxidizing ponds, sewage digestive systems, intercepting, collecting and outfall sewers, laterals, pipes, manholes, machinery, equipment, and all other facilities for the collection, transmission and disposition of sewage and industrial wastes, together with all works, properties or structures necessary or convenient for sewage disposal purposes. The terms "sanitary sewage disposal works," "sewage disposal works," "sanitary sewage disposal purposes" or "sewage disposal purposes" or similar terms whenever used herein shall include and comprehend all of the works, properties or structures necessary or convenient for sewage disposal purposes.

(h) Drainage and Flood Control Works. To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, spreading basins, tunnels, drains, machinery and equipment necessary therefor, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same, and, in connection with any such reservoirs or spreading basins, to acquire or construct such improvements, including landscaping, apparatus and equipment, that said reservoirs or spreading basins may incidentally be used for park, playground or other recreation purposes. The terms "storm water flood control works," "drainage works," "storm water flood control purposes" and "drainage purposes" and similar terms whenever used in this act shall mean and include all works, properties, or structures necessary or convenient for drainage and flood control purposes, and said purposes incidental thereto.

(i) Indebtedness. To incur indebtedness, and to issue bonds or other evidence of indebtedness in the manner herein provided, and to provide for the issuance of warrants of the district and the registration of any warrants not paid for want of funds and interest thereon after registration and until payment, and also to issue bonds or other securities payable from revenues.

(j) Revenues From Revenue Producing Utilities. To prescribe, revise and collect tolls, rents or other charges for any services or facilities furnished by the district; to contract with the City of Vallejo or any other public or private agency for the collection of tolls, rents or other charges for any facility or service furnished by the district and to provide for the collection of such tolls, rents and charges along with the collection of water charges by the City of Vallejo or any other public or private agency.

(k) Assessments. To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided

(*l*) Employees. To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including a secretary or clerk, superintendent of work or manager, and define their powers and duties as in this act provided, and fix and determine the amount of bond required of each appointee and pay the premium on such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district; provided, however, that the compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of appointment of each such person. Said board shall have the power to combine any two or more offices in its discretion.

(m) Zones. To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the operation fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(n) Contracts. To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

(o) Lease of Property. To lease and/or rent to or from the City of Vallejo, the County of Solano, or any public or private agency, or person, firm or corporation, any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(p) Contributions. To receive and accept any and all contributions in labor, materials or money to be applied to the works or improvements herein provided for.

SEC. 29. Section 23 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session) is repealed.

SEC. 30. Section 6.6 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of 1964, First Extraordinary Session) is amended to read:

Sec. 6.6. The authority may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part. The authority, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any substitute facilities, including structures, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location.

SEC. 31. Section 15 of Chapter 310 of the Statutes of 1905, as amended by Chapter 270 of the Statutes of 1907, is amended to read:

Sec. 15. The board of trustees shall have power to condemn property for the purpose of erecting levees, dikes and other improvements for the purpose of protecting the lands embraced in said district from overflow.

SEC. 32. This act shall become operative only if Assembly Bill No. 11 is chaptered and becomes effective January 1, 1976, and, in such case, shall become operative at the same time as Assembly Bill No. 11.

CHAPTER 588

An act to amend Section 20630 of the Government Code, relating to the Public Employees' Retirement System.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20630 of the Government Code is amended to read:

20630. Subject to rules prescribed by the board (1) any member or (2) any employer, other than the state, on behalf of (a) any group of miscellaneous members or (b) any group of members designated by the employer as management employees or (c) any members, may elect to make contributions in excess of the member's normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require his employer to make any additional contributions. An election by an employer to make such additional contributions does not require any member to make additional contributions and such additional contributions shall continue in effect for such period as shall be specified in the election filed with the board and a member shall acquire no right by reason of his employment while such election is in effect to a continuation of such contributions beyond the period specified in the election. Upon application, the board shall furnish information concerning the nature and amount of additional benefits to be obtained from

additional contributions. The board may by rule provide for refund of accumulated additional contributions to a member, provided, however, that a refund of additional contributions may be made to a member if an employer had made additional contributions on his behalf only as a part of a refund of accumulated contributions in accordance with this part.

Wherever in this part provision is made with respect to additional or accumulated additional contributions of a member such term shall include contributions made by an employer pursuant to this article.

The board shall provide for additional employer contributions to be credited at least monthly to the individual account of the member on behalf of whom the contribution is made.

CHAPTER 589

An act relating to optometry.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, a person who meets the following requirements shall be given an examination for a certificate of registration as an optometrist as prescribed by the State Board of Optometry:

(a) Holds a degree of Doctor of Optometry issued by a college or university in the United States which is accredited by the State Board of Optometry;

(b) Has been licensed to practice and did practice optometry in another state for not less than 15 years;

(c) Is currently serving as president of a college of optometry located in California which is accredited by the State Board of Optometry; and

(d) Pays the fee or fees specified by the provisions of Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code.

Any person admitted to and passing the examination for a certificate of registration as an optometrist pursuant to this section shall be granted such certificate.

The provisions of this section shall be operative until March 31, 1976.

CHAPTER 590

An act to amend Section 67525 of the Government Code, and to amend Section 3 of Chapter 1373 of the Statutes of 1974, relating to the San Francisco Bay Area Transportation Terminal Authority.

[Became law without Governor's signature September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 67525 of the Government Code is amended to read:

67525. (a) The authority shall be governed by a board composed of:

(1) One member appointed by the Board of Directors of the Alameda-Contra Costa Transit District;

(2) One member appointed by the Board of Directors of the Golden Gate Bridge Highway and Transportation District;

(3) One member appointed by the Mayor of the City of San Francisco;

(4) One member appointed by the Board of Directors of the San Francisco Bay Area Rapid Transit District; and

(5) The Director of Transportation of the State of California or any representative duly authorized by him in writing.

(6) One member appointed by the Metropolitan Transportation Commission, who shall serve as a voting member of the authority until such time as the terminal properties presently owned by the state are turned over to the authority. Once the property involved is transferred to the authority, the member appointed by the commission shall become a nonvoting member of the authority.

(7) One member, representing private transportation interests, appointed by the Governor.

(8) One member appointed by the Board of Directors of the San Mateo County Transit District.

(b) All public agency members of the board shall be officers of the agency by which they are appointed.

(c) Any member of the board may designate, in writing, an alternate who may attend meetings and act in his place and stead.

(d) All board members shall serve at the pleasure of the agency by which they are appointed.

(e) At least three of the eight members of the board shall be residents of the City and County of San Francisco.

SEC. 2. Section 3 of Chapter 1373 of the Statutes of 1974 is amended to read:

Sec. 3. There is hereby appropriated to the Department of Transportation for support of the San Francisco Bay Area Transportation Terminal Authority, payable out of money in the funds in the schedules set forth below, the sum of $75,000.

Schedule:

(1) From moneys in the Retail Sales Tax Fund available for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to Revenue and Taxation Code Section 7102, in excess of the first $2 million available therefor, not to exceed $75,000;

(2) From the General Fund in the State Treasury, so much as may be necessary when added to the amount available under (1) above, to make a total of $75,000 available for expenditure for the purposes of this appropriation;

provided that any moneys expended under Schedule (2) hereof shall be returned to the State Treasury, to be accredited to the General Fund, from moneys available in fiscal year 1975–76 in the Retail Sales Tax Fund for transfer to the Transportation Planning and Research Account in the State Transportation Fund pursuant to said Revenue and Taxation Code Section 7102.

CHAPTER 591

An act to amend Sections 634.5, 976.7, 2602, and 2606 of, to add Sections 611, 612, 613, and 614 to, and to repeal Sections 625, 626, 627, and 628 of, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 611 is added to the Unemployment Insurance Code, to read:

611. "Employment" includes agricultural labor.

SEC. 2. Section 612 is added to the Unemployment Insurance Code, to read:

612. "Agricultural labor" includes all services performed on a farm in the employ of any person:

(a) In connection with the preparation, care, and treatment of farmland, including leveling for agricultural purposes, plowing, discing, and fertilizing the soil.

(b) In connection with the sowing and planting of any agricultural or horticultural commodity.

(c) In connection with the care of any agricultural or horticultural commodity. As used in this subdivision "care" includes, but is not limited to, cultivation, weed control, thinning, heating, fumigating, spraying, and dusting, but does not include irrigation.

(d) In connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit except as provided by subdivision (c) of Section 613, used exclusively

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for supplying and storing water for agricultural or horticultural purposes, and includes such services when performed off a farm.

(e) In connection with the harvesting of any agricultural or horticultural commodity. As used in this subdivision "harvesting" includes, but is not limited to, picking, cutting, threshing, knocking off, field chopping, bunching, baling (including hay baling), field packing, and placing in field containers or in the vehicle in which the commodity will be hauled on the farm or to the place of first processing. By way of illustration, the placing of cotton in picking bags or other containers or vehicles, the field packing of berries and table and shipping grapes, the field packing of lettuce and other vegetables, the sacking of grain and the sewing of such sacks of grain, are included within the term "harvesting" as used in this subdivision.

(f) In connection with the assembly and storage of any agricultural or horticultural commodity. As used in this subdivision, "assembly and storage" includes, but is not limited to loading, roadsiding, banking, stacking, binning, and piling.

(g) In connection with the raising, feeding and management of livestock, mink, poultry, rabbits, and bees, including, but not limited to, herding, housing, hatching, milking, shearing, handling eggs, and extracting honey.

SEC. 3. Section 613 is added to the Unemployment Insurance Code, to read:

613. "Agricultural labor" includes all services performed in the employ of the owner or tenant in possession of a farm and engaged in the operation of such farm:

(a) In connection with the handling, drying, packing, packaging, processing, freezing, grading, storing, marketing, or delivery to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity the major part of which was produced by such owner or tenant.

(b) In connection with the operation, management, conservation, improvement, or maintenance of such farms and its tools and equipment if the major part of such services is performed on a farm in connection with ordinary farming operations.

(c) In connection with irrigation or the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water, the major part of which is used by such owner or tenant for the agricultural or horticultural purposes of such farm.

(d) The provisions of subdivisions (a) and (b) are not applicable with respect to services performed in connection with commercial canning or commercial freezing operations or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption, or to manufacturing or commercial operations as distinguished from ordinary farming operations.

SEC. 4. Section 614 is added to the Unemployment Insurance

Code, to read:

614. As used in Sections 612 and 613, "farm" includes, but is not limited to, stock, mink, rabbit, dairy, poultry, fruit, and truck farms, plantations, ranches, ranges, apiaries, orchards, vineyards, nurseries, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 5. Section 625 of the Unemployment Insurance Code is repealed.

SEC. 6. Section 626 of the Unemployment Insurance Code is repealed.

SEC. 7. Section 627 of the Unemployment Insurance Code is repealed.

SEC. 8. Section 628 of the Unemployment Insurance Code is repealed.

SEC. 9. Section 634.5 of the Unemployment Insurance Code is amended to read:

634.5. Notwithstanding any other provision of this division, no provision of this article excluding service from "employment" shall apply to any employing unit described by Section 605.1 or 608, except as provided by this section. With respect to any employing unit described by Section 605.1 or 608, "employment" does not include service excluded under Sections 629, 631, 635, and 639 to 648, inclusive, or service performed in any of the following:

(a) In the employ of (1) a church or convention or association of churches or (2) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches.

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order.

(c) In the employ of a school which is not an institution of higher education.

(d) By an individual receiving such rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of either:

(1) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury;

(2) Providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market.

(e) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.

(f) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(g) By an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery

or distribution to any point for subsequent delivery or distribution.

(h) By an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on retention of the excess of such price over the amount at which the newspapers or magazines are charged to him whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

SEC. 10. Section 976.7 of the Unemployment Insurance Code is amended to read:

976.7. Subdivision (b) of Section 976.5 shall not apply to wages paid for agricultural labor as defined by Sections 612, 613, and 614.

SEC. 11. Section 2602 of the Unemployment Insurance Code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 (commencing with Section 100) of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 shall prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 4 (commencing with Section 1375) and Article 5 (commencing with Section 1401) of Chapter 5 of Part 1, and the provisions of Chapter 6 (commencing with Section 1501) of Part 1 of this division do not apply to this part.

(c) Sections 312, 312.1, 318, 319, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 12. Section 2606 of the Unemployment Insurance Code is amended to read:

2606. "Employment" for the purposes of this part means:

(a) Service included in "employment" as defined by Part 1 of this division.

(b) Notwithstanding any other provision of this division, all service performed in the employ of a corporation, community chest, fund, or foundation, in connection with the operation of a hospital as defined in subdivision (b) of Section 1250 of the Health and Safety Code including the institutions described in subdivisions (c), (e), and (g) of Section 1312 of the Health and Safety Code but not including county hospitals or those described in subdivisions (a) and (b) of Section 1312 of the Health and Safety Code, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, except service performed by an individual as a duly ordained priest,

clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

SEC. 13. The changes made in the Unemployment Insurance Code by this act shall be operative with respect to wages paid on and after January 1, 1976. The provisions of the Unemployment Insurance Code amended or repealed by this act as they existed prior to the changes made by this act shall remain applicable and are continued in effect with respect to remuneration paid prior to January 1, 1976.

SEC. 14. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 592

An act to amend Sections 4001, 4002, 4021 and 4110 of, and to repeal Section 4132 of, the Penal Code, relating to county confinement.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4001 of the Penal Code is amended to read:

4001. Each county jail must contain a sufficient number of rooms to allow all persons belonging to either one of the following classes to be confined separately and distinctly from persons belonging to either of the other classes:

1. Persons committed on criminal process and detained for trial;
2. Persons already convicted of crime and held under sentence;
3. Persons detained as witnesses or held under civil process, or under an order imposing punishment for a contempt.

SEC. 2. Section 4002 of the Penal Code is amended to read:

4002. Persons committed on criminal process and detained for trial, persons convicted and under sentence, and persons committed upon civil process, must not be kept or put in the same room, nor shall male and female prisoners (except husband and wife) sleep, dress or undress, bathe, or perform eliminatory functions in the same room. Nothing in the section shall be construed to impose any requirement upon a county to confine male and female prisoners in the same or an adjoining facility or impose any duty upon a county to establish or maintain programs which involve the joint

participation of male and female prisoners.

SEC. 3. Section 4021 of the Penal Code is amended to read:

4021. Whenever any female prisoner or prisoners are confined in any county jail in the state, and no regular jail female deputy sheriff has been appointed, there shall be designated by the sheriff some suitable woman who shall have immediate care of such female prisoner or prisoners, and who shall be paid out of the general fund of the county upon claims to be presented and allowed by the board of supervisors as other claims against the county. It shall be unlawful for any officer or jailer to search the person of any prisoner of the opposite sex, or to enter into the room or cell occupied by any prisoner of the opposite sex, except in the company of a deputy sheriff of the same sex as the prisoner.

SEC. 4. Section 4110 of the Penal Code is amended to read:

4110. If women are to be sentenced to an industrial farm, the board of supervisors establishing it shall provide thereon separate quarters for women prisoners, or may establish a separate industrial farm for women prisoners. Nothing in the section shall be construed to impose any requirement upon a county to confine male and female prisoners in the same or an adjoining facility or impose any duty upon a county to establish or maintain programs which involve the joint participation of male and female prisoners.

SEC. 5. Section 4132 of the Penal Code is repealed.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 593

An act to amend Sections 199, 201a, and 601 of, to add Section 200 to, and to repeal Sections 200, 201, and 202 of, the Code of Civil Procedure, and to amend Sections 1070 and 1070.5 of the Penal Code, relating to juries.

[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 199 of the Code of Civil Procedure is amended to read:

199. A person is not competent to act as a trial juror if any of the following apply:

(a) The person does not possess the qualifications prescribed by Section 198.

(b) The person has been convicted of malfeasance in office or any felony or other high crime.

(c) The person is serving as a grand juror in any court of this state.

SEC. 2. Section 200 of the Code of Civil Procedure is repealed.

SEC. 3. Section 200 is added to the Code of Civil Procedure, to read:

200. The court shall excuse a person from jury service upon finding that the jury service would entail undue hardship on the person or the public served by the person.

SEC. 4. Section 201 of the Code of Civil Procedure is repealed.

SEC. 5. Section 201a of the Code of Civil Procedure is amended to read:

201a. In any county or city and county the judge of the superior court or a majority of the judges thereof may adopt written rules and regulations supplementary to such rules as may be adopted by the Judicial Council establishing a procedure whereby the jury commissioner of said county or city and county may be empowered to grant excuses from jury service to such prospective jurors who in the opinion of the jury commissioner qualify for excuses under Section 200.

SEC. 6. Section 202 of the Code of Civil Procedure is repealed.

SEC. 7. Section 601 of the Code of Civil Procedure is amended to read:

601. Challenges are to individual jurors and are either peremptory or for cause.

Each party is entitled to challenges for cause.

If there are only two parties, each party shall be entitled to eight peremptory challenges. If there are more than two parties, the court shall, for the purpose of allotting peremptory challenges, divide the parties into two or more sides according to their respective interests in the issues. Each side shall be entitled to 10 peremptory challenges. If there are several parties on a side, the court shall divide the challenges among them as nearly equally as possible. If there are more than two sides, the court shall grant such additional peremptory challenges to a side as the interests of justice may require; provided that the peremptory challenges of one side shall not exceed the aggregate number of peremptory challenges of all other sides. If any party on a side does not use his full share of peremptory challenges, the unused challenges may be used by the other party or parties on the same side.

Peremptory challenges shall not be taken until the panel is full and then must be taken or passed by the sides alternately, commencing with the plaintiff. When each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

SEC. 8. Section 1070 of the Penal Code is amended to read:

1070. If the offense charged be punishable with death, or with imprisonment in the state prison for life, the defendant is entitled to

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26 and the state to 26 peremptory challenges. On a trial for any other offense, the defendant is entitled to 13 and the state to 13 peremptory challenges.

SEC. 9. Section 1070.5 of the Penal Code is amended to read:

1070.5. When two or more defendants are jointly tried for any public offense, whether felony or misdemeanor, the state and the defendants shall be entitled to the number of challenges prescribed by Section 1070 of this code, which challenges on the part of the defendants must be exercised jointly. Each defendant shall also be entitled to seven additional challenges which may be exercised separately; the state shall also be entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

CHAPTER 594

An act to amend Section 31649.5 of the Government Code, relating to County Employees Retirement Law of 1937.

[Approved by Governor September 7, 1975 Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 31649.5 of the Government Code is amended to read:

31649.5. (a) Notwithstanding Section 31649, any member who resigned, or obtained a leave of absence, to enter and did enter the armed forces of the United States and returned to county service within one year after separation therefrom, shall receive credit for service and prior service for all or any part of his military service, if, before retirement from the county, he contributes what he would have paid to the fund based on his compensation earnable at the time he resigned or received the leave of absence, together with regular interest thereon, and if, when he contributes, the military service is not a basis for present or future military retirement pay.

(b) This section shall not be operative in any county until the board of supervisors so orders.

CHAPTER 595

An act to amend Sections 21153 and 21155 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21153 of the Government Code is amended to read:

21153. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or any other employer either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration. Such appointments shall not exceed a total for all employers of 90 working days in any calendar year, and the rate of pay for such employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties. Authority for employment granted by this section shall be in addition to and not in limitation of authority granted by other sections under this article.

SEC. 2. Section 21155 of the Government Code is amended to read:

21155. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system as a member of the academic staff of California community college, a state college or of the University of California; provided, that such service shall not exceed 90 working days in any fiscal year.

CHAPTER 596

An act to amend Section 4016 of the Penal Code, relating to county jails.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4016 of the Penal Code is amended to read:

4016. When an alleged parole violator is detained in a county jail pursuant to an order of the Adult Authority under the authority granted by Section 3060 of the Penal Code, or pursuant to an order of the Governor under the authority granted by Section 3062, or pursuant to a valid exercise of a state parole officer's peace officer powers as specified in Section 830.5 of the Penal Code when such detention relates to violation of the conditions of parole and not a new criminal charge, the county shall be reimbursed for the costs of such detention by the Department of Corrections. Such reimbursement shall be expended for maintenance, upkeep, and improvement of jail conditions, facilities, and services. Before the county is reimbursed by the department, the total amount of all charges against that county authorized by law for services rendered

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by the department shall be first deducted from the gross amount of reimbursement authorized by this section. Such net reimbursement shall be calculated and paid monthly by the department. The department shall withhold all or part of such net reimbursement to a county whose jail facility or facilities do not conform to minimum standards for local detention facilities as authorized by Section 6030 of the Penal Code.

CHAPTER 597

An act to amend Section 23021 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 7, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 23021 of the Business and Professions Code is amended to read:

23021. "Wholesaler" means every person other than a manufacturer, winegrower or rectifier who is engaged in business as a jobber or wholesale merchant, dealing in alcoholic beverages, in an area within the United States other than a territory or possession of the United States, or within a foreign country having common boundaries with any state of the United States.

CHAPTER 598

An act to amend Section 10001 of the Unemployment Insurance Code, relating to the Employment Services Board.

[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10001 of the Unemployment Insurance Code is amended to read:

10001. The board shall consist of the following members:

(a) Thirteen members appointed by the Governor with the advice and consent of the Senate. There shall be representation on the board of the public, labor, units of local general purpose government, higher education, business community, agricultural community, apprenticeship training, public vocational education, private vocational education, private employment agencies, and three members shall be persons residing in economically

disadvantaged areas who have demonstrated leadership in providing for the needs and interests of the economically deprived.

(b) Four members appointed by the Legislature. One member shall be a public member, one member shall be from the field of labor, one member shall be from the field of higher education, and one member shall be from the business community, two to be appointed by the Speaker of the Assembly and two by the Senate Rules Committee.

(c) The Committee on Rules of the Senate shall appoint one Member of the Senate and the Speaker of the Assembly shall appoint one Member of the Assembly. The Member of the Senate and the Member of the Assembly so appointed shall meet with the board and participate in its activities to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this part, the Members of the Legislature shall constitute a joint interim legislative committee on the subject of this part and as such shall have the powers and duties imposed upon such a committee by the Joint Rules of the Senate and Assembly.

(d) One member appointed by the State Board of Education.

(e) A deputy director of the department shall serve as a member of the board.

CHAPTER 599

An act to amend Section 7729 of the Business and Professions Code, relating to funeral directors and embalmers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 7, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 7729 of the Business and Professions Code is amended to read:

7729. The amount of the fees prescribed by this chapter is the amount fixed by the board, pursuant to regulations adopted by the board, in accordance with the following schedule:

(a) The application fee for a funeral director's license shall be fixed by the board at not more than one hundred fifty dollars ($150).

(b) The application fee for change of location shall be fixed by the board at not more than one hundred dollars ($100).

(c) The application fee for permission to assign a funeral director's license shall be fixed by the board at not more than one hundred dollars ($100).

(d) The application fee for an embalmer's license shall be fixed by the board at not more than fifty dollars ($50).

(e) The application fee for a certificate of registration as an apprentice shall be fixed by the board at not more than fifteen dollars ($15).

(f) The renewal fee payable by a licensed funeral director shall be fixed by the board at not more than one hundred fifty dollars ($150).

(g) The renewal fee payable by a licensed embalmer shall be fixed by the board at not more than fifty dollars ($50).

(h) The delinquency fee shall be fixed pursuant to Section 163.5.

(i) The application fee for permission to change the name appearing on a funeral directors' license shall be fixed by the board at not more than eighty-five dollars ($85), and for permission to change the name on any other license or certificate at not more than twenty dollars ($20).

(j) The application fee for a duplicate funeral director's license shall be fixed by the board at not more than ten dollars ($10).

(k) The application fee for a duplicate embalmer's license shall be fixed by the board at not more than ten dollars ($10).

(*l*) The application fee for a duplicate certificate of registration shall be fixed by the board at not more than five dollars ($5).

(m) The application fee for a funeral director's examination shall be fixed by the board at not more than fifty dollars ($50).

(n) The fee for an application by a funeral director for approval to train apprentice embalmers and for renewal of such approval shall be fixed by the board at not more than twenty-five dollars ($25)

(o) The fee for timely filing of a report on preneed trust funds shall be fixed by the board at not more than twenty-five dollars ($25), and for a late filing at not more than fifty dollars ($50).

(p) The fee for filing a report of a change of corporate officers or preneed trust fund trustees shall be fixed by the board at not more than twenty-five dollars ($25).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the State Board of Funeral Directors and Embalmers to establish a revised schedule of licensing fees as provided by this act, and to permit the necessary administrative planning of such a revised schedule to begin at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 600

An act to amend Section 6217 of the Public Resources Code, and to repeal and add Section 12 of, and to repeal Sections 12.1, 12.2, 12.3, 12.4, 12.45, and 12.5 of, Chapter 138 of the Statutes of 1964, First Extraordinary Session, relating to state lands.

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[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6217 of the Public Resources Code is amended to read:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and such sums shall be applied to the following obligations in the following order:

(a) To the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for such purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to the provisions of Section 6875.

(b) To the California Water Fund each fiscal year the amount of twenty-five million dollars ($25,000,000).

(c) To the Central Valley Water Project Construction Fund each fiscal year the amount of five million dollars ($5,000,000).

(d) To the Resources Agency the amount of five hundred thousand dollars ($500,000) for each of the fiscal years 1974–75, 1975–76, 1976–77, 1977–78, and 1978–79, for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to this subdivision, by the Secretary of the Resources Agency or his designee. During the fiscal year 1978–79, the Legislature shall consider recommendations from the Secretary of the Resources Agency and other interested parties on the benefits to the people of California derived from this program and shall determine whether or not to continue similar appropriations for subsequent fiscal years.

The Secretary of the Resources Agency shall appoint an advisory panel, which shall do all of the following:

(1) Identify state needs which might be met through sea grant research projects, including, but not limited to, such fields as living

marine resources, aquaculture, ocean engineering, marine minerals, public recreation, coastal physical processes and coastal and ocean resources planning and management, and marine data acquisition and dissemination.

(2) Review all applications for funding under this subdivision and make recommendations based upon the priorities it establishes.

(3) Periodically review progress on sea grant research projects subsequent to their approval and funding under this subdivision.

(4) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this subdivision.

The members of such advisory panel shall serve at the pleasure of the Secretary of the Resources Agency. The advisory panel shall consist of 10 members composed of the following persons:

(1) A representative of the Department of Navigation and Ocean Development.

(2) A representative of the Department of Conservation.

(3) A representative of the Department of Fish and Game.

(4) The executive director of the California Coastal Zone Conservation Commission or his designee.

(5) A representative of the fish industry.

(6) A representative of the ocean engineering industry.

(7) A representative of the University of California.

(8) A representative of the California State University and Colleges.

(9) A representative of a private California institution of higher education which is participating in the National Sea Grant Program.

(10) A representative of the State Lands Commission. The Secretary of the Resources Agency shall designate one member of the panel to serve as its chairman. Panel members shall serve without compensation.

The sea grant research projects selected for state support under this subdivision shall have a clearly defined benefit to the people of the State of California. Nothing in this subdivision shall be construed to preclude the application for funding of any project which would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

(e) To the Capital Outlay Fund for public higher education, the balance of all revenue in excess of that distributed under subdivisions (a), (b), (c), and (d) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

All references in any law to Section 6816 shall be deemed to refer to this section.

SEC. 1.3. Section 6217 of the Public Resources Code is amended to read:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217 6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and such sums shall be applied to the following obligations in the following order:

(a) To the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for such purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to the provisions of Section 6875.

(b) To the California Water Fund each fiscal year the amount of twenty-five million dollars ($25,000,000).

(c) To the Central Valley Water Project Construction Fund each fiscal year the amount of five million dollars ($5,000,000).

(d) To the Resources Agency the amount of five hundred thousand dollars ($500,000) for each of the fiscal years 1974–75, 1975–76, 1976–77, 1977–78, and 1978–79, for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to this subdivision, by the Secretary of the Resources Agency or his designee. During the fiscal year 1978–79, the Legislature shall consider recommendations from the Secretary of the Resources Agency and other interested parties on the benefits to the people of California derived from this program and shall determine whether or not to continue similar appropriations for subsequent fiscal years.

The Secretary of the Resources Agency shall appoint an advisory panel, which shall do all of the following:

(1) Identify state needs which might be met through sea grant research projects, including, but not limited to, such fields as living marine resources, aquaculture, ocean engineering, marine minerals, public recreation, coastal physical processes and coastal and ocean resources planning and management, and marine data acquisition and dissemination.

(2) Review all applications for funding under this subdivision and

make recommendations based upon the priorities it establishes.

(3) Periodically review progress on sea grant research projects subsequent to their approval and funding under this subdivision.

(4) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this subdivision.

The members of such advisory panel shall serve at the pleasure of the Secretary of the Resources Agency. The advisory panel shall consist of 10 members composed of the following persons:

(1) A representative of the Department of Navigation and Ocean Development.

(2) A representative of the Department of Conservation.

(3) A representative of the Department of Fish and Game.

(4) The executive director of the California Coastal Zone Conservation Commission or his designee.

(5) A representative of the fish industry.

(6) A representative of the ocean engineering industry.

(7) A representative of the University of California.

(8) A representative of the California State University and Colleges.

(9) A representative of a private California institution of higher education which is participating in the National Sea Grant Program.

(10) A representative of the State Lands Commission. The Secretary of the Resources Agency shall designate one member of the panel to serve as its chairman. Panel members shall serve without compensation.

The sea grant research projects selected for state support under this subdivision shall have a clearly defined benefit to the people of the State of California. Nothing in this subdivision shall be construed to preclude the application for funding of any project which would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

(e) To the Capital Outlay Fund for Public Higher Education, eighty million dollars ($80,000,000) for fiscal year 1975–76, and each year thereafter, and each year thereafter, for the University of California and the California State University and Colleges.

(f) To the Urban Parkland Fund, the amount of twenty-five million dollars ($25,000,000) for each fiscal year for grants to cities, counties, and districts for the acquisition or development of parks or recreational facilities pursuant to Section 5157.3.

(g) To the General Fund, the balance of all revenues, moneys, and remittances in excess of that distributed under subdivisions (a), (b), (c), (d), (e), and (f) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

All references in any law to Section 6816 shall be deemed to refer to this section.

SEC. 1.5. Section 6217 of the Public Resources Code is amended to read:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property which has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and such sums shall be applied to the following obligations in the following order:

(a) To the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for such purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to the provisions of Section 6875.

(b) To the California Water Fund each fiscal year the amount of twenty-five million dollars ($25,000,000).

(c) To the Central Valley Water Project Construction Fund each fiscal year the amount of five million dollars ($5,000,000).

(d) To the Resources Agency the amount of five hundred thousand dollars ($500,000) for each of the fiscal years 1974–75, 1975–76, 1976–77, 1977–78, and 1978–79, for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to this subdivision, by the Secretary of the Resources Agency or his designee. During the fiscal year 1978–79, the Legislature shall consider recommendations from the Secretary of the Resources Agency and other interested parties on the benefits to the people of California derived from this program and shall determine whether or not to continue similar appropriations for subsequent fiscal years.

The Secretary of the Resources Agency shall appoint an advisory panel, which shall do all of the following:

(1) Identify state needs which might be met through sea grant research projects, including, but not limited to, such fields as living marine resources, aquaculture, ocean engineering, marine minerals, public recreation, coastal physical processes and coastal and ocean

resources planning and management, and marine data acquisition and dissemination.

(2) Review all applications for funding under this subdivision and make recommendations based upon the priorities it establishes.

(3) Periodically review progress on sea grant research projects subsequent to their approval and funding under this subdivision.

(4) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this subdivision.

The members of such advisory panel shall serve at the pleasure of the Secretary of the Resources Agency. The advisory panel shall consist of 10 members composed of the following persons:

(1) A representative of the Department of Navigation and Ocean Development.

(2) A representative of the Department of Conservation.

(3) A representative of the Department of Fish and Game.

(4) The executive director of the California Coastal Zone Conservation Commission or his designee.

(5) A representative of the fish industry.

(6) A representative of the ocean engineering industry.

(7) A representative of the University of California.

(8) A representative of the California State University and Colleges.

(9) A representative of a private California institution of higher education which is participating in the National Sea Grant Program.

(10) A representative of the State Lands Commission. The Secretary of the Resources Agency shall designate one member of the panel to serve as its chairman. Panel members shall serve without compensation.

The sea grant research projects selected for state support under this subdivision shall have a clearly defined benefit to the people of the State of California. Nothing in this subdivision shall be construed to preclude the application for funding of any project which would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

(e) To the California Urban and Local Government Recreation Fund, the amount of twenty-five million dollars ($25,000,000) each fiscal year commencing with the 1976–77 fiscal year for the purposes of the California Urban and Local Government Recreation Program (Chapter 3.2 (commencing with Section 5620) of Division 5).

(f) To the Capital Outlay Fund for Public Higher Education, the balance of all revenue in excess of that distributed under subdivisions (a), (b), (c), (d), and (e) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

All references in any law to Section 6816 shall be deemed to refer to this section.

SEC. 2. Section 12 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 3. Section 12 is added to Chapter 138 of the Statutes of 1964, First Extraordinary Session, to read:

Sec. 12. All of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the State Treasury and shall be applied to obligations as provided in Section 6217 of the Public Resources Code.

SEC. 4. Section 12.1 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 5. Section 12.2 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 6. Section 12.3 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 7. Section 12.4 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 8. Section 12.45 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed.

SEC. 9. Section 12.5 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, is repealed

SEC. 10. It is the intent of the Legislature, if this bill and Senate Bill No. 174 are both chaptered and become effective January 1, 1976, both bills amend Section 6217 of the Public Resources Code, and this bill is chaptered after Senate Bill No. 174, that the amendments to Section 6217 proposed by both bills be given effect and incorporated in Section 6217 in the form set forth in Section 1.3 of this act. Therefore, Section 1.3 of this act shall become operative only if this bill and Senate Bill No. 174 are both chaptered and become effective January 1, 1976, both amend Section 6217, and this bill is chaptered after Senate Bill No 174, in which case Section 1 of this act shall not become operative.

SEC. 11. It is the intent of the Legislature, if this bill and Assembly Bill No. 997 are both chaptered and become effective January 1, 1976, both bills amend Section 6217 of the Public Resources Code, and this bill is chaptered after Assembly Bill No. 997, that the amendments to Section 6217 proposed by both bills be given effect and incorporated in Section 6217 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 997 are both chaptered and become effective January 1, 1976, both amend Section 6217, and this bill is chaptered after Assembly Bill No. 997, in which case Section 1 of this act shall not become operative.

CHAPTER 601

An act to amend Section 53090 of the Government Code, to amend Sections 28761, 28793, and 29541 of, and to repeal Articles 1 (commencing with Section 28700) and 2 (commencing with Section 28730) of Chapter 3 of Part 2 of Division 10 of, the Public Utilities Code, relating to transit.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 53090 of the Government Code is amended to read:

53090. As used in this article:

(a) "Local agency" means an agency of the state for the local performance of governmental or proprietary function within limited boundaries. "Local agency" does not include the state, a city, a county, a rapid transit district whose board of directors is appointed by public bodies or officers or elected from election districts within the area comprising the district, the San Francisco Port Authority, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code.

(b) "Building ordinances" means ordinances of a county or city regulating building and construction and removal of buildings, including ordinances relating to the matters set forth in Section 38660 and similar matters, and including ordinances relating to building permits and building inspection.

SEC. 2. Article 1 (commencing with Section 28700) of Chapter 3, Part 2, Division 10 of the Public Utilities Code is repealed.

SEC. 3. Article 2 (commencing with Section 28730) of Chapter 3, Part 2, Division 10 of the Public Utilities Code is repealed.

SEC. 4. Section 28761 of the Public Utilities Code is amended to read:

28761. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a secretary, who shall not be a member of the board, and shall provide for the time and place of holding its meetings which shall be held at least once each month. The president shall be paid a salary of five thousand dollars ($5,000) per year. The vice president shall be paid a salary of three thousand dollars ($3,000) per year. Such salaries shall be in addition to any payments authorized under Section 28748.8.

SEC. 5. Section 28793 of the Public Utilities Code is amended to read:

28793. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor

at any time other than a special, regular, or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. No ordinance shall take effect until the expiration of 30 days following its adoption, except the following which shall take effect upon adoption: an ordinance relating to an election, or to the issuance or sale of bonds, or to the levying or collection of taxes, or the fixing of fares; or an ordinance necessary for the immediate preservation or protection of the property, interests, or welfare of the district, which shall contain a specific statement showing its urgency, and which shall be passed by two-thirds of the total vote of the directors. All ordinances except those which take effect upon their adoption shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

SEC. 6. Section 29541 of the Public Utilities Code is amended to read:

29541. Notice of election shall be published once a week for two successive weeks (two publications) in a newspaper of general circulation published within the county, and shall either state that a copy of the annexation agreement is on file in the office of the clerk of the county proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the board of supervisors calling the election.

CHAPTER 602

An act to amend Section 69585 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 69585 of the Government Code is amended to read:

69585. In the County of Kern there shall be eight judges of the superior court.

SEC. 2. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to Kern County for costs incurred by the county pursuant to this act.

CHAPTER 603

An act to amend Section 2144 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2144 of the Business and Professions Code is amended to read:

2144. Nothing in this chapter prohibits service in the case of emergency, or the domestic administration of family remedies, nor does this chapter apply to any commissioned medical officer in the United States Army, Navy, Marine or Air Force hospital, or public health service, in the discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry.

No person licensed under this chapter, who in good faith renders emergency care at the scene of the emergency, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

CHAPTER 604

An act to amend Section 13964 of, to add Sections 31964.1, 31964.2 and 31964.3 to, and to repeal Section 14036 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13964 of the Education Code is amended to read:

13964. Persons not already members who are employed on a part-time basis and who will perform less than 60 hours of service per pay period, or persons who will serve less than 10 days per pay period on a daily basis are excluded from membership in the system. Members who will be employed on a part-time basis and will perform less than 60 hours of service per pay period or will serve less than 10 days per pay period on a daily basis may terminate their membership.

SEC. 2. Section 13964.1 is added to the Education Code, to read:

13964.1. Persons excluded from membership in Sections 13963 and 13964 may elect membership in the system at any time while employed in a substitute or part-time position which does not qualify

for membership in this system. The election is irrevocable, shall be in writing, and shall be filed in the office of this system prior to submission of contributions.

SEC. 3. Section 13964.2 is added to the Education Code, to read:

13964.2. Persons who have been excluded from membership under Section 13963 or 13964 after January 1, 1976, and did not elect membership under Section 13964.1 and who subsequently become members of the system shall receive credit for the service performed while so excluded provided they elect to pay, and pay prior to retirement or payment of a disability allowance, whichever occurs first, and in a manner provided by the board, contributions equal to 16 percent of the salary earned for such service with regular interest.

SEC. 4. Section 13964.3 is added to the Education Code, to read:

13964.3. The intent of this section is to ensure that all necessary employer and employee contributions are made to the system for excluded service when a member elects to receive credit for that service.

Notwithstanding any other provisions in this chapter, persons who have been excluded from membership under Section 13963, 13964, 13965, or 13966, and school nurses excluded under Section 13968, who subsequently become members shall receive credit for the service performed while so excluded provided they elect to pay, and pay, prior to retirement or payment of a disability allowance, whichever occurs first, and in a manner provided by the board, all employer and employee contributions with respect to such service at the rate in effect on the date of election and the highest compensation earnable in any one of the three years prior to election.

Such contributions shall be equal to the rate of employer and employee contributions in effect upon the date of election.

Members may elect to pay for the excluded service as provided in Section 14036 as it read on December 30, 1975 until December 30, 1977.

SEC. 5. Section 14036 of the Education Code is repealed.

SEC. 6. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 605

An act to add Section 1467 to the Education Code, relating to school elections.

[Approved by Governor September 8, 1975. Filed with Secretary of State September 8, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1467 is added to the Education Code, to read:

1467. Whenever a proposition relating to the approval of school district bonds and a proposition, which is conditioned by the State Allocation Board on the approval of the bond issue, relating to the acceptance and expenditure of state school building aid funds are to be submitted to the voters of a school district on the same ballot, both such propositions may be combined in such a manner that the proposed obligations of the district are clearly expressed and the voter may cast one "yes" or "no" vote upon such combined proposition.

The combined proposition shall, as nearly as practicable, be worded in accordance with the statutory requirements for the wording of each such proposition.

CHAPTER 606

An act to add Section 429.32 to the Health and Safety Code, relating to Indian health services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 1975 Filed with Secretary of State September 8, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 429.32 is added to the Health and Safety Code, to read:

429.32. All moneys appropriated to the department for the purposes of this article shall be used to provide financial, training, and technical assistance to existing urban and rural Indian health programs and to assist these programs in planning, implementing, and upgrading existing programs to attain a comprehensive health services delivery system for Indians in urban and rural areas.

No more than 15 percent of all funds appropriated for the purposes of this article may be retained and expended by the department for administrative purposes.

The department may expend funds appropriated to it to carry out the purposes of this article by contract or grant, or any combination thereof, with any existing urban or rural Indian health programs.

The department shall adopt rules and regulations establishing criteria for reimbursement for direct services under this article which shall include, but not be limited to, a definition of direct services which are reimbursable and a formula for allocation of funds appropriated to the department.

The department shall provide assistance to Indian health services

programs in maximizing utilization of third party payment systems and in developing programs in health education, nutrition, and family planning if such assistance is not being provided by agencies of the federal government.

Funds appropriated to carry out the purposes of this article shall be supplemental to those available from the federal government and shall not duplicate, nor shall they replace, any commitments made by the federal government to provide health services to native American Indians and their families in this state who receive health services pursuant to an existing urban or rural Indian health program.

It is the intent of the Legislature that the program established by this article shall, in fiscal years subsequent to the year in which this section is enacted, be funded according to customary budget procedures.

SEC. 2. The sum of two million five hundred thousand dollars ($2,500,000) is hereby appropriated from the General Fund to the State Department of Health for expenditure, without regard to fiscal years, for carrying out the purposes of Article 14 (commencing with Section 429.30) of Division 1 of the Health and Safety Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the continued delivery of health services to Indian people in California, it is necessary that this act take immediate effect.

CHAPTER 607

An act to amend Section 13337.7 of the Education Code, and 20815 of the Government Code, relating to school employee retirement.

[Became law without Governor's signature September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13337.7 of the Education Code is amended to read:

13337.7. Notwithstanding any other provision, the governing board of a school district may establish regulations which allow their certificated employees to reduce their workload from full-time to part-time duties.

Such regulations shall include but shall not be limited to the following if such employees wish to reduce their workload and maintain retirement benefits pursuant to Section 14009 or Section 20815 of the Government Code:

(a) The employee must have reached the age of 55 prior to reduction in workload.

(b) The employee must have been employed full time in a position requiring certification for at least 10 years of which the immediately preceding five years were full-time employment.

(c) The option of part-time employment must be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee.

(d) The employee shall be paid a salary which is the pro rata share of the salary he would be earning had he not elected to exercise the option of part-time employment but shall retain all other rights and benefits for which he makes the payments that would be required if he remained in full-time employment.

The employee shall receive health benefits as provided in Section 53201 of the Government Code in the same manner as a full-time employee.

(e) The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract of employment during his final year of service in a full-time position.

(f) This option is limited in prekindergarten through grade 12 to certificated employees who do not hold positions with salaries above that of a school principal.

(g) This section shall not be applicable to persons who are administrators in community colleges.

SEC. 2. Section 20815 of the Government Code is amended to read:

20815. Notwithstanding any other provision of this part, a member employed on a part-time basis shall receive the credit he would receive if he was employed on a full-time basis and have his retirement allowance, as well as any other benefits he is entitled to under this part, based upon the salary that he would have received if employed on a full-time basis if he and his employer both elect to contribute to the retirement fund the amount that would have been contributed if the member was employed on a full-time basis. This section shall be applicable only to members who are academic employees of California State University and Colleges or who are certificated employees of school districts and who have met the criteria provided in Section 13337.7 of the Education Code or Section 24215 of of the Education Code and are not older than 67 years and is limited to a period of five years of such part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.

CHAPTER 608

An act relating to districts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. That allocation of twenty thousand sixty-five dollars and seventy-five cents ($20,065.75) made by the Department of General Services to the Garberville Sanitary District pursuant to Storm and Flood Damage Agreement No. 65-41A6 executed January 25, 1966, and expended by the district for the construction of sewage treatment facilities is hereby ratified, validated, confirmed, and declared legally effective and within the provisions of such agreement for all purposes.

SEC. 2. The Legislature finds and declares that Section 1 of this act is necessary since special facts and circumstances applicable to the Garberville Sanitary District, not generally applicable, make the accomplishment of this purpose impossible by any general law. There exists a dispute between the Department of General Services and the Garberville Sanitary District as to the validity of an allocation pursuant to the former provisions of the Natural Disaster Assistance Law (Art. 6, (commencing with Section 54150), Ch. 5, Pt. 1, Div. 2, Title 5, Gov.C.) for assistance in meeting costs to repair or restore storm and flood damage or destruction to real property of the district which occurred between December 1, 1964, and June 30, 1965, based on a good faith expenditure of these funds. The Legislature further finds and declares that this is the only such expenditure involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the Garberville Sanitary District is therefor necessary.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Garberville Sanitary District is experiencing serious financial difficulties because of uncertainty as to the application of provisions of law relating to state matching funds for the purpose of repair or restoration of storm and flood damage to property of the district. In order to resolve this uncertainty as soon as possible, it is necessary that this act go into immediate effect.

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CHAPTER 609

An act to amend Section 830.4 of the Penal Code, relating to peace officers.

[Became law without Governor's signature September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Navigation and Ocean Development and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state university or college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene or, on or after July 1, 1973, the State Department of Health, and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) (A) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(B) Any such officer so commissioned on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any officer so commissioned after July 6, 1973 shall have completed the course of instruction within 60 days after such commissioning. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily

complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(15) Security guards of the County of Los Angeles.

(16) (A) Persons regularly employed and designated by the Board of Directors of the Monterey Peninsula Airport District as airport policemen.

(B) Any such person employed on or before July 6, 1973, shall have completed the course of instruction required by Section 832 by September 1, 1973. Any person so employed after July 6, 1973, shall have completed the course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the powers of a peace officer thereafter.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(17) Any person regularly employed as an airport security officer by any airport operated by the City and County of San Francisco, Orange County, or the County of San Joaquin if he meets the following requirements:

(A) If employed by the City and County of San Francisco or Orange County on or before July 6, 1973, he shall have completed the course of instruction required by Section 832 by September 1, 1973, or if employed after July 6, 1973, he shall have completed such course of instruction within 60 days after such employment. If employed by the County of San Joaquin on or before September 25, 1973, he shall have completed the course of instruction required by Section 832 by December 1, 1973; or if employed after September 25, 1973, he shall have completed such course of instruction within 60 days after such employment. Any person who, within the time prescribed by this paragraph for such person, does not satisfactorily complete the course of instruction required by Section 832, shall not have the

powers of a peace officer thereafter.

(B) He shall be commissioned as a peace officer by the police commission or the board of supervisors of the city and county, or county, as the case may be, operating the airport.

(C) Notwithstanding subdivision (b), the authority of such airport security officers shall not extend beyond the territory of the airport boundaries, except when in pursuit of any offender or suspected offender.

(D) In the case of any person regularly employed as an airport security officer by any such airport located in the County of San Mateo, he shall either be deputized by, or have the written consent of, the Sheriff of San Mateo County.

(18) Housing authority patrol officers employed by the City of Los Angeles or by the housing authority of the County of Contra Costa.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probably cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

CHAPTER 610

An act to amend Section 13990.2 of the Government Code, and to amend Section 2161 of the Streets and Highways Code, relating to the Public Utilities Commission.

[Became law without Governor's signature September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the state government the State Transportation Board. The board shall consist of:

(a) Seven members appointed by the Governor, with the advice and consent of the Senate. Except as provided in Section 13990.7, the members shall hold office for terms of four years and until their successors are appointed.

Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such

session. If the Senate by final vote refuses to consent, the person so appointed shall hold office only until such refusal.

(b) One member of the Public Utilities Commission appointed by the commission.

(c) One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker thereof shall be ex officio members without vote and together shall constitute a Joint Legislative Committee on Transportation, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

SEC. 2. Section 2161 of the Streets and Highways Code is amended to read:

2161. The State Highway Users Tax Study Commission is hereby created. The members of the commission shall consist of two designees of the Governor who shall be representatives of councils of governments or transportation planning entities created by statute, a designee of the State Transportation Board, the Secretary of the Business and Transportation Agency or his designee, a designee of the Public Utilities Commission who shall be a member of that commission, a designee of the County Supervisors' Association of California, and a designee of the League of California Cities. The President pro Tempore of the Senate or his designee and the Speaker of the Assembly or his designee shall also be members of the commission and together shall constitute a Joint Legislative Committee on Highway Users Tax Study, and shall participate in the activities of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The members of the commission shall elect a chairman and shall receive their actual and necessary traveling expenses incurred in the performance of their duties.

CHAPTER 611

An act to amend Section 1091.5 of the Government Code, and to amend Sections 34120, 34121, 34130, 34246, 34249, 34270, 34271, 34272, 34290, and 34293 of, and to add Section 34246.5 to, the Health and Safety Code, relating to housing.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1091.5 of the Government Code is amended to read:

1091.5. (1) An officer or employee shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit, provided the total annual income to him from dividends, including the value of stock dividends, from the corporation does not exceed 5 percent of his total annual income, and any other payments made to him by the corporation do not exceed 5 percent of his total annual income;

(b) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty;

(c) That of a recipient of public services generally provided by the public body or board of which he is a member, on the same terms and conditions as if he were not a member of the board.

(d) That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial, or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which event his interest shall be deemed a remote interest within the meaning and subject to the provisions of Section 1091.

(e) That of a tenant in a public housing authority created pursuant to Part 2 (commencing with Section 34200) of Division 24 of the Health and Safety Code in which he serves as a member of the board of commissioners of the authority or of a community development commission created pursuant to Part 1.7 (commencing with Section 34100) of Division 24 of the Health and Safety Code.

(f) That of a spouse of an officer or employee of a public agency in his spouse's employment or officeholding if his spouse's employment or officeholding has existed for at least one year prior to his election or appointment.

(2) An officer or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

SEC. 2. Section 34120 of the Health and Safety Code is amended to read:

34120. (a) The legislative body may, at the time of the adoption of an ordinance declaring that there is a need for a commission function in the community or at any time thereafter, by adopting an ordinance, declare itself to be the commission in which all the rights powers, duties, privileges and immunities, vested in part in a commission, except as otherwise provided in this part, be vested in the legislative body of the community.

(b) If the legislative body has declared itself to be the commission, the legislative body shall appoint two additional commissioners who are tenants of the housing authority if the housing authority

tenants. One such tenant commissioner shall be over 62 years of age if the housing authority has tenants of such age. If the housing authority does not have tenants, the legislative body shall, by ordinance, provide for the appointment to the commission of two tenants of the housing authority, one of whom shall be over 62 years of age if the housing authority has tenants of such age, within one year after the housing authority first does have tenants. The term of any tenant appointed pursuant to this subdivision shall be two years from the date of appointment. If a tenant commissioner ceases to be a tenant of the housing authority, he shall be disqualified from serving as a commissioner and another tenant of the housing authority shall be appointed to the remainder of the unexpired term. A tenant commissioner shall have all the powers, duties, privileges, and immunities of any other commissioner.

SEC. 3. Section 34121 of the Health and Safety Code is amended to read:

34121. A legislative body which has declared itself to be the commission pursuant to Section 34120 may at any time by resolution determine that it shall no longer function as the commission, in which event, the mayor or chairman of the board of supervisors or similar official, with the approval of the legislative body, shall appoint resident electors of the community as members of the commission, including two tenant commissioners as provided in Section 34130.

SEC. 4. Section 34130 of the Health and Safety Code is amended to read:

34130. (a) When the legislative body adopts an ordinance declaring the need for a commission, the mayor or chairman of the board of supervisors or similar official, with the approval of the legislative body, shall appoint the number of resident electors of the community as commissioners as the legislative body prescribe by ordinance. The legislative body by ordinance may increase or decrease the number of commissioners. The legislative body, except as otherwise expressly provided in subdivision (b), shall establish and provide for the terms, compensation, and removal of the commissioners. The legislative body shall provide procedures for appointment or election of the officers of the commission.

(b) Two of the commissioners shall be tenants of the housing authority if the housing authority has tenants. One such tenant commissioner shall be over the age of 62 years if the housing authority has tenants of such age. If the housing authority does not have tenants, the legislative body shall, by ordinance, provide for appointment to the commission of two tenants of the housing authority within one year after the housing authority first does have tenants. The term of any tenant commissioner appointed pursuant this subdivision shall be two years from the date of appointment. a tenant commissioner ceases to be a tenant of the housing ority, he shall be disqualified from serving as a commissioner and tenant of the housing authority shall be appointed to serve mainder of the unexpired term. A tenant commissioner shall

have all the powers, duties, privileges, and immunities of any other commissioner

(c) Upon the appointment and qualification of a majority of the commissioners, the commission shall be vested with all the powers, duties, and responsibilities of the members of the redevelopment agency and the commissioners of the housing authority, and such members of the redevelopment agency and commissioners of the housing authority shall have no powers, duties, and responsibilities as long as the commission functions.

SEC. 5. Section 34246 of the Health and Safety Code is amended to read:

34246. (a) Notwithstanding any other provision of law, the governing bodies of any two or more cities or counties or any combination thereof may by agreement create an area housing authority Each governing body party to such agreement shall appoint two persons as commissioners of such authority, and, except as otherwise provided in Section 34246.5, the governing bodies shall jointly appoint one commissioner at large, and, upon appointment of all required commissioners, the authority shall be authorized to exercise all of the powers and transact all of the business which a housing authority of a city or county which is functioning and exercising its powers is authorized to exercise or transact.

(b) The governing body of each city or county shall designate one of those commissioners first appointed by it to serve for a term of three years and one to serve for a term of four years. Successors shall be appointed by the governing body for terms of four years, except that all vacancies shall be filled for the unexpired term.

The commissioner at large shall serve for a term of four years. His successors shall be appointed jointly by the governing bodies for terms of four years, except that a vacancy shall be filled for the unexpired term. In the event that a successor shall not have been appointed by the governing bodies within 30 days following a vacancy, the Governor shall appoint a successor.

(c) Three-fifths of the commissioners of an area housing authority constitute a quorum for the purpose of conducting business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners.

(d) The commissioners shall select a chairman from their number.

SEC. 6. Section 34246.5 is added to the Health and Safety Code, to read:

34246.5. (a) The governing bodies party to an agreement entered pursuant to Section 34246 shall jointly appoint a tenant of the area housing authority as commissioner of such authority. If the area housing authority does not have tenants, the governing bodies shall appoint a tenant of the area housing authority to the commission within one year after the area housing authority first does have tenants.

(b) The appointment of a tenant commissioner shall be in lieu of the appointment of a commissioner at large pursuant to Section

34246. If a commissioner at large is in office on the effective date of this section, the tenant commissioner initially appointed shall take office at such time as the term of the commissioner at large shall expire.

(c) The tenant appointed as a commissioner shall serve for a term of two years, but only so long as he remains a tenant of the area housing authority. His successors shall also be tenants of the area housing authority and shall be appointed jointly by the governing bodies for terms of two years, except that a vacancy shall be filled for the unexpired term.

(d) A tenant appointed as a commissioner shall have all the rights, powers, duties, privileges, and immunities of any other commissioner.

SEC. 7. Section 34249 of the Health and Safety Code is amended to read:

34249. Nothing in this article shall be interpreted to prohibit agreements between public agencies pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code. When such an agreement creates an agency or entity which is separate from the parties to the agreement and which is responsible for the administration of a housing program authorized by this part, the public agencies party to such agreement shall provide for the appointment of a tenant of such agency or entity to the governing body of the agency or entity. If such agency or entity does not have tenants, then the parties to the agreement shall provide for the appointment of a tenant of the agency or entity to the governing body thereof within one year after the agency or entity first does have tenants. The term of a tenant appointed to the governing body of such an agency or entity shall be two years, but if a tenant appointee ceases to be a tenant of the agency or entity, he shall be disqualified and another tenant of the agency or entity shall be appointed to serve the remainder of the unexpired term. A tenant appointed to the governing body of such an agency or entity shall have all the rights, powers, duties, privileges, and immunities of any other member of such governing body.

SEC. 8. Section 34270 of the Health and Safety Code is amended to read:

34270. When the governing body of a city adopts a resolution declaring the need for an authority, it shall promptly notify the mayor of the adoption. Upon receiving the notice and if his office is one filled by election by the people, the mayor, subject to the confirmation of a majority of the members of the governing body, shall appoint five persons as commissioners of the authority. The mayor shall appoint two additional commissioners who are tenants of the authority if the authority has tenants, or within one year after the authority first does have tenants. One such tenant commissioner shall be over 62 years of age if the authority has tenants of such age.

If the office of the mayor is not elective, the city governing body shall make the appointments.

The amendments to this section enacted by the Legislature at the 1975–76 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1976, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Chapter 120 of the Statutes of 1972 or Chapter 545 of the Statutes of 1974 shall be tenants of the authority and one shall be over 62 years of age if the authority has tenants of such age.

SEC. 9. Section 34271 of the Health and Safety Code is amended to read:

34271. When the governing body of a county adopts such a resolution it shall appoint five persons as commissioners of the authority. The governing body shall appoint two additional commissioners who are tenants of the authority if the authority has tenants, or within one year after the authority first does have tenants. One such tenant commissioner shall be over 62 years of age if the authority has tenants of such age.

The amendments to this section enacted by the Legislature at the 1975–76 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1976, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Chapter 120 of the Statutes of 1972 or Chapter 545 of the Statutes of 1974 shall be tenants of the authority and one shall be over 62 years of age if the authority has tenants of such age.

SEC. 10. Section 34272 of the Health and Safety Code is amended to read:

34272. (a) In the case of a commission of five persons, three of the commissioners first appointed shall be designated by the appointing authority to serve for terms of one, two, and three years, respectively, from the date of their appointment, and two shall be designated to serve for terms of four years from the date of their appointments. If two tenant commissioners are added to increase the number of commissioners of an authority, such commissioners shall serve for terms of two years from the date of their appointments, and their successors shall be tenants. Successors of commissioners shall be appointed for a term of four years, except that successors of tenant commissioners shall be appointed for a term of two years and all vacancies shall be filled for the unexpired term. A tenant commissioner shall have all the powers, duties, privileges, and immunities of any other commissioner. If a tenant commissioner ceases to be a tenant of the authority, he shall be disqualified as commissioner and another tenant shall be appointed to fill the unexpired term.

(b) Notwithstanding any other law, and subject to the conditions in this section, a commissioner may be an officer or employee of the county or city for which the authority is created, or he may be a member, commissioner, or employee of any other agency or authority of, or created for, the community.

(c) An officer or employee of a city or county in which an authority is established may serve as a commissioner only if such officer or employee does not exercise powers or duties in his office or employment that may conflict with the exercise of the independent judgment required to carry out the purposes of an authority.

(d) Any appointment of a successor to a commissioner of a city housing authority shall be made by the mayor if his office is one filled by election by the people, subject to the confirmation of a majority of the members of the governing body. If the office of mayor is not elective the governing body of the city shall make the appointment. All appointments of commissioners of a county housing authority shall be made by the governing body of the county.

The amendments to this section enacted by the Legislature at the 1975–76 Regular Session shall not affect the office of any commissioner of a housing authority, which on January 1, 1976, has seven commissioners, but the successors to the two additional commissioners appointed pursuant to the changes in this section which were made by Section 2 of Chapter 367 of the Statutes of 1972 or Chapter 1112 of the Statutes of 1974 shall be tenants of the authority and one shall be over 62 years of age if the authority has tenants of such age.

SEC. 11. Section 34290 of the Health and Safety Code is amended to read:

34290 (a) As an alternative to the appointment of commissioners of the authority, the governing body of any county or city, at the time of the adoption of a resolution pursuant to Section 34240 of this chapter or at any time thereafter, may declare itself to be the commissioners of the authority, in which case, all the rights, powers, duties, privileges and immunities, vested by this chapter in the commissioners of an authority, except as otherwise provided in this article, shall be vested in the governing body.

(b) If the governing body of any county or city has declared itself to be the commissioners of the authority, the governing body shall also appoint two tenants of the authority as commissioners if the authority has tenants, or within one year after the authority first does have tenants. One tenant commissioner shall be over 62 years of age if the authority has tenants of such age. Tenant commissioners appointed pursuant to this subdivision shall serve, and their successors shall be appointed, as provided in Section 34272.

(c) As an alternative to appointment of tenants of the authority as commissioners of the authority pursuant to subdivision (b), if a housing commission is created as provided in Section 34291 and does not have more than seven commissioners, the governing body may make tenant appointments pursuant to subdivision (b) to the commission rather than to the authority.

(d) A tenant commissioner shall have all the rights, powers, duties, privileges, and immunities of any other commissioner.

SEC. 12. Section 34293 of the Health and Safety Code is amended to read:

34293. A governing body of a county or city which has declared itself to be the commissioners of the authority pursuant to Section 34290 may, at any time by resolution, determine that it shall no longer function as the commissioners of the authority, in which event, the mayor, if elected, or the governing body, pursuant to Sections 34270 or 34271, shall appoint commissioners of the authority, and, upon such appointment, the housing commission, if any, shall no longer function.

SEC. 13. The Legislature hereby finds and declares that tenants of housing authorities have a substantial interest in the fair and efficient management and direction of the housing authority, and have a point of view which should be represented on the governing body of each housing authority. It is the intent of the Legislature in enacting this act to require tenant representation for all housing authorities which have tenants, including housing authorities administered by a community development commission, whether organized or activated prior or subsequent to the effective date of this act. It is further the intent of the Legislature that successors to tenants initially appointed pursuant to this act or any previously enacted statute affecting sections amended by this act shall also be tenants of the housing authority.

CHAPTER 612

An act to amend Section 25216.5 of the Public Resources Code, relating to energy resources, and making an appropriation therefor.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25216.5 of the Public Resources Code is amended to read:

25216.5. The commission shall do all of the following:

(a) Prescribe the form and content of applications for facilities; conduct public hearings and take other actions to secure adequate evaluation of applications; and formally act to approve or disapprove applications, including specifying conditions under which approval and continuing operation of any facility shall be permitted.

(b) Prepare an integrated plan specifying actions to be taken in the event of an impending serious shortage of energy, or a clear threat to public health, safety, or welfare.

(c) Evaluate policies governing the establishment of rates for electric power and other sources of energy as related to energy conservation, environmental protection, and other goals and policies established in this division, and transmit recommendations for

changes in power-pricing policies and rate schedules to the Governor, the Legislature, to the Public Utilities Commission, and to publicly owned electric utilities.

(d) Serve as a central repository within the state government for the collection, storage, retrieval, and dissemination of data and information on all forms of energy supply, demand, conservation, public safety, research, and related subjects. The data and information shall be derived from all sources, including, but not be limited to, electric and gas utilities, oil and other energy producing companies, institutions of higher education, private industry, public and private research laboratories, private individuals, and from any other source that the commission determines is necessary to carry out its objectives under this division. The commission may charge and collect a reasonable fee for retrieving and disseminating any such information to cover the cost of such a service. Any funds received by the commission pursuant to this subdivision shall be deposited in the account and are continuously appropriated for expenditure, by the commission, for purposes of retrieving and disseminating any such information pursuant to this section.

CHAPTER 613

An act to amend Section 789.7 of the Civil Code, relating to mobilehomes.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 789.7 of the Civil Code is amended to read:

789.7. (a) The owner of a mobilehome park or the owner's agents shall not charge any fees to tenants other than charges for rent, utilities, or incidental reasonable charges for services actually rendered.

(b) For purposes of subdivision (a), the owner of the park or the owner's agents shall not charge the tenant:

(1) A fee for permitting a tenant to maintain pets within the mobilehome space unless special facilities or special services are furnished by the owner or the owner's agents for the pets.

(2) A fee for permitting a tenant to have guests occupy the tenant's mobilehome for a period not exceeding two weeks in a calendar year.

(3) A per-person fee for the members of the tenant's immediate family, which includes the tenant, the tenant's spouse, and his or her children.

(4) A fee for enforcing any of the rules and regulations of the mobilehome park.

(c) The owner of a mobilehome park or the owner's agents shall inform each prospective tenant in writing before the tenant moves into the mobilehome park of the nature of each service to be actually rendered to the tenant and the amount of the charges to be imposed for such service.

(d) Notwithstanding the provisions of paragraph (3) of subdivision (d) of Section 789.5, a tenant shall not be charged for additional services actually rendered to the tenant subsequent to the tenant's moving into the mobilehome park unless the tenant has been given 60 days' written notice of the owner's intent to make such charges by the owner of the park or the owner's agents.

CHAPTER 614

An act to amend Section 13160 of the Education Code, relating to teacher preparation and licensing, and making an appropriation therefor.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13160 of the Education Code is amended to read:

13160. Professional preparation, including student teaching, shall be made available in the upper division course offerings at all California public institutions of higher learning. No more than nine semester units or equivalent units of professional education courses may be designated prerequisites for purposes of admission to student teaching, except that in the case of candidates who elect to satisfy the reading requirement as set forth in subdivision (e) of Section 13130 by an approved program of study rather than by an approved examination may be required to take 12 semester units, or the equivalent, as prerequisites to student teaching.

Prior to admission to any professional preparation program approved by the commission, a potential candidate for a credential may obtain a certificate of clearance from the commission which shall be issued when the commission has verified the candidate's personal identification and health status. The fee for the certificate of clearance shall not exceed one-half of the regular fee for a credential and shall be deducted from the fee for the initial credential applied for by the certificate holder.

CHAPTER 615

An act to amend Section 1752 of the Civil Code, relating to consumers.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1752 of the Civil Code is amended to read:

1752. The provisions of this title are not exclusive. The remedies provided herein for violation of any section of this title or for conduct proscribed by any section of this title shall be in addition to any other procedures or remedies for any violation or conduct provided for in any other law.

Nothing in this title shall limit any other statutory or any common law rights of the Attorney General or any other person to bring class actions. Class actions by consumers brought under the specific provisions of Chapter 3 (commencing with Section 1770) of this title shall be governed exclusively by the provisions of Chapter 4 (commencing with Section 1780); however, this shall not be construed so as to deprive a consumer of any statutory or common law right to bring a class action without resort to this title. If any act or practice proscribed under this title also constitutes a cause of action in common law or a violation of another statute, the consumer may assert such common law or statutory cause of action under the procedures and with the remedies provided for in such law.

CHAPTER 616

An act to amend Section 25351 of, and to add Section 25100.1 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100.1 is added to the Vehicle Code, to read:

25100.1. Notwithstanding any other provisions of this code, an ambulance may be equipped with clearance and side-marker lamps.

SEC. 2. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and, except as provided in subdivision (d), any other vehicle 80 or more inches in width may be equipped with not more than three identification lamps mounted in a row on the front or rear, which lamps shall not exceed three inches in diameter, and which shall be equipped with bulbs not in

excess of six candlepower. No part of any such lamps or their mountings on the front of a motor vehicle shall extend below the top of the windshield.

(b) Identification lamps on such vehicles manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on such vehicles manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear and shall be installed as close as practicable to the vertical centerline in a horizontal row with centers not less than 6 inches nor more than 12 inches apart.

(d) Identification lamps are not permitted on passenger vehicles, except housecars and ambulances, regardless of width.

SEC. 3. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and, except as provided in subdivision (d), any other vehicle 80 or more inches in width may be equipped with identification lamps mounted on the front or rear. No part of any such lamps or their mountings on the front of a motor vehicle shall extend below the top of the windshield.

(b) Identification lamps on such vehicles manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on such vehicles manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear.

(d) Identification lamps are not permitted on passenger vehicles, except housecars and ambulances, regardless of width.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 1308 are both chaptered and become effective January 1, 1976, both bills amend Section 25351 of the Vehicle Code, and this bill is chaptered after Assembly Bill No. 1308, that the amendments to Section 25351 proposed by both bills be given effect and incorporated in Section 25351 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1308 are both chaptered and become effective January 1, 1976, both amend Section 25351, and this bill is chaptered after Assembly Bill No. 1308, in which case Section 2 of this act shall not become operative.

CHAPTER 617

An act to amend Section 15955.5 of, and to add Section 15955.6 to, the Education Code, relating to data processing.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 15955.5 of the Education Code is amended to read:

15955.5. The governing board of a school district, the employees of which regularly perform electromechanical or electronic data-processing work, may contract for electromechanical or electronic data-processing work to be done, or related services to be performed, for a period not to exceed 90 days, to meet emergency situations, or to meet temporary peak workloads, or on a temporary basis for specific projects when it is determined by the governing board, in its judgment, to be essential to the district to accomplish the work or services within established time limits, and when the personnel commission finds that it is not practical to employ temporary personnel pursuant to Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. In emergency situations arising between regularly scheduled meetings of the personnel commission, the approval of the personnel director shall constitute authority for an interim contract. The findings of the personnel director shall be effective until the next regular meeting of the personnel commission.

This section does not apply to community college districts.

SEC. 2. Section 15955.6 is added to the Education Code, to read:

15955.6. Notwithstanding any other provision of law, including Chapter 13.5 (commencing with Section 7411) of Division 6, or Section 13581, the governing board of any community college district may contract for electromechanical or electronic data-processing work to be done or related services to be performed by a vendor or lessor acceptable to the board. Contracts for electromechanical or electronic data processing that are entered into pursuant to this section shall be subject to Sections 15951 and 15952 if any such contract involves an expenditure of funds for either work to be done or materials or supplies to be furnished, sold, or leased in a dollar amount greater than that provided in Section 15951.

CHAPTER 618

An act to amend Section 69592 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 69592 of the Government Code is amended to read:

69592. In the County of Riverside there shall be 13 judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby

appropriated from the General Fund to the State Controller for allocation and disbursement to Riverside County as a state block grant to meet the requirements of Section 2231 of the Revenue and Taxation Code, provided, that the amount appropriated by this act shall not be deemed the full annual costs of the mandated program, and further provided, disbursements of the funds herein shall not diminish payment by the state under provisions of Sections 68206 and 75101 of the Government Code.

CHAPTER 619

An act to amend Section 25541.5 of the Education Code, as amended by Chapter 19 of the Statutes of 1975, relating to community colleges.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25541.5 of the Education Code, as amended by Chapter 19 of the Statutes of 1975, is amended to read:

25541.5. The maximum rate of tax of any community college district is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section. A district shall not expend any of the revenue for costs incurred under a joint-powers agreement between two community college districts or between a community college district and another district or a governmental agency consummated after July 1, 1973.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby

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provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of a lease agreement for such school year.

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters.

SEC. 2. The amendment of Section 25541.5 of the Education Code by this act shall not be construed in any way as affecting the continuing validity and effect of any action pursuant to the provisions of Section 25541.5 of the Education Code as amended by Chapter 19 of the Statutes of 1975, undertaken between the effective date of that chapter, March 22, 1975, and the effective date of this act.

CHAPTER 620

An act to amend Section 15631 of the Elections Code, relating to elections.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 15631 of the Elections Code is amended to read:

15631. As used in this chapter, "ballot card" means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide a blank space followed by the word "office" and a second blank space followed by the word "name" for purposes of facilitating write-in votes for offices for which write-in votes may be cast. All such separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs which comply with the provisions of Section 15710 regarding the stubs attached to a ballot card, except that the information required under subdivision (c) of Section 15710 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on

the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 10001 through 10004 of the Election Code shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Section 14438 and 14439 of this code shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

CHAPTER 621

An act to amend Sections 69584.5 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 69584.5 of the Government Code is amended to read:

69584.5. In the County of Imperial there shall be three judges of the superior court.

SEC. 2. The sum of sixty thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to Imperial County pursuant to Section 2231 of the Revenue and Taxation Code to reimburse the county for costs incurred by it pursuant to this act.

CHAPTER 622

An act to amend Sections 10207 and 10213.6 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 10207 of the Business and Professions Code is amended to read:

10207. The amount of the real estate fees prescribed for an examination or for a license under this chapter is that fixed by the following provisions of this article. No part of any fee paid in accordance with the provisions of this chapter is refundable. It is deemed earned by the department upon its receipt.

SEC. 2. Section 10213.6 of the Business and Professions Code is amended to read:

10213.6. If an applicant for any examination fails to take the examination on the date scheduled, he may make application in writing to the principal office of the department in Sacramento for a new date. A fee of fifteen dollars ($15) must accompany the written request for a new examination date in the case of a broker applicant, and a fee of ten dollars ($10) must accompany the written request for a new examination date in the case of a salesman applicant.

CHAPTER 623

An act to amend Section 20009.3 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 20009.3 of the Government Code is amended to read:

20009.3. "Public agency" also includes a public or private nonprofit corporation which operates a regional center for the developmentally disabled in accordance with Section 38101 of the Health and Safety Code. "Public agency" for purposes of this part shall only constitute the employees of the regional center.

Notwithstanding any other provision of this part, such agency may elect by appropriate provision or amendment of its contract not to provide credit for service prior to the effective date of its contract.

CHAPTER 624

An act to amend Sections 5074, 5501.5, 6702, 7151, 7153.2, 7153.8, and 7184 of, and to add Section 7188 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5074 of the Financial Code is amended to read:

5074. An amortized loan is a loan which provides for payments to be made of interest and on the principal in monthly installments. The installments as to the combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued

at such monthly intervals would result in paying the entire principal within the maximum legal term for the particular loan. The first installment which includes principal on each amortized loan must fall due within the time limits specified in Section 7151 of this code.

A loan made to finance the construction of real property is an amortized loan if it meets the requirements set forth above or if such loan provides for payment in full on or before 36 months have elapsed from the date of the loan.

SEC. 1.5. Section 5501.5 of the Financial Code is amended to read:

5501.5. Notwithstanding any other provision of this code and without limitation upon any rights, powers and privileges which it may otherwise have, a domestic association may do all of the following:

(a) Act as escrow holder in connection with the sale, transfer, encumbering or leasing of real property.

(b) Make collections upon and otherwise service promissory notes and loans, whether for itself or for others.

(c) Disburse funds for itself or for others in connection with loans, escrows or other transactions.

(d) Act as trustee, and receive reasonable compensation for so acting, of any trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan which qualifies or qualified for specific tax treatment under Section 401(d) or Section 408(a) of the Internal Revenue Code of 1954 or any statute amendatory thereof or supplementary thereto, if the funds of such trust are invested only in savings accounts in such association, or in obligations or securities issued by such association, or in savings accounts in any other savings and loan association having its home office in this state. All funds held in such fiduciary capacity by any such association may be commingled for appropriate purposes of investment, but individual records shall be kept by the fiduciary for each participant and shall show in proper detail all transactions engaged in under the authority of this subsection.

(e) As an incident to its principal activities and for the convenience of its account holders, borrowers and others, provide for the sale of checks, including travelers checks and money orders, on which the drawee is a federal home loan bank, commercial bank or other organization engaged in the business of handling such instruments.

SEC. 2. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office or office of the service corporation of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association or its service corporation and of other associations owning the other

undivided interests in such real property. As used in this subdivision the term real property includes (1) real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings more than one-half of the sum of its statutory net worth.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 30 percent of the sum of its statutory net worth.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America, and obligations issued or guaranteed by the Government National Mortgage Association.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any federal home loan bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds and other securities which are expressly authorized as legal investments for or purchase by savings banks in this state, bankers' acceptances of the kind, character, and maturity eligible for rediscount with a Federal Reserve bank, and such other securities as the commissioner may authorize by rules and regulations.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations.

(i) Stock, shares, debentures and bonds of any international home loan bank which may hereafter be incorporated by authority of an

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act of Congress.

(j) California street improvement bonds. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

(p) Any obligations or other instruments or securities of the Student Loan Marketing Association.

SEC. 3. Section 7151 of the Financial Code is amended to read:

7151. The first monthly installment which includes principal on an amortized loan must fall due within the following periods after the date of such loan:

a. Thirty-six months in the case of loans made to finance the construction of real property.

b. Six months in the case of a loan secured by a one- to four-family residential property made to a borrower who acquired such property as a trade-in or exchange to facilitate the sale of another one- to four-family residential property.

c. Three months in the case of all other loans.

SEC. 4. Section 7153.2 of the Financial Code is amended to read:

7153.2. An association may make amortized loans upon the security of real property in an amount in excess of 80 percent of the appraised value of such real property, if:

(a) There is located thereon only a structure designed for residential use for one family or a structure designed for residential

use for one family and structures ancillary to such residential use or if such real property is of the type described in subdivision (a), (b) or (c) of Section 7153.1;

(b) The loan is in an amount not in excess of (1) fifty-five thousand dollars ($55,000), or (2) 90 percent of the appraised value of the real property, or (3) if the loan is made to finance the purchase of the real property, 90 percent of the purchase price, whichever is less;

(c) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security property and the items comprising such price;

(d) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(e) The borrower makes a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, or, in the case of real property of the type described in subdivisions (a), (b), and (c) of Section 7153.1, liens or charges to secure unpaid assessments for management and common expenses, has been given or executed by him; and

(f) The loan requires repayment in monthly installments and each such payment includes the monthly proration of annual taxes in advance until the unpaid balance of such loan shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property.

No association shall have such investments under this section aggregating at any one time more than 30 percent of its total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property, such loan may be removed from the above imposed limitation of assets.

A loan under this section may be made to finance the construction of a structure described in the first paragraph hereof, but the amount by which such a loan exceeds 80 percent of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale the borrower need not certify that he intends to occupy the property as his home, but the amount by which such loan exceeds 80 percent of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan and there is then compliance with all of the provisions of the first paragraph hereof.

SEC. 5. Section 7153.8 of the Financial Code is amended to read:

7153.8. The limitation of 90 percent set forth in subdivision (b) of Section 7153.2 of the Financial Code shall be 95 percent in the case of any loan with respect to which the requirements set forth in subdivisions (a), (c), (d), (e) and (f) of Section 7153.2 are met and with respect to which the following additional requirements are met:

(a) The amount of the loan does not exceed the lesser of:

(1) Forty-two thousand dollars ($42,000).

(2) Ninety-five percent of the value of the real estate securing the loan.

(3) Ninety-five percent of the purchase price of the security property.

(b) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans made under this subparagraph (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 10 percent of the association's assets unless prior approval to exceed 10 percent is given by the commissioner.

(c) The aggregate of the principal amount of such loan and of the association's investment in the principal amount of all other loans under this section and Section 7153.2 and (exclusive of loans with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value or purchase price of the real estate, whichever is less, determined at the time the loans were made) does not exceed 30 percent of the association's assets and

(d) Either:

(1) That portion of the unpaid balance of such loan which is in excess of an amount equal to 90 percent of the value of the real estate is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation.

(2) The association establishes and maintains a specific reserve with respect to such loan equal to 1 percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

SEC. 6. Section 7184 of the Financial Code is amended to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of financing repairs, alterations, improvements, or equipment, except furnishings, on residential real property. Such loans or advances:

(a) Shall not exceed ten thousand dollars ($10,000) on any one loan or advance by the association made under the sole authority of this section for the same property alteration, repair or improvement.

(b) Shall not exceed ten thousand dollars ($10,000) on any one

loan or advance for the equipping of any real property when aggregated with the balance of all outstanding equipment loans relating to the same real property made by the association under the sole authority of this section.

(c) Shall not be for a period in excess of 15 years.

(d) Shall not aggregate at any one time more than 20 percent of the association's total assets with regard to all loans made under the sole authority of this section nor more than 5 percent of the association's assets with regard to loans made for the purpose of financing equipment.

SEC. 7. Section 7188 of the Financial Code is added, to read:

7188. An association may make federal funds loans provided that both of the following are met:

(a) The total of all time deposits and federal funds loans in the same bank does not exceed the greater of (1) one-fourth of 1 percent of the total deposits in such bank (calculated on the basis of total deposits in such bank as shown by its last published statement of condition preceding the date each time deposit is made or acquired by a member) or (2) twenty thousand dollars ($20,000), and

(b) The periods to maturity of loans of federal funds are not more than six months.

For the purposes of this section, "federal funds loan" means an unsecured loan of funds from a deposit of an association to a member bank of the Federal Deposit Insurance Corporation or to the Federal Home Loan Bank of San Francisco.

CHAPTER 625

An act to amend Section 20020 of, and to add Section 20020.7 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 20020 of the Government Code is amended to read:

20020. "Local policeman" means any officer or employee of a police department of a contracting agency which is a city, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service even though such an employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement service, but not excepting persons employed and qualifying as patrolmen or equal or

higher rank irrespective of the duties to which they are assigned.

"Local policeman" does not include persons employed to perform identification or communication duties, other than males in such employment on the effective date of the amendments to this section at the 1972 Regular Session who elect within 90 days thereafter to be local safety members. A contracting agency may elect at any time prior to April 1, 1975, by amendment to its contract to include as "local policeman" all persons who were employed to perform identification or communication duties on August 4, 1972, and who elect within 60 days of the effective date of such contract amendment to be local safety members. Such election shall apply to the person's past as well as future service in the employment held on the effective date but shall not apply to service following any subsequent acceptance of appointment to a position other than that held on such effective date. This paragraph shall not apply to persons employed and qualified as patrolmen or equal or higher rank.

SEC. 2. Section 20020.7 is added to the Government Code, to read:

20020.7. "Local policeman" also includes any officer or employee of a contracting agency other than a city or a county who is a peace officer as defined in the Penal Code and whose principal duties consist of active law enforcement but excluding clerical personnel or those whose principal duties are that of communication officer, identification officer, machinist, mechanic, security officer or are otherwise not clearly within the scope of active law enforcement, even though the person is subject to occasional call, or is occasionally called upon to perform duties within the scope of active law enforcement.

The provisions of this section shall apply to any contracting agency which is not a city or county with respect to any of its employees who were local policemen within the meaning of Section 20020 prior to its amendment at the 1975–76 Regular Session and in employment on the effective date of such amendment.

The provisions of this section shall not otherwise apply to the employees of any contracting agency nor to such agency unless and until the contracting agency elects to be subject to the provisions of this section by amendment to its contract with the board made as provided in Section 20461.5 or by express provision in its contract with the board.

CHAPTER 626

An act to amend Section 18080 of the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18080 of the Health and Safety Code is amended to read:

18080. (a) Any person who violates any of the provisions of this part or any rules or regulations issued pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

(b) Notwithstanding Section 801 of the Penal Code, the one-year period for filing an indictment or an information or complaint with respect to any misdemeanor in subdivision (a) by a mobilehome dealer or manufacturer in the first sale or lease of a mobilehome to a consumer, shall commence on the date the mobilehome is delivered to the consumer.

(c) "Consumer," as used in this section, includes any person, firm, partnership, association, corporation, or entity who purchases or leases a mobilehome for a consideration, except a mobilehome dealer or a manufacturer.

CHAPTER 627

An act to amend Section 22660 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 22660 of the Vehicle Code is amended to read:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property, not including highways, and recovery, pursuant to Sections 25845 or 38773.5 of the Government Code, or assumption by the local agency, of costs of administration and removal thereof; provided, however, that any such ordinance shall contain provisions:

(a) Requiring notice to be given to the Department of Motor Vehicles within five days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, registration certificates of title or license plates.

(b) That the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful

manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(c) For administration of the ordinance by regularly salaried, full-time employees of the city, county, or city and county, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

(d) Requiring not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(e) Requiring a public hearing to be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle was located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(f) That after a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(g) That the owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the

landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

Vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local agency for processing as scrap, or other final disposition consistent with subdivision (f). A local agency may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local agency may transfer such vehicle or parts to another provided such disposal shall be only as scrap.

Any person authorized by the city, county, or city and county, to administer the provisions of an ordinance of the type authorized by this section may enter upon private property for the purposes specified in the ordinance to examine vehicle or parts thereof, obtain information as to the identity of vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to ordinances.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to such ordinance shall be excused from the reporting requirements of Section 11520 and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

SEC. 2. Section 22660 of the Vehicle Code is amended to read:

22660. (a) Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property, not including highways; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or the assumption by the local authority, of costs of administration and such removal; provided, however, that any such ordinance shall contain provisions:

(1) Requiring notice to be given to the Department of Motor Vehicles within five days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, registration certificates of title or license plates.

(2) That the ordinance shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard;

provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(3) Requiring not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance, except whenever the property owner and the owner of the vehicle have signed a release waiving further interest in the vehicle or part thereof and authorizing removal. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(4) Requiring a public hearing to be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle was located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(5) That after a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(6) That the owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

(b) Vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local authority for processing as scrap, or other final disposition consistent with paragraph (5) of subdivision (a). A local authority may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local authority may transfer such vehicle or parts to another provided such disposal shall be only as scrap.

(c) Any ordinance adopted pursuant to this section shall provide for the administration of the ordinance by regularly salaried, full-time employees of the city, county, or city and county, except that the removal of vehicles or parts thereof from property may be done by any other duly authorized person. Any such person may enter upon private property for the purposes specified in the ordinance to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to the ordinance.

(d) Any licensed dismantler or commercial enterprise acquiring vehicles removed pursuant to such ordinance shall be excused from the reporting requirements of Section 11520 and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantler's or commercial enterprise's business records.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 746 are both chaptered and become effective January 1, 1976, both bills amend Section 22660 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 746, that the amendments to Section 22660 proposed by both bills be given effect and incorporated in Section 22660 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 746 are both chaptered and become effective January 1, 1976, both amend Section 22660, and this bill is chaptered after Senate Bill No. 746, in which case Section 1 of this act shall not become operative.

SEC. 4. If Section 1 of this act becomes operative, the amendments made by Section 1 to subdivision (f) of Section 22660 of the Vehicle Code, which relates to local ordinances establishing procedures for the abatement and removal of vehicles, shall apply to any ordinance enacted prior to, as well as subsequent to, the operative date of this act.

SEC. 5. If Section 2 of this act becomes operative, the amendments made by Section 2 to paragraph (5) of subdivision (a) of Section 22660 of the Vehicle Code shall apply to any ordinance enacted prior to, as well as subsequent to, the operative date of this act.

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CHAPTER 628

An act to add Section 24102.5 to the Water Code, relating to irrigation districts.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24102.5 is added to the Water Code, to read:

24102.5. In any case in which the board has by resolution determined that all indebtedness of the improvement district has been paid and the improvement for which the improvement district was formed no longer exists or is no longer operational, the board may order the improvement district dissolved without a hearing.

CHAPTER 629

An act to amend Sections 1242.6, 1625, 1627, and 1654 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Sections 1242.6 of the Business and Professions Code is amended to read:

1242.6. (a) Any registered nurse licensed under the provisions of Chapter 6 (commencing with Section 2700) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon or any licensed dentist.

(b) Any licensed vocational nurse licensed under the provisions of Chapter 6.5 (commencing with Section 2840) of Division 2 may perform arterial puncture, venipuncture, or skin puncture for the purposes of withdrawing blood or for test purposes upon authorization from any licensed physician and surgeon, or any licensed dentist if prior thereto the licensed vocational nurse has been instructed by a physician and surgeon and has demonstrated competence to such physician and surgeon in the proper procedure to be employed when withdrawing blood, or has satisfactorily completed a prescribed course of instruction approved by the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California or has demonstrated competence to the satisfaction of such board.

SEC. 1.5. Section 1625 of the Business and Professions Code is

amended to read:

1625. Dentistry is the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws, or associated structures; and such diagnosis or treatment may include all necessary related procedures as well as the use of drugs, anesthetic agents, and physical evaluation. Without limiting the foregoing, a person practices dentistry within the meaning of this chapter who does any one or more of the following:

(a) By card, circular, pamphlet, newspaper or in any other way advertises himself or represents himself to be a dentist.

(b) Performs, or offers to perform, an operation or diagnosis of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums, jaws, or associated structures, or corrects malposed positions thereof.

(c) In any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums, jaws, or associated structures, or in any way indicates that he will construct, alter, repair, or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance.

(d) Makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on the human teeth, alveolar process, gums, jaws, or associated structures.

(e) Manages or conducts as manager, proprietor, conductor, lessor, or otherwise, a place where dental operations are performed.

SEC. 2. Section 1627 of the Business and Professions Code is amended to read:

1627. It is unlawful for any person to engage in the practice of dentistry in the State of California, either privately or as an employee of a governmental agent or political subdivision, unless he has obtained a license or special permit from the board. The provisions of this act, however, shall not apply to practice by personnel of the Air Force, Army, Coast Guard, or Navy or employees of the United States Public Health Service, Veterans' Administration or Indian Affairs when engaged in discharge of official duties.

The license of any dentist, existing at the time of the passage of this chapter, shall continue in force until it expires or is forfeited in the manner provided by this chapter.

SEC. 3. Section 1654 of the Business and Professions Code is amended to read as follows:

1654. Any licensed person who shall change his name according to law shall, within 10 days after such change reregister with the secretary of the board and the secretary shall make a marginal note of the former name of the licentiate.

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CHAPTER 630

An act to repeal Sections 6 and 7 of, and to add Section 6 to, Chapter 276 of the Statutes of 1973, relating to fairs.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of Chapter 276 of the Statutes of 1973 is repealed.

SEC. 2. Section 6 is added to Chapter 276 of the Statutes of 1973, to read:

Sec. 6. The amount of moneys designated in Item 91 of the Budget Act of 1973, and Item 117 of the Budget Act of 1974, shall be used for loans to county, district, combined county and district, or citrus fruit fairs, for capital outlay projects, major maintenance projects, or emergencies.

It is the intent of the Legislature that such moneys shall be used primarily for those fairs that display ability to repay any such loan within a reasonable time period at the rate of interest as may be prescribed by the Department of Finance in accordance with the provisions of this section.

Repayment of loans to finance major capital outlay projects may be extended to a maximum period of 10 years.

The rate of interest for any loan made from funds appropriated pursuant to the provisions of this act shall be computed annually, and shall be the same as the average rate returned by the investment of state funds through the Pooled Money Investment Board for the five fiscal years immediately preceding the year in which the loan payment is made, except that the interest rate of any loan made to correct health and safety deficiencies shall not exceed 6 percent per year.

SEC. 3. Section 7 of Chapter 276 of the Statutes of 1973 is repealed.

SEC. 4. Notwithstanding the provisions of Sections 6 and 7 of Chapter 276 of the Statutes of 1973, as such provisions existed prior to the effective date of this act, any loan made pursuant to those provisions shall, on and after the effective date of this act, be repaid at an interest rate as specified in Section 6 of Chapter 276 of the Statutes of 1973, as added by this act, or at the interest rate originally agreed to, whichever is less.

CHAPTER 631

An act to add Section 2266.5 to the Revenue and Taxation Code, relating to property tax limitations.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.

The people of the State of California do enact as follows:

SECTION 1. Section 2266.5 is added to the Revenue and Taxation Code, to read:

2266.5. This section shall provide an alternate procedure to the other provisions of this article for establishing maximum property tax rates.

In the event that a chartered city assesses property and collects taxes and transfers such functions to the county in which such city is located, the maximum tax rate for such city in the first fiscal year in which the transfer is effective shall be determined by multiplying the city's maximum tax rate for the preceding fiscal year by the same factor established by the State Board of Equalization to determine the public utility roll supplied to the city for such preceding fiscal year.

CHAPTER 632

An act to amend Sections 14, 15 and 26.7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to Santa Clara Valley Water District.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 14 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any project in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds to be issued to raise the amount of money necessary for each project and the denomination and the maximum rate of interest of said bonds. In determining each amount of bonds and the amount of money necessary for each project, the board may include therein the portion, if any, of the cost of such project theretofore advanced by the district for which the district proposes to reimburse itself from the proceeds of sale of any bonds to be issued to pay for said project and the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured

in carrying out said project and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and, if deemed advisable, a sum sufficient to pay interest on any bonds proposed to be issued during all or any part of the period of construction of said project and for not to exceed 12 months thereafter. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Santa Clara County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed project, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed eight percent (8%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge, and one clerk for each such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state, except as provided herein.

Said board shall cause a map or maps to be prepared covering a general description of the project, which said map shall show the

location of the proposed projects, and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds (⅔) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 2. Section 15 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series. The board may provide for call and redemption of all or any part of any issue or series of bonds before maturity at prices determined by the board. No bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect.

The bonds shall be issued in such denominations as the board may determine, except that bonds shall be issued in denominations of one thousand dollars ($1,000) or more, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of eight percent (8%) per annum, and shall be made payable annually or

semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 3. Section 26.7 of the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 26.7. Prior to the end of the water year in which said hearing is held, and based upon the findings and determinations from said hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

The ground water charge in any water year beginning July 1, 1976, and ending June 30, 1981, shall not exceed a fixed and uniform rate of nine dollars ($9) per acre-foot for agricultural water, or a fixed and uniform rate of thirty-five dollars ($35) per acre-foot for all water other than agricultural water, and the ground water charge in any year beginning July 1, 1981, and ending June 30, 1986 shall not exceed a fixed and uniform rate of ten dollars ($10) per acre-foot for agricultural water, or a fixed and uniform rate of forty dollars ($40) per acre-foot for all water other than agricultural water; provided, that if revenue bonds of any zone supported in part by ground water charges are authorized and issued pursuant to Section 25.1, then beginning on July 1 of the water year next succeeding the year in which such revenue bonds are issued, the maximum rates provided for in this paragraph shall become inapplicable and the rates shall be established each year in accordance with a budget for such year submitted by the district to the Board of Supervisors of Santa Clara County pursuant to this act and shall be fixed and uniform rates for agricultural water and for all water other than agricultural water, respectively; provided, that each such rate for agricultural water shall not exceed one-fourth of such rate for all water other than

agricultural water.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records which do not affect the substantial rights of the assessee or assessees, shall not invalidate the ground water charge.

CHAPTER 633

An act to add Section 90 to the Code of Civil Procedure, relating to courts.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 90 is added to the Code of Civil Procedure, to read:

90. Where a corporation is a party in the municipal court it may appear through a director, an officer, or an employee, whether or not such person is an attorney at law.

CHAPTER 634

An act to add Chapter 7.7 (commencing with Section 3500) to, and to repeal Article 18 (commencing with Section 2510) of Chapter 5 of, Division 2 of the Business and Professions Code, relating to physicians' assistants, and making an appropriation therefor.

[Approved by Governor September 9, 1975 Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 18 (commencing with Section 2510) of Chapter 5 of Division 2 of the Business and Professions Code is repealed.

SEC. 2. Chapter 7.7 (commencing with Section 3500) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 7.7. PHYSICIANS' ASSISTANTS

Article 1. General Provisions

3500. In its concern with the growing shortage and geographic maldistribution of health care services in California, the Legislature intends to establish in this chapter a framework for development of a new category of health manpower—the physician's assistant.

The purpose of this chapter is to encourage the more effective utilization of the skills of physicians by enabling them to delegate health care tasks to qualified physicians' assistants where such delegation is consistent with the patient's health and welfare.

This chapter is established to encourage the utilization of physician's assistants by physicians, and to provide that existing legal constraints should not be an unnecessary hindrance to the more effective provision of health care services. It is also the purpose of this chapter to allow for innovative development of programs for the education of physician's assistants.

3500.5. This chapter shall be known and cited as the Physician's Assistant Practice Act.

3501. As used in this chapter:

(a) "Board" means the Board of Medical Examiners of the State of California.

(b) "Approved program" means a program for the education of physician's assistants which has been formally approved by the committee.

(c) "Trainee" means a person who is currently enrolled in an approved program.

(d) "Physician's assistant" means a person who is a graduate of an approved program and is certified by the committee.

(e) "Committee" means the Physician's Assistant Examining Committee.

(f) "Regulations" means the rules and regulations as contained in Article 15 (commencing with Section 1379) of Chapter 13 of Title 16 of the California Administrative Code.

(g) "Routine visual screening" means uninvasive nonpharmacological simple testing for visual acuity; for visual field defects; for color blindness; and depth perception.

3502. Notwithstanding any other provision of law, a physician's assistant may perform those medical services as set forth by the regulations of the board when such services are rendered under the supervision of a licensed physician or physicians approved by the committee.

Notwithstanding any other provision of law, a trainee may perform those medical services as set forth by the regulations of the board when such services are rendered within the scope of an approved program.

No medical services may be performed under this chapter in any of the following areas:

(a) The determination of the refractive states of the human eye, or the fitting or adaptation of lenses or frames for the aid thereof.

(b) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training or orthoptics.

(c) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(d) The practice of dentistry or dental hygiene or the work of a dental auxiliary as defined in Chapter 4 (commencing with Section 1600).

This section shall not be construed in a manner which shall preclude the performance of routine visual screening as defined in Section 3501.

3503. No person other than one who has been certified by the committee or approved by the board prior to the effective date of this section shall hold himself out as a "physician's assistant," or shall use any other term indicating or implying that he is a physician's assistant.

Article 2. Administration

3504. There is established a Physician's Assistant Examining Committee of the Board of Medical Examiners. The committee shall consist of nine members appointed by the Governor.

3505. The members of the committee shall include one member of the board, who shall be chairman of the committee, a physician representative of a California medical school, an educator participating in an approved program for the training of physicians' assistants, one physician who is an approved supervising physician of an approved physician's assistant and who is not a member of the board, one registered nurse, two approved physicians' assistants, and two public members. The Governor shall appoint the approved physicians' assistants members to the committee 30 days after the effective date of this section.

Each member of the committee shall hold office for a term of four years, and shall serve until the appointment and qualification of a successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. No member shall serve for more than two consecutive terms. Members of the Advisory Committee on Physician's Assistants and Nurse Practitioners, in office on the effective date of this section and who meet the standards for membership established in this section, shall continue to serve as members as though appointed on the effective date of this section. One member of the committee shall have a one-year term, four shall have three-year terms, and four shall have four-year terms. Each member shall be eligible for reappointment to one more consecutive term. Vacancies shall be filled by appointment for the unexpired terms.

3506. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

3507. The Governor has power to remove from office any

member of the committee, as provided in Section 106.

3508. (a) The committee shall meet at least four times annually, at least once in the City of Sacramento, and at least once in the City of Los Angeles. The committee shall conduct such additional meetings as are necessary in appropriate locations to conclude its business. Special meetings may be held at such time and place as the committee may designate.

(b) Notice of each meeting of the committee shall be given at least two weeks in advance to those persons and organizations who express an interest in receiving such notification.

(c) The committee shall receive permission of the director to meet more than six times annually. The director shall approve such meetings that are necessary for the committee to fulfill its legal responsibilities.

3509. It shall be the duty of the committee to:

(a) Establish standards and issue certificates of approval for programs for the education and training of physician's assistants.

(b) Make recommendations to the board concerning the scope of practice for physician's assistants.

(c) Make recommendations to the board concerning the formulation of guidelines for the consideration of applications by licensed physicians to supervise physician's assistants and approval of such applications.

3509.5. The committee shall elect annually a vice chairman from among its members.

3510. The committee may make and promulgate rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. All such rules and regulations shall be in accordance with, and not inconsistent with, the provisions of this chapter. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

3511. The affirmative vote of five members of the committee shall be required to carry any motion.

3512. Except as provided in Section 159.5, the committee shall employ within the limits of the funds received by the board all personnel necessary to carry out the provisions of this chapter including an executive officer who shall be exempt from civil service. The board shall make all necessary expenditures to carry out the provisions of this chapter from the funds established by Section 3521. The board may accept contributions to effect the purposes of this chapter.

Article 3. Certification and Approval

3513. (a) The committee shall examine and pass upon the qualification and shall issue certificates of approval for programs for the education and training of physician's assistants which meet

committee standards.

(b) In establishing criteria for the approval of training programs, the committee shall give consideration to and encourage such programs to utilize equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past health care education and experience.

(c) The committee shall adopt and publish standards to insure that such programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The committee shall review the quality of the curriculum, faculty, and the facilities of such programs.

3514. (a) The board shall formulate by regulation guidelines for the consideration of applications by licensed physicians to supervise a physician's assistant.

(b) The committee shall formulate by regulations guidelines for the consideration of applications by graduates of an approved program for certification as a physician's assistant.

3515. (a) All approvals previously granted shall continue in full force and effect.

(b) The board shall approve an application by a licensed physician to supervise a physician's assistant, where the applicant has met all of the requirements of this chapter and the board's regulations.

(c) The committee shall approve an application by a graduate of an approved educational program to practice as a physician's assistant, where the applicant has met all of the requirements of this chapter and the board's regulations.

3516. Notwithstanding any other provision of law, any physician assistant certified by the committee shall be eligible for employment by any physician approved by the board to supervise physician's assistants, except that:

(a) No physician shall supervise more than two physician's assistants, and

(b) The board may restrict physicians to supervising specific types of physician's assistants including, but not limited to, restricting physicians from supervising physician's assistants outside of the physician's field of specialty.

3517. The committee shall administer a written examination in such manner and under such rules and regulations as it shall prescribe, but such examination shall be conducted in such manner to insure that the identity of each applicant taking the examination will be unknown to all of the examiners until all examination papers have been graded. Except as otherwise provided in this chapter, or by regulation, no physician's assistant applicant shall receive approval under this chapter without first successfully passing an examination given under the direction of the committee.

Examinations for certification as a physician's assistant may be conducted by the committee under a uniform examination system, and for that purpose the committee may make such arrangements with organizations furnishing examination material as may, in its

discretion, be desirable. The committee shall, however, establish a passing score for each examination. The certification examination for physician's assistants shall be held by the committee at least once a year with such additional examinations as the committee deems necessary. The time and place of examination shall be fixed by the committee.

The committee may grant interim approval of the application provided that the physician's assistant applies for and takes the first certification examination given subsequent to his successful completion of an approved education program. If the proposed physician's assistant fails the certification examination, the interim approval shall terminate upon notice thereof by certified mail to the supervising physician or in no case later than the dates specified by the committee when granting the interim approval.

3518. The committee shall keep current, two separate registers, one for persons approved as supervising physicians and one for those certified as physician's assistants, by specialty if applicable, provided such a person gives his written consent thereto to the committee. These registers shall show the name of every approved person, his last known place of residence, and the date of his approval. Any interested person in the state is entitled to obtain a copy of such register upon application to the board together with such sum as may be fixed by the board, which amount shall not exceed the cost of this list so furnished.

3519. The committee shall issue a certificate to all physician's assistant applicants who meet all of the requirements of this chapter and who pay to the board the initial certification fee.

Article 4. Revenue

3520. Within 10 days after the beginning of each calendar month the board shall report to the State Controller the amount and source of all collections made from persons and programs certified or seeking certifications or approval under this chapter and at the same time pay all such sums into the State Treasury, where they shall be credited to the Physician's Assistant Fund, of the board, which fund is hereby created. All money in such fund is continuously appropriated to carry out the purpose of this chapter.

3521. The fees to be paid by applicants under this chapter are as follows:

(a) Each physician desiring to supervise a physician's assistant shall file a separate application. An application fee of ten dollars ($10) shall be charged to each physician applicant for each application.

(b) An approval fee of fifty dollars ($50) shall be charged to each physician upon approval of an application to supervise physicians' assistants.

(c) The board shall renew approval to supervise physicians' assistants upon application for such renewal, as provided in Section

3522, and a fee of twenty-five dollars ($25) shall be paid for such renewal.

(d) An application fee of fifty dollars ($50) shall be charged to each applicant seeking program approval by the committee.

(e) A fee of five hundred dollars ($500) shall be charged to each program upon approval of such program.

(f) A reinspection fee for approved programs shall be one hundred dollars ($100).

(g) An application fee of ten dollars ($10) shall be charged to all physician's assistant applicants.

(h) An examination fee not to exceed fifty dollars ($50) shall be charged each physician's assistant for each certification examination.

(i) The initial certification fee for a physician's assistant shall be twenty dollars ($20).

(j) A physician's assistant certification renewal fee shall be twenty dollars ($20).

(k) The delinquency fee is ten dollars ($10).

(*l*) If any approval or certification will expire less than one year after its issuance, then the initial approval or certification fee shall be in an amount equal to 50 percent of the initial approval or certification fee in effect on the last regular renewal date before the date on which the approval or certification is issued.

3522. Certificates and approvals to supervise issued before January 1, 1974, expire at 12 midnight on February 29, 1976, if not renewed. Thereafter, all certificates expire at 12 midnight on the last day of February of each even-numbered year if not renewed.

To renew an unexpired certificate, the certified physician's assistant and approved supervising physician, on or before the date of expirations, shall apply for renewal on a form prescribed by the committee and pay the prescribed renewal fee, if any.

3523. Every person to whom a certificate is issued after February 29, 1976, shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial physician's assistant certification fee, if any. However, the committee may by regulation provide for the waiver or refund of the initial certification fee, where the certificate is issued less than 45 days before the date on which it will expire.

3524. A certificate which has expired may be renewed at any time within five years after its expiration by filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is not renewed within 30 days after its expiration, the certified physician's assistant and approved supervising physician, as a condition precedent to renewal, shall also pay the prescribed delinquency fee, if any. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever first occurs. If so renewed, the certificate shall continue in effect through the expiration date provided in

Section 3523 which next occurs after the effective date of the renewal, when it shall expire, if it is not again renewed.

The provisions of this section govern the renewal, and the fees payable therefor, of certificates and approvals which expires under the law in effect before February 1, 1975, as well as certificates which expire on February 29, 1976, or thereafter.

3525. A suspended certificate is subject to expiration and shall be renewed as provided in this chapter. However, such renewal does not entitle such holder, to practice or otherwise violate the order or judgment by which the certificate was suspended.

A revoked certificate is subject to expiration as provided in this chapter. If such certificate is reinstated after expiration, the certificate holder, as a condition to reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated.

3526. A certificate may not be renewed, restored, reissued or reinstated after a lapse of five years from the date of its expiration. In such event the holder of such expired certificate may apply for and obtain a new certificate if such applicant meets the requirements of this chapter.

Article 5. Denial, Suspension and Revocation

3527. Every certificate issued to a physician's assistant, approved supervising physician, or approved program may be suspended or revoked. The committee shall refuse to issue a certificate or approve any applicant guilty of unprofessional conduct as specified in Chapter 5 (commencing with Section 2000).

The committee may suspend a physician's assistant or an approved program from further participation under the Physician's Assistant Practice Act for violation of any rule or regulation promulgated by the board pursuant to Chapter 5 (commencing with Section 2000).

3528. Any proceedings involving the denial, suspension or revocation of a physician's assistant, approved supervising physician, or approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

3529. The committee may deny an application for, or suspend or revoke, or impose probationary conditions upon a physician's assistant or an approved program as ordered by the committee in any decision made after hearing as provided in Section 3528.

The board may deny an application for, or suspend or revoke, or impose probationary conditions upon any physician approved to supervise any physician's assistant as ordered by the board in any decision made after a hearing as provided in Section 3528.

3530. One year from the date of a revocation of a certificate or approval under this chapter, application may be made to the committee or the board in the case of approval of an application to

supervise physician's assistants for reinstatement, restoration or modification of probation. The committee shall have discretion to accept or reject an application for reinstatement, restoration or modification of probation and may require an examination for such reinstatement, restoration or modification of probation when it is deemed appropriate of a certificate or approval under this chapter.

3531. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions, or duties of the business or profession to which the certificate was issued is deemed to be a conviction within the meaning of this chapter. The committee may order the certificate suspended or revoked, or shall decline to issue a certificate when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

Article 6. Penalties

3532. Any person who violates Section 3502, 3503, 3515, or 3516 shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding five hundred dollars ($500), or by both.

3533. Whenever any person has engaged in any act or practice which constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure provided that no undertaking shall be required in any action commenced by the board. The board or the committee may commence action in the superior court under the provisions of this section.

CHAPTER 635

An act to amend Sections 40000.28 and 42001 of the Vehicle Code, relating to infractions.

[Approved by Governor September 9, 1975. Filed with Secretary of State September 9, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 40000.28 of the Vehicle Code is amended to read:

40000.28. Any offense which would otherwise be an infraction is a misdemeanor if a defendant has been convicted of three or more violations of this code or any local ordinance adopted pursuant to this code within the 12-month period immediately preceding the commission of the offense and such prior convictions are admitted by the defendant or alleged in the accusatory pleading. For this purpose, a bail forfeiture shall be deemed to be a conviction of the offense charged.

This section shall have no application to violations by pedestrians.

SEC. 2. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in Section 42001.5, every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) and for a third or any subsequent conviction within a period of one year by a fine of not exceeding two hundred fifty dollars ($250).

(b) Every person convicted of a misdemeanor violation of Sections 2800, 2801, and 2803 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, and Section 2815, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

(c) Notwithstanding the provisions of subdivision (a), every pedestrian convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars ($50).

(d) Subdivision (a) shall have no application to any violation punishable pursuant to Section 42001.7, any violation by a pedestrian, or Article 2 (commencing with Section 42030) of Chapter 1 of this division relating to weight violations.

SEC. 3. Section 42001 of the Vehicle Code, as amended by Section 2 of this act, is amended to read:

42001. (a) Except as provided in Section 42001.5, every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished upon a first conviction by a fine not exceeding seventy-five dollars ($75) and for a second conviction within a period of one year by a fine of not exceeding one hundred fifty dollars ($150) and for a third or any

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subsequent conviction within a period of one year by a fine of not exceeding three hundred dollars ($300).

(b) Every person convicted of a misdemeanor violation of Sections 2800, 2801, and 2803 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, and Section 2815, shall be punished upon a first conviction by a fine not exceeding seventy-five dollars ($75) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred fifty dollars ($150) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment.

(c) Notwithstanding the provisions of subdivision (a), every pedestrian convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished by a fine not exceeding seventy-five dollars ($75).

(d) Subdivision (a) shall have no application to any violation punishable pursuant to Section 42001.7, any violation by a pedestrian, or Article 2 (commencing with Section 42030) of Chapter 1 of this division relating to weight violations.

SEC. 4. It is the intent of the Legislature, if this bill and Senate Bill No. 189 are both chaptered and become effective January 1, 1976, both bills amend Section 42001 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 189, that Section 42001 of the Vehicle Code, as amended by Section 2 of this act, shall remain operative only until the operative date of Senate Bill No. 189, and that on the operative date of Senate Bill No. 189 Section 42001 of the Vehicle Code, as amended by Section 2 of this act, be further amended in the form set forth in Section 3 of this act to incorporate the changes in Section 42001 proposed by Senate Bill No. 189. Therefore, Section 3 of this act shall become operative only if this bill and Senate Bill No. 189 are both chaptered and become effective January 1, 1976, both bills amend Section 42001, and this bill is chaptered after Senate Bill No. 189, in which case Section 3 of this act shall become operative on the operative date of Senate Bill No. 189.

CHAPTER 636

An act to add and repeal Section 5008.6 to the Public Resources Code, relating to the state park system, and making an appropriation therefor.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

I am deleting the $50,000 appropriation contained in Section 2 of Assembly Bill No 319.

The appropriation is unnecessary to achieve the purposes of this bill.

With this deletion, I approve Assembly Bill No. 319

Edmund G. Brown Jr , Governor

The people of the State of California do enact as follows:

SECTION 1. Section 5008.6 is added to the Public Resources Code, to read:

5008.6. (a) The department shall conduct a three-year experimental program from January 1, 1976, to January 1, 1979, in which it shall issue an annual permit to the registered owner of a self-contained camp trailer, as defined in Section 242 of the Vehicle Code, or camper, as defined in Section 243 of the Vehicle Code, upon such person's application therefor and payment of a fee in the amount of twenty-five dollars ($25), which will allow the person to park his camp trailer or camper overnight at designated coastal beach parking areas that are a part of the state park system, except during the months of June, July, and August. Such permit shall be in the form of a sticker which shall be affixed and displayed upon the outside of the camp trailer or camper. The director shall prescribe, by regulation, the designated beach parking areas where persons with such permits are to park, the procedure for permit application and fee collection, the form and content of the permit, the location and manner of its display, and any other matters deemed by the director to be necessary or desirable in carrying out the provisions of this section, including, but not limited to, restrictions on the length of stay at any one location or the periods when the permit is used in conjunction with day use facilities. The director shall designate such coastal beach parking areas under the program on or before December 31, 1976, and there shall be no additional areas designated nor any intensification of use of any designated area after December 31, 1976.

(b) For purposes of this section, "overnight" means the period of time from one hour before sunset to 9 a.m.

(c) Notwithstanding the provisions of Section 5010, the permit fees collected pursuant to this section shall be deposited in the State Treasury to the credit of the State Beach Overnight Parking Fund, which fund is hereby created. The moneys in the State Beach Overnight Parking Fund shall, when appropriated by the Legislature, be used for the purpose of providing facilities and protection for persons parking overnight under the permit issued pursuant to this section.

This section shall remain in effect until January 1, 1979, and as of that date is repealed.

SEC. 2. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the State Beach Overnight Parking Fund to the Department of Parks and Recreation, without regard to fiscal years, for contracting with state or local law enforcement agencies to

provide protection in carrying out the purposes of Section 5008.6 of the Public Resources Code.

CHAPTER 637

An act to amend Section 13951 of the Water Code, relating to water quality.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13951 of the Water Code is amended to read:

13951. Notwithstanding any other provision of law, on or after January 1, 1972, waste from within the Lake Tahoe watershed shall be placed only into a sewer system and treatment facilities sufficient to handle and treat any such waste and transportation facilities sufficient to transport any resultant effluent outside the Lake Tahoe watershed, except that such waste may be placed in a holding tank which is pumped and transported to such treatment and transportation facilities.

As used in this section "waste" shall not include solid waste refuse.

The further maintenance or use of cesspools, septic tanks, or other means of waste disposal in the Lake Tahoe watershed on or after January 1, 1972, by any person, except as permitted pursuant to this section, is a public nuisance. The occupancy of any building from which waste is discharged in violation of this section is a public nuisance, and an action may be brought to enjoin any person from occupying any such building.

This section shall not be applicable to a particular area of the Lake Tahoe watershed whenever the regional board for the Lahontan region finds that the continued operation of septic tanks, cesspools, or other means of waste disposal in such area will not, individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe and that the sewering of such area would have a damaging effect upon the environment.

This section shall not be applicable to any area or areas within the Fallen Leaf Lake watershed in the event the regional board for the Lahontan region finds that with the export of toilet wastes by single-family residences or with the export of toilet and kitchen wastes with respect to any commercial properties, the continued use of septic tanks, cesspools, or other means of waste disposal in such area or areas for the treatment and disposal of the remaining wastes, will not, individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe, and that the sewering of such area or areas would have a damaging effect upon the environment.

This section shall not affect the applicability of Section 13950.

CHAPTER 638

An act to amend Sections 74741, 74742, 74743, and 74746 of, to add Sections 74747 and 74748 to, and to repeal Section 74748 of, the Government Code, relating to municipal courts.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 74741 of the Government Code is amended to read:

74741. There shall be four judges.

SEC. 2. Section 74742 of the Government Code is amended to read:

74742. There shall be one clerk-administrative officer who shall be appointed by the judges of the court. The clerk-administrative officer shall receive a biweekly salary at a rate specified in range 55.16 of the salary schedule incorporated by Section 74343.1. In no event shall the salary of the clerk-administrative officer be less than 25 percent higher than that specified for the position of assistant clerk-administrative officer.

Appointment to such position shall be at step C of the range unless the appointee is entitled to a higher step under the provisions of subdivision (c) of Section 74350.

SEC. 3. Section 74743 of the Government Code is amended to read:

74743. The clerk-administrative officer may appoint with the approval of the judges:

(a) One assistant clerk-administrative officer who shall receive the biweekly salary specified in range 50.16. In no event shall the compensation of the assistant clerk-administrative officer be more than 20 percent below that specified for the assistant clerk, San Diego Judicial District.

(b) Five supervising deputy clerks who shall receive the biweekly salary specified in range 42.16.

(c) Eight deputy clerks IV, each of whom shall receive the biweekly salary specified in range 40.66.

(d) Twelve deputy clerks III, each of whom shall receive the biweekly salary specified in range 35.50.

(e) Twenty-six deputy clerks II or I, as the case may be. Each of the deputy clerks II shall receive the biweekly salary specified in range 33.00 but in no event shall the compensation for the deputy clerks II be less than 10 percent above that specified for deputy clerk I. Each of the deputy clerks I shall receive the biweekly salary

specified in range 31.00.

(f) Three keypunch operators, each of whom shall receive the biweekly salary specified in range 31.70.

(g) Two deputy clerk stenographers, each of whom shall receive the biweekly salary specified in range 32.50.

(h) One court interpreter who shall receive the biweekly salary specified in range 34.50.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), (d), and (e) of that section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 4. Section 74746 of the Government Code is amended to read:

74746. (a) All persons holding positions on January 1 of any year shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this article shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the pay period following completion of such required service.

(b) In addition to the compensation provided in this article, the classifications of attachés of the municipal court shall receive, and they shall be entitled to the same vacations, holidays, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego in the comparable classifications specified in subdivision (e) of Section 74343.1, including the right to participate in a retirement plan, in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. For purposes of this subdivision only, the clerk-administrative officer and assistant clerk-administrative officer shall receive the same privileges and benefits as are received by the classifications of probation officer and chief assistant probation officer, respectively, of the classified service of the County of San Diego. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or

discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché shall serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to January 1 of any year, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased so as to make such temporary position a permanent position.

SEC. 5. Section 74747 is added to the Government Code, to read:

74747. Official reporters in the Municipal Court of the South Bay Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Superior Court of the County of San Diego. These salaries shall be a charge against the general fund of the county. Any change in the salary of per diem in effect immediately prior to the effective date of this section shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but who shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in such sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Superior Court of the County of San Diego, which shall be a charge against the General Fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore unless otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such

reporters shall be deemed their entire compensation.

Notwithstanding the provisions of Section 74746, official reporters shall receive and be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for by rule for the official reporters of the Superior Court of the County of San Diego by the judges thereof.

SEC. 6. Section 74748 of the Government Code is repealed.

SEC. 7. Section 74748 is added to the Government Code, to read:

74748. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of the Municipal Court of the South Bay Judicial District. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the Board of Supervisors of San Diego County and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may require.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 639

An act to amend Sections 16430 and 16480.4 of the Government Code, relating to state funds.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

(e) Commercial paper of "prime" quality as defined by a nationally recognized organization which rates such securities. Eligible paper is further limited to issuing corporations: (1) organized and operating within the United States; (2) having total assets in excess of five hundred million dollars ($500,000,000); and (3) approved by the Pooled Money Investment Board. Purchases of eligible commercial paper may not exceed 90 days' maturity, represent more than 10 percent of the outstanding paper of an issuing corporation, nor exceed 15 percent of the resources of an investment program. At the request of the Pooled Money Investment Board, such investment shall be secured by the issuer by depositing with the Treasurer securities authorized by Section 53651 of a market value at least 10 percent in excess of the amount of the state's investment.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for use as collateral by member banks for borrowing from a Federal Reserve bank.

(g) Negotiable certificates of deposits purchased from a nationally or state chartered bank or savings and loan association. For the purposes of this section, negotiable certificates of deposits do not come within the provisions of Chapter 4 (commencing with Section 16500) of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 2. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

(e) Commercial paper of "prime" quality as defined by a nationally recognized organization which rates such securities. Eligible paper is further limited to issuing corporations: (1) organized and operating within the United States; (2) having total assets in excess of five hundred million dollars ($500,000,000); and (3) approved by the Pooled Money Investment Board. Purchases of eligible commercial paper may not exceed 180 days' maturity, represent more than 10 percent of the outstanding paper of an issuing corporation, nor exceed 30 percent of the resources of an investment program. At the request of the Pooled Money Investment Board, such investment shall be secured by the issuer by depositing with the Treasurer securities authorized by Section 53651 of a market value at least 10 percent in excess of the amount of the state's investment.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for purchase by the Federal Reserve System.

(g) Negotiable certificates of deposits purchased from a nationally or state chartered bank or savings and loan association. For the purposes of this section, negotiable certificates of deposits do not come within the provisions of Chapter 4 (commencing with Section 16500) of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 3. Section 16480.4 of the Government Code is amended to read:

16480.4. Amounts available for investment under this article may

be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code or in loans to the General Fund as provided in Section 16310 of this code. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the state.

The State Treasurer may hire or engage the services of an investment analyst to assist in such investment decisions.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 385 are both chaptered and become effective January 1, 1976, both bills amend Section 16430 of the Government Code, and this bill is chaptered after Assembly Bill No. 385, that the amendments to Section 16430 proposed by both bills be given effect and incorporated in Section 16430 in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 385 are both chaptered and become effective January 1, 1976, both amend Section 16430, and this bill is chaptered after Assembly Bill No. 385, in which case Section 1 of this act shall not become operative.

CHAPTER 640

An act to add Chapter 7.5 (commencing with Section 20999) to Division 8 of the Business and Professions Code, relating to franchise agreements.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.5 (commencing with Section 20999) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 7.5. FRANCHISES

20999. As used in this chapter, the term:

(a) "Petroleum distributor" means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or otherwise supplies.

(b) "Gasoline dealer" means any person engaged in the retail sale of petroleum products in this state under a franchise or contractual agreement entered into with a petroleum distributor.

(c) "Franchise" means any agreement between a petroleum distributor and a manufacturer or between a gasoline dealer and a petroleum distributor under which the petroleum distributor or the gasoline dealer is granted the right to use a trademark, trade name,

service mark, or other identifying symbol or name owned by the manufacturer or distributor, or an agreement between a petroleum manufacturer or distributor, and a distributor or dealer under which the petroleum distributor or the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the other party to the agreement, for the purpose of engaging in the retail or wholesale sale of petroleum products.

20999.1. Notwithstanding the terms of any franchise, no franchisor shall terminate, cancel or refuse to renew any existing franchise without good cause.

As used in this section good cause is limited to the following:

(a) The gasoline dealer or petroleum distributor failed to comply with essential and reasonable requirements of the franchise agreement;

(b) The gasoline dealer or petroleum distributor failed to act in good faith in carrying out the terms of the franchise; or

(c) For other legitimate business reasons (except that a termination, or cancellation of a franchise for the purpose of enabling the petroleum distributor or manufacturer to assume operation of the distributor's or gasoline dealer's business shall not be considered to be a legitimate business reason unless the gasoline dealer or distributor is paid reasonable compensation for the value of his franchise, including a reasonable amount for goodwill).

SEC. 2. The Legislature finds and declares that distribution and sales through franchise arrangements of gasoline in the State of California affects the general economy of the state, the public interest and the public welfare. Competition and nondiscriminatory practices are essential to the fair and efficient functioning of a free market economy. Gasoline and other petroleum products should be marketed in the manner most beneficial to the consumer, and to prevent the disruption of vital energy sources. To prevent such disruptions it is necessary to define the relationships and responsibilities of parties to gasoline franchise agreements, and provide a remedy to gasoline dealers whose franchises are terminated, or not renewed.

CHAPTER 641

An act to amend Sections 65040 and 65302.2 of, and to add Sections 65040.2, 65040.3, 65040.4, 65040.5, and 65040.6 to, and to repeal Chapter 3 (commencing with Section 34200) of Division 1 of Title 4 of, the Government Code, to amend Section 427.3 and to repeal Section 37041 of the Health and Safety Code, and to repeal Sections 6374 and 6375 of the Public Resources Code, relating to planning.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 34200) of Division 1 of Title 4 of the Government Code is repealed.

SEC. 2. Section 65040 of the Government Code is amended to read:

65040. The Office of Planning and Research shall serve the Governor and his cabinet as staff for long-range planning and research, and constitute the comprehensive state planning agency. In this capacity the office shall:

(a) Assist in the formulation, evaluation and updating of long-range goals and policies for land use, population growth and distribution, urban expansion, open space, resource preservation and utilization, and other factors which shape statewide development patterns and significantly influence the quality of the state's environment.

(b) Assist in the orderly preparation by appropriate state departments and agencies of intermediate- and short-range functional plans to guide programs of transportation, water development, open space, recreation and other functions which relate to the protection and enhancement of the state's environment.

(c) Regularly evaluate plans and programs of departments and agencies of state government, identify conflicts or omissions, and recommend new state policies, programs and actions required to resolve conflicts, advance statewide environmental goals and to respond to emerging environmental problems and opportunities.

(d) Assist the Department of Finance in preparing, as part of the annual state budget, an integrated program of priority actions to implement state functional plans and to achieve statewide environmental goals and objectives and take other actions to assure that the program budget, submitted annually to the Legislature, contains information reporting the achievement of state goals and objectives by departments and agencies of state government.

(e) Coordinate the development of policies and criteria to ensure the federal grants-in-aid administered or directly expended by state government advance statewide environmental goals and objectives.

(f) Coordinate the development and operation of a statewide environmental monitoring system to assess the implications of present growth and development trends on the environment and to identify at an early time, potential threats to public health, natural resources and environmental quality.

(g) Coordinate, in conjunction with appropriate state, regional, and local agencies, the development of objectives, criteria and procedures for the orderly evaluation and report of the impact of public and private actions on the environmental quality of the state and as a guide to the preparation of environmental impact reports required of state and local agencies in Sections 21102 and 21150 of the Public Resources Code.

(h) Coordinate research activities of state government directed to

the growth and development of the state and the preservation of environmental quality, render advice to the Governor, to his cabinet, and any agency or department of state government, and provide information to, and cooperate with, the Legislature or any of its committees or officers.

(i) Coordinate the technical assistance provided by state departments and agencies in regional and local planning to assure that such plans are consistent with statewide environmental goals and objectives.

(j) Accept and allocate or expend grants and gifts from any source, public or private, for the purpose of state planning and undertake other planning and coordinating activities as will implement the policy and intent of the Legislature as set forth herein.

(k) Develop long-range policies to assist the state and local agencies in meeting the problems presented by the growth and development of urban areas and defining the complementary roles of the state, cities, counties, school districts, and special districts with respect to such growth.

(*l*) Encourage the formation and proper functioning of, and provide planning assistance to, city, county, district, and regional planning agencies.

SEC. 3. Section 65040.2 is added to the Government Code, to read:

65040.2. In connection with its responsibilities under subdivision (*l*) of Section 65040, the office shall develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7. All guidelines heretofore adopted by the Council on Intergovernmental Relations pursuant to former Section 34211.1 shall remain in effect as the guidelines of the office and shall be fully enforceable unless and until readopted, amended, or repealed by the office. For purposes of this section, the guidelines prepared pursuant to Section 41134 of the Health and Safety Code shall be the guidelines for the housing element required by Section 65302. In the event that additional elements are hereafter required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3 of Title 7, the office shall adopt guidelines with respect to such elements within six months of the effective date of legislation requiring such additional elements.

The office may request from each state department and agency, as it deems appropriate, and such department or agency shall provide, technical assistance in readopting, amending, or repealing the guidelines.

The guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.

The office shall provide for regular review and revision of the guidelines established pursuant to this section.

SEC. 4. Section 65040.3 is added to the Government Code, to read:

65040.3. When requested by a local jurisdiction, the office may furnish information and technical and professional advice on the preparation of master or general plans, precise plans or amendments thereto, the preparation of regulations, procedures, programs and legislation required for the systematic execution of master or general plans, and information and technical and professional advice concerning planning problems.

SEC. 5. Section 65040.4 is added to the Government Code, to read:

65040.4. (a) The office shall divide the state into regional planning districts. Insofar as possible, the districts shall be established to include:

(1) Natural physiographical regions containing complete watersheds of major streams, and the land upon which the waters of such watersheds are put to beneficial use.

(2) Areas having mutual, social, environmental, and commercial interests as exemplified by connecting routes of transportation, by trade and by common use of open space and recreation areas within the region.

(b) The regional planning districts established by the Council on Intergovernmental Relations pursuant to former Section 34216 shall remain in effect as the regional planning districts of the office until changed by the office.

SEC. 6. Section 65040.5 is added to the Government Code, to read:

65040.5. (a) Every city, county, or regional planning agency established pursuant to law shall file on October 1st of each year with the office a complete report of its transactions and recommendations during the previous fiscal year with recommendations for needed legislation respecting planning. In lieu of the report required by this section a city, county, or regional planning agency may file with the office the annual or official report which it files with the legislative body or bodies of the city, county, or region in which it is located.

(b) The annual report of every city or county planning agency filed pursuant to this section shall indicate the degree to which its approved general plan complies with the guidelines for such plans adopted by the office pursuant to Section 65040.2.

SEC. 6.5. Section 65040.6 is added to the Government Code, to read:

65040.6. (a) The Local Government Advisory Council is hereby created within the office, the membership of which shall be as follows: three city representatives; three county representatives; two representatives of metropolitan areawide planning organizations; one representative of a nonmetropolitan areawide planning organization; and one representative of Indian tribes and bands which have reservations or rancherias within California. The city and county representatives appointed pursuant to this subdivision shall

be selected by the director from nominees submitted by the League of California Cities and by the County Supervisors Association of California. Representatives of areawide planning organizations appointed pursuant to this subdivision shall be selected by the director from nominees submitted by the several areawide planning organizations within the state. The representative of Indian tribes and bands shall be a member of one such tribe or band, and shall be selected by the director.

Appointment to the advisory council shall be for a term of two years, provided that the members of the first council shall classify themselves by lot so that one-half shall serve an initial term of one year and one-half shall serve an initial term of two years. Vacancies shall be filled in the same manner provided for the original appointment.

(b) The council shall provide such advice as may be necessary to assist the office in discharging the requirements of Sections 65040 to 65040.4, inclusive. In addition, the council shall make appropriate decisions and provide such advice and assistance as may be required by federal statute or regulation in connection with any federal program administered by the office.

(c) The council shall meet on call of the director and shall serve without compensation, provided that council members may be reimbursed for actual expenses incurred in connection with their duties.

SEC. 7. Section 65302.2 of the Government Code is amended to read:

65302.2. Notwithstanding any other provision of law, every city and county shall prepare and adopt the seismic safety element, the noise element, the safety element, the scenic highway element, and any other element hereafter required to be included in its general plan no later than one year following the adoption of guidelines for the preparation of such elements pursuant to Section 65040.2 or, in the case of counties with a population of 100,000 or less no later than December 31, 1976.

Upon application by a city or a county, the Director of Planning and Research may, in cases of extreme hardship, extend the date for adopting such elements for a reasonable period of time.

SEC. 8. Section 427.3 of the Health and Safety Code is amended to read:

427.3. The State Department of Health shall by regulation establish such minimum standards for the sanitation of public beaches, including, but not limited to, the removal of refuse, as it determines are reasonably necessary for the protection of the public health and safety.

Any city or county may adopt standards for the sanitation of public beaches within its jurisdiction which are stricter than the standards adopted by the state department pursuant to this section.

SEC. 9. Section 37041 of the Health and Safety Code is repealed.

SEC. 10. Section 6374 of the Public Resources Code is repealed.

SEC. 11. Section 6375 of the Public Resources Code is repealed.

SEC. 12. The Council on Intergovernmental Relations is hereby abolished.

CHAPTER 642

An act to amend Section 66620 of the Government Code, relating to the composition of the San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 66620 of the Government Code is amended to read:

66620. The San Francisco Bay Conservation and Development Commission is hereby created. The commission shall consist of 27 members, as follows:

(a) One member by the Division Engineer, United States Army Engineers, South Pacific Division, from his staff.

(b) One member by the Administrator of the United States Environmental Protection Agency, from his staff.

(c) One member by the Secretary of Business and Transportation, from his staff.

(d) One member by the Director of Finance, from his staff.

(e) One member by the Secretary of Resources, from his staff.

(f) One member appointed by the State Lands Commission, who shall be a member of such commission or from its staff.

(g) One member appointed by the San Francisco Bay Regional Water Quality Control Board, who shall be a member of such board.

(h) Nine county representatives consisting of one member of the board of supervisors representative of each of the nine San Francisco Bay area counties, appointed by the board of supervisors in each county. Each county representative must be a supervisor representing a supervisorial district which includes within its boundaries lands lying within San Francisco Bay.

(i) Four city representatives appointed by the Association of Bay Area Governments from among the residents of the bayside cities in each of the following areas:

(1) North Bay—Marin, Sonoma, Napa, and Solano Counties;

(2) East Bay—Contra Costa County (west of Pittsburg) and Alameda County north of the southern boundary of Hayward;

(3) South Bay—Alameda County south of the southern boundary of Hayward, Santa Clara County, and San Mateo County south of the northern boundary of Redwood City;

(4) West Bay—San Mateo County north of the northern

boundary of Redwood City, and the City and County of San Francisco.

Each city representative must be an elected city official.

(j) Seven representatives of the public, who shall be residents of the San Francisco Bay area and whose appointments shall be subject to confirmation by the Senate. Five of such representatives shall be appointed by the Governor, one by the Committee on Rules of the Senate, and one by the Speaker of the Assembly.

CHAPTER 643

An act to amend Section 53635 of the Government Code, relating to local agencies.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 53635 of the Government Code is amended to read:

53635. As far as possible, all money belonging to, or in the custody of, a local agency, including money paid to the treasurer or other official to pay the principal, interest, or penalties of bonds, shall be deposited for safekeeping in state or national banks in the state selected by the treasurer or other official having the legal custody of the money, or may be invested in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Registered state warrants or treasury notes or bonds of this state including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority thereof.

(d) Bonds, notes, warrants or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority thereof.

(e) Obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the

Federal National Mortgage Association; or in obligations, participations, or other instruments of or issued by a federal agency or a United States government-sponsored enterprise.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for purchase by the Federal Reserve System. Purchases of bankers acceptances may not exceed 270 days maturity or 15 percent of the agency's surplus funds which may be invested pursuant to this section.

The provisions of subdivision (f) of this section shall not preclude a municipal utility district from investing any surplus money in its treasury in any manner authorized by the Municipal Utility District Act.

CHAPTER 644

An act to amend Sections 3642, 3643, 3647, 3649, 3650, 3651, and 3653 of, and to add Section 3653.5 to, the Public Resources Code, relating to oil and gas.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3642 of the Public Resources Code is amended to read:

3642. Any proposed agreement for unit operation of tracts of land which has been consented to by persons who own title to working interests which aggregate at least an undivided three-fourths of the total working interests in the area proposed to be unitized, and by persons who own title to the royalty interest which aggregates at least an undivided three-fourths of the total royalty interest in the area proposed to be unitized, may be filed with the supervisor by the owner of any such working interest in conjunction with a petition requesting approval thereof.

SEC. 2. Section 3643 of the Public Resources Code is amended to read:

3643. The unit agreement shall be approved, if, after a public hearing, the supervisor finds all of the following:

(a) The unit area of the proposed agreement for unit operation takes in all tracts which, consistent with good oilfield practice, should be considered a part of and related to the field or pool or pools, or portions thereof, proposed for unit operation but does not include tracts which, consistent with good oilfield practice, should not be considered a part of or related to the field or pool or pools, or portions thereof, proposed for unit operation.

(b) As of the date of filing of the petition, the proposed unit

agreement was consented to by persons owning at least three-fourths of the working interests and three-fourths of the lessors' royalty interests as described in Section 3642.

(c) The unitized management and operation of the pool or pools, or portions thereof, proposed to be unitized is reasonably necessary in order to carry on pressure maintenance or pressure replenishment operations, cycling or recycling operations, gas injection operations, water flooding operations, reduction of oil viscosity operations, or any combination thereof, or any other form of joint effort calculated to increase the ultimate recovery of oil and gas from the proposed unit area.

(d) The value of the estimated recovery of additional oil or gas, or the increased present worth value due to accelerated recovery of oil or gas, as a result of the unit operations will exceed the estimated additional cost incident to conducting such operations.

(e) The proposed unit agreement provides for an allocation of the unit production among and to the separately owned tracts in the area proposed to be unitized such as will reasonably permit persons otherwise entitled to share in or benefit by the production from such separately owned tracts to produce or receive, in lieu thereof, their fair, equitable, and reasonable pro rata share of the unit production or other benefits thereof.

(f) The proposed unit agreement provides, to the full extent practical, for the organization and consolidation of surface facilities, including oil production, storage, treatment, and transportation facilities, in such a manner as will eliminate wasteful and excessive use of land surface areas, freeing such areas for other productive use and development, and provides a fair procedure for the waiver, from time to time, of the working interest owners' right of entry on surface areas which in the future become unneeded for the conduct of unit operations.

(g) The proposed unit agreement is fair and reasonable under all the circumstances in other material respects.

(h) If state-owned lands under the jurisdiction of the State Lands Commission are included in the proposed unit agreement, such agreement has been reviewed and approved by the commission as to such lands.

SEC. 3. Section 3647 of the Public Resources Code is amended to read:

3647. The owner of any working interest or royalty interest in a tract which is the subject of a unit agreement who did not consent to the proposed unit agreement shall, 60 days following the date upon which the supervisor issues his order under the provisions of Section 3645, be entitled to offer his interest for sale pursuant to this section. All working interest owners who consented to the proposed unit agreement shall be entitled to participate in purchasing such interest in proportion to their respective shares of unit production. Unless one or more working interest owners purchase such interest, the order of the supervisor shall not become effective.

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If a disagreement arises with respect to the price at which such an interest shall be purchased, then either party may request the supervisor to authorize the creation of an arbitration committee consisting of three members, one member appointed by the seller, one member appointed by the purchaser or purchasers and a third member selected by the other two members, to make an independent appraisal of the value of the interest as of the date the supervisor issued his order under Section 3645. Such committee shall consider all relevant data and information submitted by interested parties and may seek and consider such other information as it deems relevant. The arbitration committee shall determine the fair market value of the interest as of the date the supervisor issued his order under Section 3645 and fix the price at which the sale shall be consummated, and its determination shall be binding on the parties; except that, within 30 days after the determination of the arbitration committee has been mailed to the parties concerned, the seller or the purchaser or any one or more of the purchasers may have such price judicially determined by filing suit for a declaratory judgment as to the fair market value in the superior court for the county in which the tract involved, or the greater portion of it, lies. The compensation and expenses of the arbitration committee shall be subject to approval in amount by the supervisor and, if the unit becomes effective, shall be paid by the working interest owners who elected to participate in purchasing such interest in the proportion they share unit expenses. If the unit does not become effective within the time provided for in the order of the supervisor issued under Section 3645, the working interest owners who have consented to the unit agreement and have requested the independent appraisal shall pay such compensation and expenses in proportion to what would have been their share of unit expenses.

SEC. 4. Section 3649 of the Public Resources Code is amended to read:

3649. Any proposed modification of an approved unit agreement shall be submitted by the unit operator to the supervisor for his review and approval. No modification shall alter or change the basis for allocating production to tracts of land theretofore committed to the unit area without the express written consent of all persons who might be adversely affected thereby. The supervisor shall approve the proposed modification if, after a public hearing, he finds that the proposed unit agreement modification is consented to by persons who own title to working interests which aggregate at least an undivided three-fourths of the total working interests within the unit area and by persons who own title to the royalty interest which aggregate at least an undivided three-fourths of the total royalty interest in the unit area, that the proposed modification is in conformity with other provisions of the unit agreement, that it is consistent with the purpose of this chapter, and is fair and reasonable under all the circumstances. Upon approval, the unit agreement modification shall be recorded in the office of the county recorder

in each county in which any part of the unit area is situated and thereafter shall be binding upon all persons having any interest in the pool or pools, or portions thereof, subject to the unit agreement the same as if all such persons had expressly agreed to the modification.

Nothing in this section shall be construed as applying to any modification of a unit operating agreement entered into exclusively by the working interest owners.

SEC. 5. Section 3650 of the Public Resources Code is amended to read:

3650. If at any time after the entry of an order of unitization issued pursuant to Section 3645, it develops that all or a portion of a further tract or tracts of land should be included within the unit area, persons who own any working interest in the pool or pools, or portions thereof, may file a petition with the supervisor requesting the addition of such tract or tracts of land to the unit area, insofar as they contain the pool or pools, or portions thereof. Upon the filing of such a petition, the supervisor shall hold a public hearing.

SEC. 6. Section 3651 of the Public Resources Code is amended to read:

3651. The supervisor shall issue his order that such further tract or tracts of land insofar as they contain the pool or pools, or portions thereof, and the interests of all persons therein, upon recordation of such order in the office of the county recorder in each county in which any part of the original unit area or such additional tracts are situated, shall thereafter be subject to unit operations if he finds all of the following:

(a) All or a portion of such further tract or tracts of land do contain the pool or pools, or portions thereof, previously ordered unitized by the supervisor.

(b) The unit agreement has been consented to by persons who own title to working interests which aggregate at least an undivided three-fourths of the working interests in the total area proposed to be unitized, and by persons who own title to the royalty interest which aggregates at least an undivided three-fourths of the royalty interest in the total area proposed to be unitized.

(c) The addition of such further tract or tracts of land insofar as they contain the pool or pools to the unit operations is reasonably necessary in order to prevent waste or to increase the ultimate recovery of oil and gas.

SEC. 7. Section 3653 of the Public Resources Code is amended to read:

3653. Any disagreement with respect to the unit operation between persons owning any interest in the pool or pools, or portions thereof, subject to the unit agreement may be submitted to the supervisor for his review and decision.

SEC. 8. Section 3653.5 is added to the Public Resources Code, to read:

3653.5. A petition requesting approval of a unit agreement and

each copy thereof shall contain or have attached to it:

(a) A request that the supervisor approve the unit agreement.

(b) A copy of the unit agreement.

(c) A report with appropriate engineering, reservoir, and geologic data and maps outlining in detail how the unit agreement qualifies for approval pursuant to this chapter.

(d) Evidence that the required number of working interest owners and royalty interest owners have consented to the unit agreement. Generally, such evidence shall consist of a certificate of the petitioner or unit operator that the requisite number of working interest owners and royalty interest owners have consented to the unit agreement; provided, however, that if the accuracy of the certificate is challenged by any person, additional evidence will be required. Additional evidence may be supplied by the petitioner or requested by the supervisor.

CHAPTER 645

An act to amend Section 2982 of the Civil Code, and to amend Section 11950 of the Vehicle Code, relating to mobilehomes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2982 of the Civil Code is amended to read:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed, shall be printed in type no smaller than six-point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost and the terms of payment for the motor vehicle, including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order and any vehicle purchase proposal and any credit statement which the seller has required or requested the buyer to sign, and which he has signed, during the contract negotiations. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every conditional sale contract shall contain, although not necessarily in the sequence or order set forth below, the

following separate items:

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's downpayment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The unpaid balance of cash price, which is the difference between items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amounts, if any, paid or to be paid to any public officer in connection with the transaction and for license, certificate of title, and registration fees imposed by law.

6. The amount of the unpaid balance, which is the sum of items 3, 4, and 5.

7. The amount of the finance charge.

8. The total of payments, which is the sum of items 6 and 7, payable by the buyer to the seller, the number of installments required, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the finance charge. (4) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or

twenty-five dollars ($25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar ($1), no refund need be made. Where the finance charge, after computing the refund, amounts to less than twenty-five dollars ($25), there may be retained an amount equal to twenty-five dollars ($25).

(e) Notwithstanding any other provision of this chapter to the contrary, in the event any required downpayment on which no finance charge is imposed is to be made by the buyer to the seller on a conditional sale contract after the date of such contract but prior to the date of the second payment otherwise scheduled, the amount of such payment may be shown in such contract as a deferred portion of the cash downpayment or as a deduction from the amount of the unpaid balance, and shall be included in the total of payments.

(f) Notwithstanding any other provision of this chapter to the contrary, in any instance in which vendor's single interest insurance is to be written in connection with a conditional sale contract, a conditional sale contract complying with the applicable disclosure requirements of Regulation Z, as in effect on the date of such contract, shall be deemed to comply with the requirements of paragraphs 1 to 8, inclusive, of subdivision (a), irrespective of any difference between the provisions of that regulation and this chapter with respect to any information to be disclosed, the terminology, form or content of such disclosures, the amounts to be included in or manner of determining the unpaid balance, the finance charge or any other item of information to be disclosed, or otherwise. This subdivision shall have no application to the determination of the

amount of the unpaid balance, the finance charge, or any other amount for the purpose of computing the maximum permissible finance charge or the refund of any unearned portion of the finance charge under subdivisions (c) and (d), respectively, or for the purpose of computing any penalty under Section 2983.1.

(g) Notwithstanding any other provision of this chapter to the contrary, any information required to be disclosed in a conditional sale contract under this chapter may be set forth in terminology required or permitted under Regulation Z, as in effect at the time such disclosure is made. Nothing contained in this chapter shall be deemed to prohibit the disclosure in such contract of additional information required or permitted under Regulation Z, as in effect at the time such disclosure is made.

(h) If the requirements of this section are otherwise met, the preparation and use of a separate document for escrow instructions under Section 11950 of the Vehicle Code, relating to the sale of mobilehomes, shall not violate the single document requirement of subdivision (a).

SEC. 2. Section 11950 of the Vehicle Code is amended to read:

11950. (a) Every mobilehome dealer shall, upon the buyer's signing of a purchase order or conditional sales contract for a new or used mobilehome, establish with an escrow agent an escrow account into which shall be deposited any cash or cash equivalent received from the buyer at any time prior to delivery as whole or partial payment for the mobilehome, except when a simultaneous transaction occurs in which the buyer receives delivery of a used mobilehome on the site intended for occupancy within two calendar days, one of which shall be the date of sale.

(b) No deposits shall be disbursed from the escrow account to the dealer until the buyer receives delivery of the mobilehome on the site and the mobilehome has passed inspection pursuant to Section 18613 of the Health and Safety Code. If no inspection under Section 18613 is required then the deposits may be disbursed from the escrow upon delivery of the mobilehome on the site.

(c) The escrow shall terminate and a full refund shall be made to the buyer 120 days from the date of the sales contract unless delivery is made within this period; provided, however, that the parties may extend the time in writing for 30-day periods with notice to the escrow agent.

(d) The provisions of this section shall apply to all sales by a mobilehome dealer of mobilehomes required to be moved under permit.

(e) Except for those persons or corporations described in subdivision (a) or (c) of Section 17006 of the Financial Code, the Department of Housing and Community Development shall adopt and amend as necessary rules and regulations for the establishment and maintenance of the escrow accounts with escrow agents or escrow companies licensed and regulated by the State of California.

(f) No mobilehome dealer shall establish with an escrow agent an

escrow account in an escrow company in which the mobilehome dealer has more than a 5-percent ownership interest.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the changes made by this bill may take effect at the same time that Section 11950 of the Vehicle Code, as added by Chapter 1286 of the Statutes of 1974, becomes operative, on July 1, 1975, it is necessary that this act take effect immediately.

CHAPTER 646

An act making an appropriation for the state park system.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the State Park Highway Account in the Bagley Conservation Fund to the Department of Parks and Recreation for the development of a road at Millerton Lake State Recreation Area.

CHAPTER 647

An act to add Section 25171.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25171.1 is added to the Business and Professions Code, to read:

25171.1. The provisions of Section 25171 shall not apply to any sightseeing, tourist or charter vessels holding on-sale general licenses for boats and regularly operated for the convenience of the general public and which have a capacity of carrying 100 or more passengers.

CHAPTER 648

An act to add Section 651.5 to the Harbors and Navigation Code, relating to vessels.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 651.5 is added to the Harbors and Navigation Code, to read:

651.5. (a) The department, in cooperation with the Department of Motor Vehicles, shall, no later than January 1, 1977, adopt and publish guidelines for safe vessel operation. In adopting such guidelines, the department shall consider conduct which may constitute negligent operation and shall consider safety requirements for vessels and passengers. The department may utilize the publications of any state or federal agency, department, board, or commission.

(b) The department need not include all legal requirements for vessels or vessel operators in the safety guidelines.

(c) The Department of Motor Vehicles shall provide every person who originally registers, or who acquires the ownership certificate of, a vessel less than 65 feet in length after January 1, 1977, with a copy of the safety guidelines.

CHAPTER 649

An act to amend Section 53601 of the Government Code, relating to local agencies.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 53601 of the Government Code is amended to read:

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United

States are pledged for the payment of principal and interest.

(c) Registered state warrants or treasury notes or bonds of this state including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority thereof.

(d) Bonds, notes, warrants or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority thereof.

(e) Obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in obligations, participations, or other instruments of, or issued by, a federal agency or a United States government-sponsored enterprise.

(f) Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers acceptances, which are eligible for purchase by the Federal Reserve System. Purchases of bankers acceptances may not exceed 270 day's maturity, nor exceed 15 percent of the agency's surplus money which may be invested pursuant to this section.

The provisions of subdivision (f) of this section shall not preclude a municipal utility district from investing any surplus money in its treasury in any manner authorized by the Municipal Utility District Act.

CHAPTER 650

An act to amend Section 9302 of the Commercial Code, relating to secured transactions.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9302 of the Commercial Code is amended to read:

9302. (1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under Section 9305;

(b) A security interest temporarily perfected in instruments or documents without delivery under Section 9304 or in proceeds for a 10-day period under Section 9306;

(c) A security interest created by an assignment of a beneficial interest in a trust or a decedent's estate;

(d) A purchase money security interest in consumer goods; but filing is required for a motor vehicle or boat required to be registered;

(f) A security interest of a collecting bank (Section 4208) or arising under the division on sales (see Section 9113) or covered in subdivision (3) of this section;

(g) An assignment for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(h) A security interest in a deposit account. Such a security interest is perfected:

(1) As to a deposit account maintained with the secured party when the security agreement is executed;

(2) As to a deposit account not described in subparagraph (1) when notice thereof is given in writing to the organization with whom the deposit account is maintained.

(i) A security interest in or claim in or under any policy of insurance including unearned premiums. Such interest shall be perfected when notice thereof is given in writing to the insurer.

(2) If a secured party assigns a perfected security interest, no filing under this division is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing of a financing statement otherwise required by this division is not necessary or effective to perfect a security interest in property subject to

(a) A statute or treaty of the United States which provides for a national or international registration or a national or international certificate of title or which specifies a place of filing different from that specified in this division for filing of the security interest; or

(b) The provisions of the Vehicle Code which require registration of a vehicle or boat; but during any period in which collateral is inventory, the filing provisions of this division (Chapter 4) apply to a security interest in that collateral; or

(c) A certificate of title statute of another jurisdiction under the law of which indication of a security interest on the certificate is required as a condition of perfection (subdivision (2) of Section 9103).

(4) Compliance with a statute or treaty described in subdivision (3) is equivalent to the filing of a financing statement under this division and a security interest in property subject to the statute or treaty can be perfected only by compliance therewith except as provided in Section 9103 on multiple state transactions. Duration and renewal of perfection of a security interest perfected by compliance with the statute or treaty are governed by the provisions of the statute or treaty; in other respects the security interest is subject to this division.

CHAPTER 651

An act to amend Sections 35550 and 35552 of, to add Section 35554 to, to repeal and add Section 35551 to, and to repeal Sections 35552.5, 35722, and 35723 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 35550 of the Vehicle Code is amended to read:

35550. (a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 20,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 10,500 pounds, except that the gross weight imposed upon the highway by the wheels on any front steering axle of a motor vehicle shall not exceed 12,500 pounds.

(b) The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle shall not apply to vehicles the loads of which consist of livestock.

(c) The following vehicles are exempt from the front axle weight limits specified in this section:

(1) Trucks transporting vehicles.

(2) Trucks transporting livestock.

(3) Dump trucks.

(4) Cranes.

(5) Buses.

(6) Transit mix concrete trucks.

(7) Motor vehicles that are not commercial vehicles.

(8) Vehicles operated by any public utility furnishing electricity, gas, water, or telephone service.

(9) Tractors with a front axle at least four feet to the rear of the foremost part of the tractor, not including the front bumper.

(10) Trucks transporting garbage, rubbish, or refuse.

SEC. 2. Section 35551 of the Vehicle Code is repealed.

SEC. 3. Section 35551 is added to the Vehicle Code, to read:

35551. (a) The total gross weight in pounds imposed on the highway by any group of two or more consecutive axles shall not exceed that given for the respective distance in the following table:

Distance in feet between the extremes of any group of 2 or more consecutive axles	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000	—	—	—	—
5	34,000	—	—	—	—
6	34,000	—	—	—	—
7	34,000	—	—	—	—
8	34,000	—	—	—	—
9	39,000	42,500	—	—	—
10	40,000	43,500	—	—	—
11	40,000	44,000	—	—	—
12	40,000	45,000	50,000	—	—
13	40,000	45,500	50,500	—	—
14	40,000	46,500	51,500	—	—
15	40,000	47,000	52,000	—	—
16	40,000	48,000	52,500	52,500	—
17	40,000	48,500	53,500	53,500	—
18	40,000	49,500	54,000	54,000	—
19	40,000	50,000	54,500	54,500	—
20	40,000	51,000	55,500	55,500	55,500
21	40,000	51,500	56,000	56,000	56,000
22	40,000	52,500	56,500	56,500	56,500
23	40,000	53,000	57,500	57,500	57,500
24	40,000	54,000	58,000	58,000	58,000
25	40,000	54,500	58,500	58,500	58,500
26	40,000	55,500	59,500	59,500	59,500
27	40,000	56,000	60,000	60,000	60,000
28	40,000	57,000	60,500	60,500	60,500
29	40,000	57,500	61,500	61,500	61,500
30	40,000	58,500	62,000	62,000	62,000
31	40,000	59,000	62,500	62,500	62,500
32	40,000	60,000	63,500	63,500	63,500
33	40,000	60,000	64,000	64,000	64,000
34	40,000	60,000	64,500	64,500	64,500
35	40,000	60,000	65,500	65,500	65,500
36	40,000	60,000	66,000	66,000	66,000
37	40,000	60,000	66,500	66,500	66,500
38	40,000	60,000	67,500	67,500	67,500
39	40,000	60,000	68,000	68,000	68,000
40	40,000	60,000	68,500	70,000	70,000
41	40,000	60,000	69,500	72,000	72,000
42	40,000	60,000	70,000	73,280	73,280
43	40,000	60,000	70,500	73,280	73,280
44	40,000	60,000	71,500	73,280	73,280
45	40,000	60,000	72,000	76,000	80,000
46	40,000	60,000	72,500	76,500	80,000
47	40,000	60,000	73,500	77,500	80,000

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48	40,000	60,000	74,000	78,000	80,000
49	40,000	60,000	74,500	78,500	80,000
50	40,000	60,000	75,500	79,000	80,000
51	40,000	60,000	76,000	80,000	80,000
52	40,000	60,000	76,500	80,000	80,000
53	40,000	60,000	77,500	80,000	80,000
54	40,000	60,000	78,000	80,000	80,000
55	40,000	60,000	78,500	80,000	80,000
56	40,000	60,000	79,500	80,000	80,000
57	40,000	60,000	80,000	80,000	80,000
58	40,000	60,000	80,000	80,000	80,000
59	40,000	60,000	80,000	80,000	80,000
60	40,000	60,000	80,000	80,000	80,000

(b) In addition to the weights specified in subdivision (a), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

(c) The distance between axles shall be measured to the nearest whole foot. When a fraction is exactly six inches, the next larger whole foot shall be used.

(d) Nothing contained in this section shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Article 4 (commencing with Section 35700) and Article 5 (commencing with Section 35750) of this chapter.

(e) The gross weight limits expressed by this section and Section 35550 shall include all enforcement tolerances.

SEC. 4. Section 35552 of the Vehicle Code is amended to read:

35552. Trucks and vehicle combinations transporting loads composed solely of logs shall be deemed in compliance with subdivision (a) of Section 35551, as it relates to tandem axles and sets of tandem axles, if the total gross weight of 34,000 pounds on tandem axles permitted by that subdivision is not exceeded by more than 500 pounds. Two consecutive sets of tandem axles may carry a gross load of 34,500 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 34 feet or more. Such vehicles shall be subject to all other provisions of Section 35551, except subdivision (e), or any provision made applicable to the gross weight of a vehicle or combination of vehicles in lieu of Section 35551.

If the gross weight on a set of tandem axles is in excess of the provisions of this section, the allowed load in pounds on a set of tandem axles shall be 34,000 pounds for the purpose of determining the amount of fine for such violation as specified in the table in Section 42030.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956).

01352 27 8335 491

This section may be cited as the Christensen-Belotti Act.

SEC. 5. Section 35552.5 of the Vehicle Code is repealed.

SEC. 6. Section 35554 is added to the Vehicle Code, to read:

35554. Notwithstanding the provisions of Section 35550, the gross weight on any one axle of a bus shall not exceed 20,500 pounds.

This section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

SEC. 7. Section 35722 of the Vehicle Code is repealed.

SEC. 8. Section 35723 of the Vehicle Code is repealed.

CHAPTER 652

An act to amend Sections 34871, 34872, 34877, 34878, and 34881 of the Government Code, relating to cities.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 34871 of the Government Code is amended to read:

34871. At any municipal election, or special election held for that purpose, the legislative body may submit to the electors an ordinance providing for the election of members of the legislative body:

(a) By districts; or

(b) From districts; or

(c) By districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900); or

(d) From districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900).

The term "by districts" as used in this article shall mean election of members of the legislative body by voters of the district alone. The term "from districts" shall mean election of members of the legislative body who are residents of the district from which they are elected by the voters of the entire city. "Geographical area making up the district" shall in the case of elections by district mean the district, and in the case of elections from districts shall mean the entire city except with respect to the residence requirements imposed by Section 34882.

SEC. 2. Section 34872 of the Government Code is amended to read:

34872. The ordinance shall state whether there are to be five, seven, or nine districts, describe the boundaries of each, number them, and state whether members of the legislative body shall be elected by districts or from districts, or by or from districts except for an elective mayor.

SEC. 3. Section 34877 of the Government Code is amended to read:

34877. The proposition of establishing or altering legislative districts shall be printed on the ballots substantially as follows:

"Shall members of the legislative body of the City of _____ be elected by (or from) districts described in Ordinance No. _____?"

or, if applicable:

"Shall members of the legislative body of the City of _____ be elected by (or from) districts described in Ordinance No. _____, and the Mayor of the City of _____ be elected on a citywide basis by the voters of the entire city?"

followed by the words "Yes" and "No," so printed that the voters may express their choice.

SEC. 4. Section 34878 of the Government Code is amended to read:

34878. If a majority of the qualified electors of the city, who vote, vote in favor of the ordinance, at the expiration of the terms of office of the members of the legislative body, or as provided by ordinance, members of the legislative body shall be elected by (or from) the districts described, or by or from districts with an elective mayor, and in the manner provided.

SEC. 5. Section 34881 of the Government Code is amended to read:

34881. One member of the legislative body shall be elected by or from each district, or, if applicable, one member of the legislative body shall be elected by or from each district constituting a geographical division of the city, and the mayor shall be elected on a citywide basis. With the possible exception as to the number of members of the legislative body, the officers of the city remain the same.

CHAPTER 653

An act to amend Section 3062 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 3062 of the Vehicle Code is amended to read:

3062. In the event that a franchisor seeks to enter into a franchise establishing an additional motor vehicle dealership or relocating an existing motor vehicle dealership within or into a relevant market area where the same line-make is then represented, the franchisor

shall in writing first notify the board and each franchisee in such line-make in the relevant market area of his intention to establish an additional dealership or to relocate an existing dealership within or into that market area. Within 15 days of receiving such notice or within 15 days after the end of any appeal procedure provided by the franchisor, any such franchisee may file with the board a protest to the establishing or relocating of the dealership. When such a protest is filed, the board shall inform the franchisor that a timely protest has been filed, that a hearing is required pursuant to Section 3066, and that the franchisor shall not establish or relocate the proposed dealership until the board has held a hearing as provided in Section 3066, nor thereafter, if the board has determined that there is good cause for not permitting such dealership. In the event of multiple protests, hearings may be consolidated to expedite the disposition of the issue.

For the purposes of this section, the reopening in a relevant market area of a dealership that has not been in operation for one year or more shall be deemed the establishment of an additional motor vehicle dealership.

CHAPTER 654

An act to add and repeal Section 17525.1 of the Education Code, relating to state school support, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 17525.1 is added to the Education Code, to read:

17525.1. Upon application of a school district governing board, the Superintendent of Public Instruction may grant a waiver from the provisions of Section 17523 when he has made a determination that, due to unusual circumstances existing in the district, the applicable ratios of teaching to nonteaching personnel of the district as prescribed therein do not best serve the educational needs of the pupils of the district and that failure to grant the waiver would result in extreme hardship to the district. Such waiver shall be limited to not more than three administrative positions.

The Superintendent of Public Instruction shall submit a report to the Legislature by January 5 of each year of the number of waivers and the reasons for granting such waivers pursuant to this section.

This section shall remain in effect only until July 1, 1977, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the

immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many small school districts are being adversely affected since the waivers authorized pursuant to former Section 17525.1 of the Education Code were eliminated on July 1, 1975. The ratio of teaching positions to administrative positions is necessarily higher in small districts than large districts. In order to extend such waivers for an additional two years until July 1, 1977, and to thereby protect the quality of education in many districts throughout the state, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 655

An act to amend Sections 9354, 20983.1, 21020, 21024, 21025, 21025.5, 21026, 21028 and 21029 of, to add Sections 21025.4 and 21034 to, and to repeal Section 21023.6 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9354 of the Government Code is amended to read:

9354. The Legislators' Retirement Fund in the State Treasury is hereby established. All moneys received by this system pursuant to this chapter shall be deposited in the fund, and all retirement allowances, benefits, optional settlements, and other obligations or payments payable by this system pursuant to this chapter shall be paid from the fund. Costs of administration shall be paid from annual appropriations from earnings on the fund.

SEC. 1.1. Section 20983.1 of the Government Code is amended to read:

20983.1. Notwithstanding any provision of law to the contrary, any local member who is appointed to hold an office of a contracting agency for a fixed term of office as provided for by law of the State of California or who is elected to hold an office of a contracting agency shall not be retired for service during the time he holds such office except upon his written application to the board. Upon receipt of his application for retirement or termination of such service he shall be retired and receive a retirement allowance computed as of his actual age of retirement.

SEC. 1.5. Section 21020 of the Government Code is amended to read:

21020. As used in this part, "disability" and "incapacity for

performance of duty" as a basis of retirement, mean disability of permanent or extended and uncertain duration, as determined by the board, or in the case of a local safety member by the governing body of the contracting agency employing such member, on the basis of competent medical opinion.

SEC. 2. Section 21023.6 of the Government Code is repealed.

SEC. 3. Section 21024 of the Government Code is amended to read:

21024. The application shall be made only (a) while the member is in state service, or (b) while the member, who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, is absent on military service, or (c) within four months after the discontinuance of the state service of the member, or while on an approved leave of absence, or (d) while he is physically or mentally incapacitated to perform his duties from the date of discontinuance of state service to the time of application or motion. On receipt of an application for disability retirement of a member, other than a local safety member, the board shall, or of its own motion it may, order a medical examination of a member who is otherwise eligible to retire for disability to determine whether he is incapacitated for the performance of duty. On receipt of such application with respect to a local safety member, the board shall request the governing body of the contracting agency employing such member to make such determination.

SEC. 4. Section 21025 of the Government Code is amended to read:

21025. If the medical examination and other available information show to the satisfaction of the board, or in case of a local safety member the governing body of the contracting agency employing such member, that the member is incapacitated physically or mentally for the performance of his duties in the state service and is eligible to retire for disability, the board shall forthwith retire him for disability, unless the member is qualified to be retired for service and applies therefor prior to the effective date of his retirement for disability or within 30 days thereafter, in which event the board shall retire the member for service. The governing body of a contracting agency upon receipt of the request of the board pursuant to Section 21024 shall certify to the board its determination under this section that the member is or is not so incapacitated.

SEC. 5. Section 21025.4 is added to the Government Code, to read:

21025.4. Notwithstanding any other provision of this article, the retirement for disability of a local safety member shall not be effective without the member's consent earlier than the date upon which leave of absence without loss of salary under Section 4850 of the Labor Code because of such disability terminates, or the earlier date during such leave as of which such disability is permanent and stationary as found by the Workmen's Compensation Appeals Board.

SEC. 6. Section 21025.5 of the Government Code is amended to read:

21025.5. Notwithstanding any other provision of this article, the retirement for disability of a member, other than a local safety member, who has been granted or is entitled to a leave of absence with compensation, shall not become effective prior to the expiration of such leave of absence with compensation, unless the member applies for or consents to his retirement as of an earlier date.

SEC. 7. Section 21026 of the Government Code is amended to read:

21026. If a member is entitled to a different disability retirement allowance according to whether the disability is industrial or nonindustrial and the member claims that the disability as found by the board, or in the case of a local safety member by the governing body of his employer, is industrial and such claim is disputed by the board, or in case of a local safety member by such governing body, the Workmen's Compensation Appeals Board, using the same procedure as in workmen's compensation hearings, shall determine whether such disability is industrial.

SEC. 8. Section 21028 of the Government Code is amended to read:

21028. The board, or in case of a local safety member the governing body of the employer from whose employment the person was retired, may require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his class to undergo medical examination, and upon his application for reinstatement, shall cause a medical examination to be made of any such recipient who is at least six months less than the age of compulsory retirement for service applicable to members of the class or category in which it is proposed to employ him. The board, or in case of a local safety member the governing body of the employer from whose employment the person was retired, shall also cause such examination to be made upon application for reinstatement to the position held at retirement or any position in the same class, of a person who was incapacitated for performance of duty in such position at the time of a prior reinstatement to another position. Such examination shall be made by a physician or surgeon, appointed by the board, at the place of residence of the recipient or other place mutually agreed upon. Upon the basis of such examination the board or such governing body shall determine whether he is still incapacitated, physically or mentally, for duty in the state agency, the university, or contracting agency, where he was employed and in the position held by him when retired for disability, or in a position in the same classification, and for the duties of the position with regard to which he has applied for reinstatement from retirement.

SEC. 9. Section 21029 of the Government Code is amended to read:

21029. If the determination pursuant to Section 21028 is that such recipient is not so incapacitated for duty in the position held when

retired for disability or in a position in the same classification or in the position with regard to which he has applied for reinstatement, his disability retirement allowance shall be canceled forthwith, and he shall become a member of the retirement system.

If the recipient was an employee of the state or of the university and is so determined to be not incapacitated for duty in the position held when retired for disability or in a position in the same class, he shall be reinstated, at his option, to such position; provided, that acceptance in such case of any other position shall immediately terminate any right to such reinstatement. Such recipient who is found to continue incapacitated for duty in his former position and class, but not incapacitated for duty in another position for which he has applied for reinstatement and who accepts employment in such other position, shall upon subsequent discontinuance of incapacity for service in his former position or a position in the same class, as determined by the board under Section 21028, be reinstated at his option to such position.

If the recipient was an employee of a contracting agency other than a local safety member, the board shall notify it that his disability has terminated and that he is eligible for reinstatement to duty. The fact that he was retired for disability does not prejudice any right to reinstatement to duty which he may claim.

SEC. 10. Section 21034 is added to the Government Code, to read:

21034. The governing body of a contracting agency may delegate any authority or duty conferred or imposed under this article to a subordinate officer subject to such conditions as it may impose.

SEC. 11. The sum of twenty thousand dollars ($20,000) is hereby appropriated from earnings on the Legislators' Retirement Fund for reimbursement to the Public Employees' Retirement System for costs of the administration of the Legislators' Retirement System for the period of January 1, 1976 to June 30, 1976.

CHAPTER 656

An act to amend Sections 24871 and 24879 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24871 of the Business and Professions Code is amended to read:

24871. Quantity discounts to retailers shall be permitted only when actual delivery of a single order is begun and completed to the same premises within a period not to exceed 48 hours, except in the

case of accident, strike, insurrection, riot, or act of God, and then delivery shall be made within 48 hours after such occurrence ends. The total quantity and prompt payment discounts, if any, to retailers shall not exceed 10 percent per case for case lots. Brands owned or controlled for the purpose of filing price schedules pursuant to this chapter by the same winegrower or wholesaler, may be combined for quantity and prompt payment discounts.

Quantity discounts to consumers shall not exceed 10 percent on quantity sales of a case or more. A case for the purpose of the preceding sentence and for Section 24871.5 shall contain 2.3 gallons or more of wine consisting of containers of the same size. A quantity sale to a consumer is a single transaction and is accomplished in a single delivery.

Prompt payment discounts to retailers shall be permitted only when the seller actually receives payment in cash or its equivalent within the specified period after date of delivery. Postdated checks or checks returned for nonpayment shall not be deemed the equivalent of cash.

Permitted discounts shall not be taken in merchandise.

SEC. 2. Section 24879 of the Business and Professions Code is amended to read.

24879. A retailer may return wine to the seller or to the successor of the seller and the seller or his successor may accept the return thereof, but the seller or his successor may not sell wine to the retailer for a period of one year after the date the returned wine is accepted or received unless any of the following exist:

(a) The wine is returned in exchange for the identical quantity, brand, and item of wine.

(b) It is returned pursuant to court order.

(c) The returned wine is a brand or item of wine which has been discontinued by the seller or his successor, and in such case the wine is exchanged for the identical quantity of a brand or item of similar quality.

(d) The wine delivered was other than that ordered by a retailer or was in a quantity other than that ordered. In such cases, the retailer may, within 15 days after such delivery, return such wine to the seller or his successor for exchange for the wine actually ordered, or may return the wine delivered in excess of the wine actually ordered. Returns under this subdivision may also be made after 15 days from the date of delivery upon written approval of the department.

(e) The wine has deteriorated in quality or the container thereof has been damaged, or the label or container for the wine has been changed, and the wine is returned and exchanged for the identical quantity of the same brand and type of wine and size of container. For the purpose of this subdivision, "wines of the same type" means wines which are within the same class as defined in Sections 17005 to 17050, inclusive, by the Standards of Identity and Quality, Title 17, California Administrative Code, and which bear the same rate of

state wine excise tax Wines returned and exchanged pursuant to this subdivision shall have the same current posted price to retailers.

If wine or the container thereof is damaged or deteriorated, and the seller thereof has ceased to carry on a business licensed under this division and there is no successor to such business, such wine may be returned by a retailer to a winegrower or wholesaler who handles the same brand or item of wine, upon the same terms and conditions provided in this section for return of wine to a seller or his successor, after receiving approval from the department.

The approval of the department shall only be required for returns made after 15 days from date of delivery under the provisions of subdivision (d) of this section, or returns made under the provisions of the immediately preceding paragraph of this section.

(f) As used in subdivisions (a), (c), and (e), the term "identical quantity" includes wine in metric measure containers and wine in United States standard measure containers which contain substantially the same amount of wine.

CHAPTER 657

An act to amend Sections 204c, 204d, and 205 of, and to add Section 204e to, the Code of Civil Procedure, relating to jury selection, and making an appropriation therefor.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 204c of the Code of Civil Procedure is amended to read:

204c. The jury commissioner shall diligently inquire and inform himself in respect to the qualifications of persons on the roll of eligible juror candidates, as defined in Section 204e, who may be summoned for trial jury duty. He may require any person to answer, under oath to be administered by him, all such questions as he may address to such person, touching his name, age, residence, occupation and qualifications as a trial juror, and also all questions as to similar matters concerning other persons of whose qualifications for trial jury duty he has knowledge. The commissioner and his assistants, referred to in Sections 69895 and 69896 of the Government Code, shall have power to administer oaths and shall be allowed actual traveling expenses incurred in the performance of their duties. Such traveling expenses shall be audited, allowed, and paid out of the general fund of the county.

SEC. 2. Section 204d of the Code of Civil Procedure is amended to read:

204d. Pursuant to the rules adopted by a majority of the judges

of the superior court, supplementary to such rules as may be adopted by the Judicial Council, the jury commissioner shall return to the judges the list of persons recommended by him for trial jury duty. The judges of the superior court shall examine the jury list so returned and from such list a majority of the judges may select, to serve as trial jurors in the superior court of the county during the ensuing year or until a new list of jurors is required, such persons as, in their opinion, should be selected for trial jury duty. The persons so selected shall, in the opinion of the judges selecting them, be persons suitable and competent to serve as jurors, as required by law. The judges are not required to select any names from the list returned by the jury commissioner, but may, if in their judgment the due administration of justice requires, make all or any selections from among the body of persons in the county whose name appears on the roll of eligible jurors and who are suitable and competent to serve as trial jurors regardless of the list returned by the jury commissioner.

SEC. 3. Section 204e is added to the Code of Civil Procedure, to read:

204e. (a) The jury commissioner shall prepare and keep a roll of eligible juror candidates. The roll shall be comprised of the name and address of persons who reside in the county, and who are 18 years of age or older, shall include those who are registered voters, and may include those who have been licensed or issued an identification card pursuant to Article 3 (commencing with Section 12800) and Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code. The roll shall be prepared so as to avoid duplication of eligible juror candidates.

(b) Upon written request by the jury commissioner of a county, the Director of Motor Vehicles shall furnish a list of the names and addresses of all persons who are age 18 years or older and who have been licensed or issued an identification card pursuant to Article 3 (commencing with Section 12800) and Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code. The conditions under which such lists shall be compiled annually shall be determined by the director. This service shall be provided by the Department of Motor Vehicles pursuant to Section 1812 of the Vehicle Code. The jury commissioner shall not disclose the information furnished by the Department of Motor Vehicles pursuant to this section to any person, organization, or agency for any use other than the selection of trial jurors.

SEC. 4. Section 205 of the Code of Civil Procedure is amended to read:

205. The selections and listings in each county shall be made at random from the jury eligibility roll specified in Section 204e of persons suitable and competent to serve as jurors, and in making such selections there shall be taken only the names of persons who are not exempt from serving, who are in the possession of their natural faculties, who are not infirm or decrepit, who are of fair character and approved integrity, and who are of sound judgment.

SEC. 5. The sum of thirty-one thousand dollars ($31,000) is hereby appropriated from the General Fund to the Department of Motor Vehicles for costs to be incurred pursuant to the furnishing of requested departmental information to the counties, as provided for in this act.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement to local governmental entities for any costs that might be incurred by them under this act nor shall there be an appropriation for the purpose of such reimbursement made by this act.

CHAPTER 658

An act to add Sections 14501 and 14502 to the Education Code, relating to school district retirement salary plans.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14501 is added to the Education Code, to read:

14501. (a) This section and Section 14502 shall only be applicable to a district retirement salary plan in a unified district presently having an average daily attendance of less than 200,000 pupils and which was discontinued by the governing board of the district.

(b) The district shall continue to pay monthly to teachers and other persons who were retired prior to the date of such discontinuance an amount equal to the amount by which the retirement allowance to which any of such retired teachers or other persons were entitled under the plan exceeds the increase in the teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from the discontinuance. The arrangement under which such amounts are paid by the district shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14405, inclusive, nor shall such amount be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System.

(c) The reserve fund created by the district from the assets delivered to it by the discontinued district retirement plan under subdivision (c) of Section 14690 prior to its repeal is continued in existence and the amounts payable under subdivision (b) of this section shall be paid from that reserve fund.

SEC. 2. Section 14502 is added to the Education Code, to read:

14502. (a) The special reserve resulting from the discontinuance of a district retirement salary plan as provided in former Section 14690 prior to its repeal, and a part of which is used annually in the

interest of the employees of the district at the discretion of the governing board, is continued in existence and shall continue to be used first as provided in this section.

(b) The district in which the district retirement plan was discontinued and which credited each teacher or other person employed by the district at the time of discontinuance, in a status requisite for membership in the State Teachers' Retirement System, with an amount which bears the same ratio to the portion of the assets delivered to the district pursuant to subdivision (c) of Section 14690 prior to its repeal, which remained after the creation of the reserve fund for payments under subdivision (d) of Section 14690 prior to its repeal, as required by subdivision (e) of Section 14690 prior to its repeal, as the accumulated contributions credited to the member in his individual contribution account under the discontinued retirement plan at the time of discontinuance, bore to the total accumulated contributions so credited to all such teachers and persons, but such credit to any active member shall not exceed the amount of the member's accumulated contributions so credited at that time. The amount so credited to any person shall continue to be increased by interest at rates approved from time to time by the governing board of the district. The accumulated amount at the date upon which the person retires for service or disability under the State Teachers' Retirement System shall continue to be applied according to rates and tables adopted by the governing board and then in effect, to provide an annuity payable to the person throughout the balance of his life or a lump sum payment of the total account balance on the date of retirement at the option of the governing board. If the person dies prior to retirement, the amount, with credited interest, shall be paid to his designated beneficiary, as it appears on the records of the district, if any, otherwise to the member's estate. If the person ceases to be employed by the district for any reason other than death, retirement, or attainment of the age at which his classification as a permanent employee ceases, he shall no longer be credited with or have any right to such accumulated amount, but the amount shall revert to and belong to the district. The arrangement under which annuities and death benefits are paid by a district under this subdivision shall not be considered to be a local retirement system for the purposes of Sections 13801 to 14405, inclusive, nor shall such payments be taken into account in the calculation of retirement allowances under the State Teachers' Retirement System.

(c) The reserve fund created by the district from the assets delivered to it pursuant to subdivision (c) of Section 14690 prior to its repeal is continued in existence and in the amount equal in amount to the total contributions credited to employees of the district, under subdivision (b) of Section 14691 prior to its repeal, and the annuities and death benefits payable under subdivision (b) of Section 14691 prior to its repeal shall continue to be paid from this reserve fund. If the reserve fund as first created proves insufficient to make the payments required under former subdivision (b), the

district shall continue to make such additions to the reserve fund as may be necessary to provide for such payments.

(d) In addition to any other investments authorized by law for the investment of such funds, the funds of any specialized reserve or reserve fund established pursuant to Section 14690 or 14691 prior to their repeal may continue to be invested as authorized by Sections 31595 and 31595.4 of the Government Code for the investment of the funds of a county employees' retirement system.

The governing board may employ investment advisers to advise it on such investments and the fees for these services may be paid from the special reserve or reserve funds.

(e) The governing board may make additional cost-of-living adjustments in the payments to persons who retired prior to January 1, 1953.

CHAPTER 659

An act to amend Sections 12800 and 12805 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for a driver's license shall contain the following information:

(a) The applicant's true full name, age, sex, and residence address.

(b) A brief description of the applicant for the purpose of identification.

(c) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(d) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(e) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(f) Whether the applicant has previously operated a motor vehicle and, if so, for what length of time.

(g) Whether the applicant has the normal use of both hands and feet.

(h) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any

condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(i) Whether the applicant understands traffic signs and signals.

(j) Whether the applicant has ever previously been issued an identification card by the department.

(k) Any other information necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 2 Section 12805 of the Vehicle Code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of, or is an habitual user of, any drug to a degree that the person is rendered incapable of safely operating a motor vehicle.

(c) Who has a disorder characterized by lapses of consciousness.

(d) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(e) When it is determined, by examination or other evidence, that such person is unable to safely operate a motor vehicle upon a highway (1) because of experiencing, within the last three years, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses or (2) because of any other disability, disease, or disorder or (3) because of lack of skill.

(f) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this state and valid on September 11, 1957.

(g) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(h) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been

terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

SEC. 3. This act shall become operative on July 1, 1976.

CHAPTER 660

An act to amend Section 35713 of, and to add Section 35715 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 35713 of the Vehicle Code is amended to read:

35713. No ordinance closing a highway under Section 35712 or 35715 is effective until appropriate signs are erected indicating either the highways affected by the ordinance or the highways not affected as the county may determine will best serve to give notice of the ordinance, nor shall any ordinance be effective with respect to any county highway unless the board of supervisors designates in the ordinance an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect.

SEC. 1.5. Section 35715 is added to the Vehicle Code, to read:

35715. (a) The County of Nevada may by ordinance prohibit the use of Northwoods Boulevard in such county by any commercial vehicle exceeding a gross weight specified in the ordinance.

(b) No ordinance adopted pursuant to this section shall be effective with respect to:

(1) Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

(2) The operation of ambulances or hearses.

(3) Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

SEC. 2. The provisions of this act are necessary because the steep grade, the location of a school building at the foot of the grade, and

the high volume of traffic on Northwoods Boulevard in Nevada County present unique traffic problems with respect to such boulevard. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of the unique traffic problems facing Nevada County with respect to Northwoods Boulevard.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as Northwoods Boulevard in Nevada County is an inadequate route for large, heavy motor vehicles, and this use constitutes a grave problem of public safety, it is necessary that this act, broadening the authority of the County of Nevada to restrict vehicles by weight on such boulevard, take effect immediately.

CHAPTER 661

An act to amend Sections 6459, 6482, 6513, 6591, 6907, 6936, 7655, 7656, 7661, 7674, 7706, 8130, 8151, 8754, 8777, 8803, 8876, 9155, 9174, 11405, 11430, 11555, 11576, 12258, 12287, 12307, 12631, 12632, 12983, 13107, 14199.12, 14211, 15961, 15962, 15964, 16271, 16272, 18685.03, 18685.05, 18686, 18687, 18688, 19062, 19091, 19111, 19538, 25901, 25901a, 25901b, 25951, 26080, 26081, 26107, 26281, 30171, 30179, 30185, 30202, 30223, 30281, 30366, 30406, 32253, 32254, 32271, 32291, 32405, and 32417 of the Revenue and Taxation Code, and to amend Sections 803, 1111, 1113, 1129, 1181, 1183, and 1184 of the Unemployment Insurance Code, relating to interest.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6459 of the Revenue and Taxation Code is amended to read:

6459. The board for good cause may extend for not to exceed one month the time for making any return or paying any amount required to be paid under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension until the date of payment.

SEC. 2. Section 6482 of the Revenue and Taxation Code is amended to read:

6482. The amount of the determination, exclusive of penalties,

shall bear interest at the rate of 1 percent per month, or fraction thereof, from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 3. Section 6513 of the Revenue and Taxation Code is amended to read:

6513. The amount of the determination, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the last day of the month following the quarterly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 4. Section 6591 of the Revenue and Taxation Code is amended to read:

6591. Any person who fails to pay any tax to the state or any amount of tax required to be collected and paid to the state, except amounts of determinations made by the board under Article 2 (commencing with Section 6481) or Article 3 (commencing with Section 6511) of this chapter, within the time required shall pay a penalty of 10 percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax or the amount of tax required to be collected became due and payable to the state until the date of payment.

SEC. 5. Section 6907 of the Revenue and Taxation Code is amended to read:

6907. Interest shall be paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the last day of the calendar month following the quarterly period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 6. Section 6936 of the Revenue and Taxation Code is amended to read:

6936. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 7. Section 7655 of the Revenue and Taxation Code is

amended to read:

7655. Any distributor who fails to pay the amount of license tax shown to be due by his return on or before the first day of the second calendar month following the monthly period to which it relates must pay a penalty of 10 percent of the license tax, together with interest on such license tax at the rate of 1 percent per month, or fraction thereof, from the date on which the license tax became due and payable to the state until the date of payment.

SEC. 8. Section 7656 of the Revenue and Taxation Code is amended to read:

7656. The board for good cause may extend for not to exceed one month the time for making any report or return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 9. Section 7661 of the Revenue and Taxation Code is amended to read:

7661. All determinations so made, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the first day of the second calendar month after the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 10. Section 7674 of the Revenue and Taxation Code is amended to read:

7674. All deficiency determinations, exclusive of penalty, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 11. Section 7706 of the Revenue and Taxation Code is amended to read:

7706. All jeopardy determinations including those made under Section 7704, exclusive of penalty, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the first day of the second calendar month following the close of the monthly period for which the amount or any portion thereof should have been returned until the date of payment.

SEC. 12. Section 8130 of the Revenue and Taxation Code is amended to read:

8130. Interest shall be paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the first day of the second calendar month following the monthly period for which the overpayment is made; but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, if the claimant files a claim on his own initiative or within 30 days after he is notified by the board that a claim may be filed, to the 10th day after the date upon which the claim is certified to the State Board of Control; otherwise to the 30th day after the date upon which claimant is notified by the board that the claim may be filed.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 13. Section 8151 of the Revenue and Taxation Code is amended to read:

8151. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount of the license tax found to have been illegally collected from the date of payment thereof to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 14. Section 8754 of the Revenue and Taxation Code is amended to read:

8754. The board for good cause may extend for not to exceed one month the time for making any return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any user to whom an extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 15. Section 8777 of the Revenue and Taxation Code is amended to read:

8777. The amount of the determination, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the last day of the month following the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 16. Section 8803 of the Revenue and Taxation Code is amended to read:

8803. The amount of the determination, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the last day of the month following the month for which the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 17. Section 8876 of the Revenue and Taxation Code is amended to read:

8876. Any user who fails to pay any tax, except taxes determined by the board under Article 2 (commencing with Section 8776) or 3 (commencing with Section 8801) of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax,

in addition to the tax, plus interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

SEC. 18. Section 9155 of the Revenue and Taxation Code is amended to read:

9155. Interest shall be paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the last day of the calendar month following the period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 19. Section 9174 of the Revenue and Taxation Code is amended to read:

9174. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part and Part 2 (commencing with Section 7301) of this division, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 20. Section 11405 of the Revenue and Taxation Code is amended to read:

11405. If the tax is not paid on or before December 10th following the levy of the tax, a penalty of 10 percent of the amount of the tax shall be added thereto plus interest on the amount of the tax at the rate of 1 percent per month, or fraction thereof, from December 10th until the date of payment.

SEC. 21. Section 11430 of the Revenue and Taxation Code is amended to read:

11430. If the additional tax is not paid within the time specified in Section 11429, it is delinquent and a penalty of 10 percent of the amount of the additional tax shall be added thereto, plus interest on the amount of the additional tax at the rate of 1 percent per month, or fraction thereof, from the date on which the additional tax became due and payable until the time of payment.

SEC. 22. Section 11555 of the Revenue and Taxation Code is amended to read:

11555. Interest shall be paid upon the amount of any overpayment of tax at the rate of 1 percent per month upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the overpayment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board from the first day of the month following the month the tax becomes due. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the board that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 23. Section 11576 of the Revenue and Taxation Code is amended to read:

11576. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 24. Section 12258 of the Revenue and Taxation Code is amended to read:

12258. Any insurer who fails to pay any prepayment within the time required shall pay a penalty of 10 percent of the amount of the required prepayment, plus interest at the rate of 1 percent per month, or fraction thereof, from the due date of the prepayment until the date of payment but not for any period after the due date of the annual tax. Assessments of prepayment deficiencies may be made in the manner provided by deficiency assessments of the annual tax.

SEC. 25. Section 12287 of the Revenue and Taxation Code is amended to read:

12287. The retaliatory tax shall be due and payable on or before December 1st and shall be paid by remittance made payable to the Controller. If not paid on or before the due date, the amount of retaliatory tax shall bear interest at the rate of 1 percent per month or fraction thereof from December 1st until the date of payment, and there shall be paid in addition to the tax and interest, a penalty of 10 percent of the amount of the retaliatory tax.

SEC. 26. Section 12307 of the Revenue and Taxation Code is amended to read:

12307. Any insurer to whom an extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month, or fraction thereof, from April 1st until the date of payment.

SEC. 27. Section 12631 of the Revenue and Taxation Code is

amended to read:

12631. Any insurer who fails to pay any tax, except a tax determined as a deficiency assessment by the board under Article 3 (commencing with Section 12421) of Chapter 4 of this part, within the time required shall pay a penalty of 10 percent of the amount of the tax in addition to the tax, plus interest at the rate of 1 percent per month, or fraction thereof, from the due date of the tax until the date of payment.

SEC. 28. Section 12632 of the Revenue and Taxation Code is amended to read:

12632. An insurer who fails to pay any deficiency assessment when it becomes due and payable shall, in addition to the deficiency assessment, pay a penalty of 10 percent of the amount of the deficiency assessment, exclusive of interest and penalties. The amount of any deficiency assessment, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the date on which the amount, or any portion thereof, would have been payable if properly reported and assessed until the date of payment.

SEC. 29. Section 12983 of the Revenue and Taxation Code is amended to read:

12983. Interest shall be allowed upon the amount of any overpayment of tax pursuant to this part at the rate of 12 percent per annum from the due date of the tax for the year for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the claimant is notified in writing that a claim may be filed or the date upon which the claim is approved by the board, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 30. Section 13107 of the Revenue and Taxation Code is amended to read:

13107. In any judgment, interest shall be allowed, subject to the same limitations as are prescribed by Section 12984, at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 31. Section 14199.12 of the Revenue and Taxation Code is amended to read:

14199.12. When in any case the board of arbitration determines that a decedent dies domiciled in this state, the total amount of interest and penalties for nonpayment of the tax, between the date of the election and the final determination of the board, shall not

exceed 12 percent of the amount of the taxes per annum.

SEC. 32. Section 14211 of the Revenue and Taxation Code is amended to read:

14211. The tax does not bear interest if it is paid prior to the date on which it otherwise becomes delinquent. However, if it is paid after that date it bears interest at the rate of 12 percent per annum from the date it became delinquent and until it is paid.

SEC. 33. Section 15961 of the Revenue and Taxation Code is amended to read:

15961. Except as otherwise provided in this article, if the tax is not paid before it becomes delinquent, it bears interest thereafter and until it is paid at the rate of 12 percent per annum.

SEC. 34. Section 15962 of the Revenue and Taxation Code is amended to read:

15962. In the event that the date for filing the return is postponed, the tax bears interest during the period of postponement at the rate of 12 percent per annum from the time when it would have begun to bear interest had no postponement been allowed and until it is paid.

SEC. 35. Section 15964 of the Revenue and Taxation Code is amended to read:

15964. If the tax on any gift in the case of a false or fraudulent return or in the case of a failure to file a return is not paid before it becomes delinquent, it bears interest at the rate of 12 percent per annum from and after the last day allowed by or pursuant to this part for filing a return for the gift and until it is paid.

SEC. 36. Section 16271 of the Revenue and Taxation Code is amended to read:

16271. Interest shall be allowed and paid upon any overpayment of any tax, if the overpayment was not made because of an error or mistake on the part of the taxpayer, at the rate of 12 percent per annum as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 37. Section 16272 of the Revenue and Taxation Code is amended to read:

16272. In the event an overpayment results from the judgment of any court modifying the amount of tax previously determined to be due, interest shall be allowed at the rate of 12 percent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Controller.

SEC. 38. Section 18685.03 of the Revenue and Taxation Code is amended to read:

18685.03. In the case of any underpayment of estimated tax required to be paid under Section 18556 by the date prescribed therein (or the period as extended under Section 18433), with respect to declarations required by Section 18414, there shall be added to the tax for the taxable year interest at the rate of 12 percent per annum upon the amount of the underpayment (determined under Section 18685.7) for the period of the underpayment (determined under Section 18585.9).

SEC. 39. Section 18685.05 of the Revenue and Taxation Code is amended to read:

18685.05. (a) In the case of any underpayment of estimated tax required to be paid under Section 18556 by the date prescribed therein (or the period as extended under Section 18433), with respect to declarations required by Section 18415, there shall be added to the tax for the taxable year an amount determined at the rate of 12 percent per annum upon the amount of the underpayment (determined under Sections 18685.7 and 18685.8) for the period of the underpayment (determined under subdivision (b) of Section 18685.8).

(b) The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 40. Section 18686 of the Revenue and Taxation Code is amended to read:

18686. If the tax imposed by this part, whether assessed by the Franchise Tax Board or the taxpayer, or any portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon the unpaid amount at the rate of 6 percent per year from the date prescribed for its payment until it is paid. However, the rate shall be 12 percent per year instead of 6 percent per year with respect to interest payable on unpaid amounts which are delinquent more than one year.

SEC. 41. Section 18687 of the Revenue and Taxation Code is amended to read:

18687. If the time for the payment of the tax is extended, interest thereon shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid. However, the rate shall be 12 percent per year instead of 6 percent per year with respect to interest payable on unpaid amounts which are delinquent more than one year.

SEC. 42. Section 18688 of the Revenue and Taxation Code is amended to read:

18688. Interest upon the amount assessed as a deficiency shall be assessed, collected and paid in the same manner as the tax at the rate

of 6 percent per year from the date prescribed for the payment of the tax until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid. However, the rate shall be 12 percent per year instead of 6 percent per year with respect to interest payable on unpaid amounts which are delinquent more than one year.

SEC. 43. Section 19062 of the Revenue and Taxation Code is amended to read:

19062. (a) Interest shall be allowed and paid on any overpayment in respect of any tax, at the rate of 6 percent per annum as follows:

(1) In the case of a credit, from the date of the overpayment to the due date of the amount for which the credit is allowed. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(2) In the case of a refund, including a refund in excess of tax liability as prescribed in subdivision (h) of Section 17053.5, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

(b) With respect to credits or refunds which are payable more than one year, the interest rate in subdivision (a) shall be 12 percent instead of 6 percent.

SEC. 44. Section 19091 of the Revenue and Taxation Code is amended to read:

19091. In any judgment of any court rendered for any overpayment, interest shall be allowed at the rate of 6 percent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Franchise Tax Board.

However, the interest rate specified in the preceding sentence shall be 12 percent instead of 6 percent per year with respect to credits or refunds which are payable more than one year.

SEC. 45. Section 19111 of the Revenue and Taxation Code is amended to read:

19111. The Franchise Tax Board may recover any refund or credit or any portion thereof which is erroneously made or allowed, together with interest at the rate of 12 percent per annum from the date demand for recovery was made, in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

SEC. 46. Section 19538 of the Revenue and Taxation Code is amended to read:

19538. The Franchise Tax Board may recover any assistance or any portion thereof which is erroneously paid or allowed, together with interest at the rate of 12 percent per annum from the date the assistance was paid or the credit allowed, in an action brought in a court of competent jurisdiction in the name of the people of the State of California within two years after the assistance was provided or credit was allowed.

SEC. 47. Section 25901 of the Revenue and Taxation Code is amended to read:

25901. If the tax imposed by this part, whether determined by the Franchise Tax Board or the taxpayer, or any portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon such unpaid amount at the rate of 12 percent per year from the date prescribed for its payment until it is paid.

SEC. 48. Section 25901a of the Revenue and Taxation Code is amended to read:

25901a. If the time for the payment of the tax is extended interest thereon shall be assessed, collected and paid in the same manner as the tax at the rate of 12 percent per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid.

SEC. 49. Section 25901b of the Revenue and Taxation Code is amended to read:

25901b. Interest upon the amount determined as a deficiency shall be assessed, collected and paid in the same manner as the tax at the rate of 12 percent per year from the date prescribed for the payment of the tax or, if the tax is paid in installments, from the date prescribed for the payment of the first installment, until the date the tax is paid. If any portion of the deficiency is paid prior to the date it is assessed, interest shall accrue on such portion only to the date paid.

SEC. 50. Section 25951 of the Revenue and Taxation Code is amended to read:

25951. In case of any underpayment of estimated tax, except as provided in Section 25954, there shall be added to the tax for the taxable year an amount determined at the rate of 12 percent per annum upon the amount of underpayment (determined under Section 25952) for the period of the underpayment (determined under Section 25953).

SEC. 51. Section 26080 of the Revenue and Taxation Code is amended to read:

26080. Interest shall be allowed and paid upon any overpayment in respect of any tax, at the rate of 12 percent per annum, as provided in Sections 26080.1 to 26080.4, inclusive, and as follows:

(a) In the case of a credit, from the date of the overpayment to the date of the allowance of the credit. Any interest allowed on any credit shall first be credited on any taxes due from the taxpayer under this part.

(b) In the case of a refund, from the date of the overpayment to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the Franchise Tax Board.

SEC. 52. Section 26081 of the Revenue and Taxation Code is amended to read:

26081. Credits or refunds of overpayments of estimated tax shall be made by the Franchise Tax Board as provided in this article as respects overpayments of tax.

Interest shall be allowed and paid upon the amount of estimated tax paid for a taxable year in excess of the amount of tax due for that year at the rate of 12 percent per annum as follows:

(a) In the case of a credit, from the due date of the estimated tax or the date of payment of the estimated tax, whichever is the later, to the date of the allowance of the credit.

(b) In the case of a refund, from the due date of the estimated tax or the date of payment of the estimated tax, whichever is the later, to a date preceding the date of the refund warrant by not more than 30 days, such date to be determined by the Franchise Tax Board.

SEC. 53. Section 26107 of the Revenue and Taxation Code is amended to read:

26107. In any judgment of any court rendered for any overpayment of tax imposed by this part, interest shall be allowed at the rate of 12 percent per annum upon the amount of the overpayment, from the date of the payment or collection thereof to the date of allowance of credit on account of the judgment or to a date determined by the Franchise Tax Board preceding the date of the refund warrant by not more than 30 days.

SEC. 54. Section 26281 of the Revenue and Taxation Code is amended to read:

26281. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered, together with interest at the rate of 12 percent per annum from the date the refund was made or the credit allowed, in an action brought by the Franchise Tax Board after the refund or credit was made, in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California within: (a) two years after the refund or credit was made, or (b) during the period within which the Franchise Tax Board may mail a notice of proposed additional assessment, whichever period expires the later.

SEC. 55. Section 30171 of the Revenue and Taxation Code is amended to read:

30171. Any distributor who fails to pay any amount owing for the purchase of stamps or meter register settings within the time required, shall pay a penalty of 10 percent of the amount due in addition to the amount plus interest at the rate of 1 percent per month, or fraction thereof, from the date on which the amount became due and payable until the date of payment.

SEC. 56. Section 30179 of the Revenue and Taxation Code is

amended to read:

30179. Interest shall be computed, allowed and paid upon any overpayment for the purchase of stamps or meter register settings at the rate of 1 percent per month from the due date for payment of the purchase for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited. The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 57. Section 30185 of the Revenue and Taxation Code is amended to read:

30185. Except as otherwise provided in Section 30172, the board for good cause may extend for not to exceed one month the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted pursuant to this section shall pay, in addition to the amount of tax, interest at the rate of 1 percent per month, or fraction thereof, from the date on which the amount of tax would have been due without the extension to the date of payment.

SEC. 58. Section 30202 of the Revenue and Taxation Code is amended to read:

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the date the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 59. Section 30223 of the Revenue and Taxation Code is amended to read:

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of 1 percent per month, or fraction thereof, from the date the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 60. Section 30281 of the Revenue and Taxation Code is amended to read:

30281. Any person who fails to pay any tax, except a tax determined by the board under Article 2 (commencing with Section 30201) or 3 (commencing with Section 30221) of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

SEC. 61. Section 30366 of the Revenue and Taxation Code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the 25th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 25th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 62. Section 30406 of the Revenue and Taxation Code is amended to read:

30406. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 63. Section 32253 of the Revenue and Taxation Code is amended to read:

32253. The board for good cause may extend for not to exceed one month the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of 1 percent per month or fraction thereof from the date the tax would have been due without the extension to the date of payment.

SEC. 64. Section 32254 of the Revenue and Taxation Code is amended to read:

32254. All taxes not paid on the date when due and payable shall bear interest at the rate of 1 percent per month, or fraction thereof, from and after that date until paid.

SEC. 65. Section 32271 of the Revenue and Taxation Code is amended to read:

32271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the state by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of 1

percent per month, or fraction thereof, from the 15th day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 65.5. Section 32271 of the Revenue and Taxation Code is amended to read:

32271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the state by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the rate of 1 percent per month, or fraction thereof, from the 15th day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a period or periods against underpayments for another period or periods and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be occasioned by fraud or an intent to evade this part or

authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the taxpayer at his address as it appears in the records of the board. The giving of notice shall be deemed complete at the time of the deposit of the notice in the United States Post Office, or a mailbox, sub-post office, substation or mail chute or other facility regularly maintained or provided by the United States Postal Service without extension of time for any reason. In lieu of mailing, a notice may be served personally by delivering to the person to be served and service shall be deemed complete at the time of such delivery. Personal service to a corporation may be made by delivery of a notice to any person designated in the Code of Civil Procedure to be served for the corporation with summons and complaint in a civil action.

SEC. 66. Section 32291 of the Revenue and Taxation Code is amended to read:

32291. If any taxpayer fails to make a return required by this part, the board shall make an estimate, based upon any information available to it, for the month or months with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this state by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of 1 percent per month, or fraction thereof, from the 15th day after the close of the month for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 32271.

SEC. 66.5. Section 32291 of the Revenue and Taxation Code is amended to read:

32291. If any taxpayer fails to make a return required by this part, the board shall make an estimate, based upon any information available to it, for the period or periods with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this

state by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one period. The amount of tax so determined shall bear interest at the rate of of 1 percent per month, or fraction thereof, from the 15th day of the calendar month following the close of the period for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a period or periods against underpayments for another period or periods and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 32271.

SEC. 67. Section 32405 of the Revenue and Taxation Code is amended to read:

32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the 15th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 67.5. Section 32405 of the Revenue and Taxation Code is amended to read:

32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of 1 percent per month from the 15th day of the calendar month following the period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 15th day of the calendar month following the date upon which the claimant is notified by the board

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that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 68. Section 32417 of the Revenue and Taxation Code is amended to read:

32417. In any judgment, interest shall be allowed at the rate of 12 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 69. Section 803 of the Unemployment Insurance Code is amended to read:

803. (a) As used in this section "entity" means any employing unit that is authorized or required by any provision of Article 4 (commencing with Section 701) of this chapter or by Section 801 or 802 to elect a method of financing coverage permitted by this section.

(b) In lieu of the contributions required of employers, an entity may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (c) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid based on base period wages with respect to employment for an entity pursuant to this section shall be borne solely by the appropriate entity. If benefits are based on wages paid during a base period by two or more entities, the benefits shall be borne by each of the entities in the proportion that the total wages paid to the individual in employment by each entity during the base period bears to the total wages paid to the individual in employment by all entities during the base period. "Total wages paid" as used in this subdivision, include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930. The director may by authorized regulations prescribe a method of providing a good and sufficient bond to guarantee payment of contributions under this subdivision.

(2) To pay into the Unemployment Fund the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for the entity and charged to its account in the manner provided by Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of

payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions.

(3) Two or more entities that have elected a method of financing under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such entities. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits, including extended duration benefits and federal-state extended benefits, paid based on base period wages with respect to employment for such members, or to share the cost of benefits, including extended duration benefits and federal-state extended benefits, paid based on the base period wages with respect to employment for such members and charged to the joint account in the manner provided by Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment or advance payment or providing a good and sufficient bond to guarantee payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in the manner provided by Section 1026.

(c) Sections 1030, 1030.5, 1031, 1032, and 1032.5, and any provision of this division for the noncharging of benefits to the account of an employer, shall not apply to an election under subdivision (b) of this section.

(d) In making the payments prescribed by subdivision (b) of this section there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each entity for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall give notice of the determination, pursuant to Section 1140, to the entity. The director may cancel any contributions or portion thereof which he finds has been erroneously determined. The director shall charge to any special fund, which is responsible for the salary of any employee of an entity, the amount determined by the director for which the fund is liable pursuant to this section. The contributions due from the entity shall be paid from the liable special fund, the General Fund, or other liable fund to the Unemployment Fund by the Controller or other officer or person responsible for disbursements on behalf of the entity within 30 days of the date of mailing of the director's notice of determination to the entity. The director for good cause may

extend for not to exceed 60 days the time for paying without penalty the amount determined and required to be paid. Contributions are due upon the date of mailing of the notice of determination and are delinquent if not paid on or before the 30th day following the date of mailing of such notice. Any entity which fails to pay the contributions required within the time required shall be liable for interest on the contributions at the rate of 1 percent per month or fraction thereof from and after the date of delinquency until paid, and any entity which without good cause fails to pay any contributions required within the time required shall pay a penalty of 10 percent of the amount of such contributions. If the entity fails to pay the contributions required on or before the delinquency date, the director may assess the entity for the amount required by the notice of determination. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions, and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions, shall apply to the assessments provided by this section. The provisions of Sections 1177 to 1184, inclusive, relating to refunds and overpayments, shall apply to amounts paid to the Unemployment Fund pursuant to this section.

(e) To the extent permitted by federal law, no contributions shall be due from any entity other than a nonprofit organization which has elected a method of financing under subdivision (b) and which has previously made contributions required of employers pursuant to an elective coverage agreement or under compulsory coverage until the additional cost of benefits paid and reimbursable by or the cost of benefits paid and reimbursable by the entity under this section together with the benefits charged and chargeable to the reserve account of the entity as a result of its prior election or compulsory coverage exceed the contributions made by the entity and credited to its reserve account pursuant to its prior election or compulsory coverage.

(f) Except with respect to a political subdivision electing coverage pursuant to Section 710.2, the director may terminate the election of any entity for any method of financing under this section if the entity is delinquent in the payment of advances or reimbursements required by the director under this section. After any such termination the entity may again make an election pursuant to this section but only if it is not delinquent in the payment of contributions and not delinquent in the payment of advances or reimbursements required by the director under this section.

(g) Notwithstanding any other provision of this section, no entity shall be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

(h) After the termination of any election under this section, the entity shall remain liable for its proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to

its account in the manner provided by Section 1026, which are based on wages paid for services during the period of the election. Any such liability may be charged against any remaining balance of a prior reserve account used by the entity pursuant to Section 712 or used by a public entity pursuant to subdivision (e). Any portion of such remaining balance shall be included in the reserve account of the entity following any termination of an election under this section which occurs prior to the expiration of a period of three consecutive years commencing with the effective date of such election. For purposes of Section 982, the period of an election under Section 803 shall, to the extent permitted by federal law, be included as a period during which a reserve account has been subject to benefit charges.

SEC. 70. Section 1111 of the Unemployment Insurance Code is amended to read:

1111. The director for good cause may extend for not to exceed 60 days the time for making a return or paying without penalty any amount required to be paid under this division. Any employer to whom an extension is granted and who pays the amount required within the period for which the extension is granted shall pay, in addition to the contributions, interest at the rate of 12 percent per annum from the date on which the payment would have been delinquent without the extension until the date of payment.

SEC. 71. Section 1113 of the Unemployment Insurance Code is amended to read:

1113. Any employer who fails to pay any contributions required of him or of his workers, except amounts assessed under Article 8 (commencing with Section 1126) of this chapter, within the time required shall become liable for interest on such contributions at the rate of 1 percent per month or fraction thereof from and after the date of delinquency until paid.

SEC. 72. Section 1129 of the Unemployment Insurance Code is amended to read:

1129. The amount of each assessment, exclusive of penalty, shall bear interest at the rate of 1 percent per month or fraction thereof from and after the last day of the month following the close of the calendar quarter, or from and after the 15th day of the month following the close of the calendar month, for which the contributions should have been returned until the date of payment.

SEC. 73. Section 1181 of the Unemployment Insurance Code is amended to read:

1181. Interest shall be allowed and paid only to the extent that interest and penalties collected under this division are available therefor upon any overpayment of contributions at the rate of 12 percent per annum from the date of overpayment to the date of the allowance of the refund or credit, but no interest shall be allowed if the director determines that any overpayment was made intentionally or by reason of negligence on the part of the employing unit.

SEC. 74. Section 1183 of the Unemployment Insurance Code is

amended to read:

1183. If in any action authorized by Section 1182 judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contributions, interest and penalties due from the plaintiff under this division, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed and paid only to the extent that interest and penalties collected under this division are available therefor, at the rate of 12 percent per annum upon the amount of contributions found to have been illegally collected from the date of payment of the contributions to the date of the judgment.

SEC. 75. Section 1184 of the Unemployment Insurance Code is amended to read:

1184. If any refund or portion thereof is erroneously made, the director shall assess such amount to the employing unit or other person to whom the refund was made, together with any interest paid thereon, but no assessment shall be made with respect to any amount of wage-earner contributions which the employer has refunded to his employees. The amount of the assessment shall bear interest at the rate of 12 percent per annum commencing 30 days after the service of notice of such assessment, if not paid within such period, until the date of repayment. The director shall give the employing unit against whom the assessment is made a written notice of the assessment in accordance with the provisions of Section 1140.

Such notice must be given within three years from the date the refund was made unless the employing unit waives this limitation period or consents to its extension. Sections 1133, 1134, 1135 and 1136 shall be applicable to assessments made under this section. The director shall collect the amount of any assessment made under this section in the same manner that other assessments are collected.

SEC. 76. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act contains a revenue source which may be utilized by local governments to cover the cost of the mandate.

SEC. 77. Notwithstanding any provisions of law, additional revenues deposited to the credit of any fund or account which are attributable to the increase in interest pursuant to this act shall only be appropriated for expenditure, allocation, or transfer as provided in legislation enacted after the effective date of this act.

SEC. 78. The interest rate change in this act shall apply to all interest accrued on or after January 1, 1976.

SEC. 79. It is the intent of the Legislature, if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both bills amend Section 32271 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 692, that the amendments to Section 32271 proposed by both bills be given effect and incorporated in Section 32271 in the form set forth in Section 65.5

of this act. Therefore, Section 65.5 of this act shall become operative only if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both amend Section 32271, and this bill is chaptered after Senate Bill No. 692, in which case Section 65 of this act shall not become operative.

SEC. 80. It is the intent of the Legislature, if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both bills amend Section 32291 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 692, that the amendments to Section 32291 proposed by both bills be given effect and incorporated in Section 32291 in the form set forth in Section 66.5 of this act. Therefore, Section 66.5 of this act shall become operative only if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both amend Section 32291, and this bill is chaptered after Senate Bill No. 692, in which case Section 66 of this act shall not become operative.

SEC. 81. It is the intent of the Legislature, if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both bills amend Section 32405 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 692, that the amendments to Section 32405 proposed by both bills be given effect and incorporated in Section 32405 in the form set forth in Section 67.5 of this act. Therefore, Section 67.5 of this act shall become operative only if this bill and Senate Bill No. 692 are both chaptered and become effective January 1, 1976, both amend Section 32405, and this bill is chaptered after Senate Bill No. 692, in which case Section 67 of this act shall not become operative.

CHAPTER 662

An act to amend Section 205.5 of, and to add Sections 276, 277, 278, 279, and 279.5 to, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 205.5 of the Revenue and Taxation Code is amended to read:

205.5. (a) The property which constitutes the home of a resident of this state who is a veteran as specified in subdivisions (o), (p), (q), and (r) of Section 3 of Article XIII of the Constitution and which is the principal place of residence of the veteran or the veteran's unmarried surviving spouse is exempt from taxation on that part of the assessed value of the residence that does not exceed ten thousand

dollars ($10,000), if the veteran, because of injury incurred in military service, is blind in both eyes, has lost the use of two or more limbs, or is totally disabled.

(b) For purposes of this section, being blind in both eyes means having a visual acuity of 5/200 or less; losing the use of a limb means that the limb has been amputated or its use has been lost by reason of ankylosis, progressive muscular dystrophies, or paralysis; and being totally disabled means that the United States Veterans Administration has rated the disability at 100 percent or has rated the disability compensation at 100 percent by reason of being unable to secure or follow a substantially gainful occupation.

(c) No person shall be eligible for this exemption unless he or she was a resident of California at the time of his or her entry into military or naval service, or unless he or she was a resident of the state on November 7, 1972, if he or she is blind or has lost the use of two or more limbs, or on the effective date of this section, if he or she is totally disabled.

(d) This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse and the home of such a person which is owned by a corporation of which he or she is a shareholder when the rights of shareholding entitle one to possession of a home owned by the corporation. The exemption provided by this section shall be shown on the local roll and shall reduce the assessed value of such corporation. Notwithstanding any provision of law or articles of incorporation or bylaws of such corporation to the contrary, it is the intent of the Legislature that any reduction of property taxes paid by such corporation shall reflect an equal reduction in any charges by such corporation to the veteran who, by reason of his qualifying under subdivision (a), made possible such reduction for such corporation.

(e) An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

SEC. 2. Section 276 is added to the Revenue and Taxation Code, to read:

276. (a) If a claimant for the disabled veterans' property tax exemption for the 1976–77 fiscal year or any year thereafter fails to file the required affidavit with the assessor by 5 p.m. on April 15 of the calendar year in which the fiscal year begins, but files such claim on or before the following December 1, an exemption of the lesser of eight thousand dollars ($8,000) or 80 percent of the assessed value of the dwelling shall be granted by the assessor.

(b) On such claims filed pursuant to subdivision (a) after November 15, this exemption may be applied to the second installment, and if applied to the second installment, the first installment will still become delinquent on December 10, and a

6-percent penalty will attach if the tax amount due is not paid.

If this exemption is applied to the second installment and if both installments are paid on or before December 10, or if the reduction in taxes from this exemption exceeds the amount of taxes due on the second installment, a refund shall be made to the taxpayer upon a claim submitted by the taxpayer to the auditor.

SEC. 3. Section 277 is added to the Revenue and Taxation Code, to read:

277. Any person claiming the disabled veterans' property tax exemption shall make a return of the property to the assessor, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board. Such information shall include, but shall not be limited to, the name of the person claiming the exemption, the address of the property, and a statement to the effect that the claimant owned and occupied the property as his principal place of residence on the lien date, or that he intends to own and occupy the property as his principal place of residence on the next succeeding lien date, and proof of disability as defined by Section 205.5.

SEC. 4. Section 278 is added to the Revenue and Taxation Code, to read:

278. For the 1976–77 fiscal year only, before the lien date, county assessors shall mail a claim form for the disabled veterans' exemption to all disabled veterans who received the exemption for the 1975–76 fiscal year, except where such person has transferred title in the property since the lien date in 1975.

For the 1977–78 fiscal year and thereafter, county assessors shall each year mail a notice to all disabled veterans who received the disabled veterans' exemption in the immediately preceding year, except where such person has transferred title in the property since the immediately preceding lien date. The notice shall inform the taxpayer of the requirements that must be met in order to be eligible for the exemption, of the penalties if the taxpayer allows the exemption to continue when he is not eligible for the exemption, and of his duty to inform the assessor when he is no longer eligible for the exemption.

SEC. 5. Section 279 is added to the Revenue and Taxation Code, to read:

279. A claim for the disabled veterans' property tax exemption filed by the owner of a dwelling, as defined in Section 205.5, once granted, shall remain in effect until such time as title to the property changes, the owner does not occupy the home as his principal place of residence on the lien date, or the property is altered so that it is no longer a dwelling as defined in Section 205.5, or the veteran is no longer disabled as defined in Section 205.5.

The assessor of the county in which such a dwelling is situated shall verify the eligibility of each who is receiving a disabled veterans' exemption to continue to receive such an exemption in accordance with rules and regulations, which shall be issued by the board, to

provide for a periodic audit and for the establishment of a control system for the disabled veterans' exemption claims.

SEC. 6. Section 279.5 is added to the Revenue and Taxation Code, to read:

279.5. The taxpayer who has filed a claim for the disabled veterans' exemption, once granted, is responsible for notifying the assessor when the property is no longer eligible for the exemption.

Upon any indication that a disabled veterans' exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the disabled veterans' exemption. If the assessor determines that the property is no longer eligible for the exemption, he shall immediately cancel the exemption on the property.

If a disabled veterans' exemption has been incorrectly allowed, an escape assessment as allowed by Section 531.2 in the amount of the exemption with interest as provided in Section 506 shall be made. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete or because the claimant failed to notify the assessor that the property was no longer eligible for the exemption, the penalty provided in Section 504 shall be added to the assessment.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made pursuant to Sections 1, 3, 4, 5, and 6 of this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediately effect. The facts constituting such necessity are:

At the November, 1974 general election, the people amended the California Constitution enabling persons previously ineligible, to qualify for the disabled veterans' exemption. The State Board of Equalization, the agency which supervises the administration of property taxes in the state, did not reach a final determination of what constituted a "totally disabled" veteran until March 27, 1975, only 19 days before the final date to file a claim for the exemption. If this definition is changed again at a later date, a late filing period should be available to disabled veterans.

CHAPTER 663

An act to amend Sections 987.60, 987.61, and 987.65 of the Military and Veterans Code, relating to veterans.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 987.60 of the Military and Veterans Code is amended to read:

987.60. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements does not exceed thirty thousand dollars ($30,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings, or for the purchase of a mobilehome:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be constructed, or is the owner in fee of the real property or the owner of an undivided interest in common in a portion of a parcel of real property on which a mobilehome is to be situate, and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

SEC. 2. Section 987.61 of the Military and Veterans Code is amended to read:

987.61. The department may purchase property, subject to a participation contract providing for a loan term of not less than 23 years. In no event shall the purchase price plus the participation contract exceed thirty thousand dollars ($30,000).

SEC. 3. Section 987.65 of the Military and Veterans Code is amended to read:

987.65. The purchase price of a home to the department shall not exceed the sum of thirty thousand dollars ($30,000), except that the purchase price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars ($12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 987.64, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 987.69 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase price to the department or contract price to the department and any amount which the department is required under Section 987.69 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

CHAPTER 664

An act to amend Section 17 of the Penal Code, relating to crimes.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Penal Code is amended to read:

17. (a) A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

(b) When a crime is punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in the county jail, it is a misdemeanor for all purposes under the following circumstances:

(1) After a judgment imposing a punishment other than imprisonment in the state prison.

(2) When the court commits the defendant to the Youth Authority.

(3) When the court grants probation to a defendant without imposition of sentence and at the time of granting probation, or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

(4) When the prosecuting attorney files in a court having jurisdiction over misdemeanor offenses a complaint specifying that the offense is a misdemeanor, unless the defendant at the time of his arraignment or plea objects to the offense being made a misdemeanor, in which event the complaint shall be amended to charge the felony and the case shall proceed on the felony complaint.

(5) When, at or before the preliminary examination or prior to filing an order pursuant to Section 872, the magistrate determines that the offense is a misdemeanor, in which event the case shall proceed as if the defendant had been arraigned on a misdemeanor complaint.

CHAPTER 665

An act to add Section 72194.5 to the Government Code, relating to courts.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 72194.5 is added to the Government Code, to read:

72194.5. Whenever an official court reporter or a temporary court reporter is not available to report a civil action or misdemeanor criminal proceeding in a municipal or justice court, the court may order that such action or proceeding be electronically recorded, including all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in misdemeanor criminal cases, the arguments of the attorneys to the jury, and all statements and remarks made and oral instructions given by the judge. The electronic recording device and appurtenant equipment shall be of a type approved by the Judicial Council for courtroom use.

SEC. 2. The Legislature finds and declares that in many actions and proceedings presently heard in municipal and justice courts, official reporters are either physically unavailable in a given geographical location or it is not practical from a cost-benefit

standpoint to have official reporters continually available for such proceedings. The Legislature declares its intent that electronic recording devices should be used to supplement, not supplant, the present recordkeeping process in municipal and justice courts and that such devices be considered for use in (1) misdemeanor criminal proceedings in which guilty pleas, or waivers of rights, or both are taken, (2) misdemeanor trials at which official reporters are not presently used, and (3) civil trials which may require a settled statement.

CHAPTER 666

An act to amend Section 2015.5 of the Code of Civil Procedure, relating to declarations under penalty of perjury.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2015.5 of the Code of Civil Procedure is amended to read:

2015.5. Whenever, under any law of this state or any other state permitting declarations under penalty of perjury or under any rule, regulation, order or requirement made pursuant to the law of this state or any other state permitting declarations under penalty of perjury, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may with like force and effect be supported, evidenced, established or proved by the unsworn statement, declaration, verification, or certificate, in writing of such person stating the date and place of execution within this state or such other state and which is subscribed by him and certified or declared by him to be true "under penalty of perjury," which certification or declaration may be in substantially the following form:

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

SEC. 2. This act shall become operative on January 1, 1977.

CHAPTER 667

An act to amend Section 11124 of the Penal Code, relating to criminal records.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 11124 of the Penal Code is amended to read:

11124. When an application is received by the department, the department shall determine whether a record pertaining to the applicant is maintained. If such record is maintained, the department shall inform the applicant by mail of the existence of the record and shall either specify a time when the record may be examined at a suitable facility of the department or, if the applicant is unable to review the record at the time and place set by the department, authorize the applicant to review the record at any police department or sheriff's office which agrees to make the record available to the applicant. Upon verification of his identity, the applicant shall be allowed to examine the record pertaining to him, or a true copy thereof, for a period not to exceed one hour. The applicant may not retain or reproduce the record, but may make a written summary or notes in his own handwriting.

CHAPTER 668

An act to add Article 11.5 (commencing with Section 73730) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 11.5 (commencing with Section 73730) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 11.5. Imperial County

73730. There is hereby created a municipal court district which embraces the entire County of Imperial. This article applies to the municipal court established within the district, which shall be known as the Imperial County Municipal Court.

73731. (a) There shall be four judges. Three judgeships shall be established on January 1, 1976. The fourth judgeship shall be created

on January 10, 1977, and shall be filled as hereinafter provided.

(b) The persons appointed to or succeeding to the three judgeships created effective January 1, 1976, shall serve until their successors are elected at the November, 1978 general election and qualify to take office for full terms in January, 1979.

(c) The fourth judgeship created pursuant to subdivision (a) shall initially be filled, as provided by Section 73735 or, if not filled pursuant to that section, by appointment by the Governor.

73732. Facilities for the court shall be maintained, at or near the county seat and at court facilities provided elsewhere as determined by ordinance adopted by the board of supervisors. The court shall determine the nature and frequency of sessions held at additional court locations designated by the board of supervisors.

73733. There shall be one clerk of the court known as the clerk-administrator who shall be appointed by the judges of the municipal court and who shall hold office at their pleasure. He shall receive a monthly salary at a rate specified in range 68.

73734. (a) The judges of the municipal court shall appoint one commissioner who shall, except as hereinafter provided, be subject to the requirements set forth in Section 72190 and who shall be compensated at a rate of 85 percent of the salary payable to a municipal court judge. The commissioner shall also serve as traffic referee.

(b) Notwithstanding the provisions of Section 72190, an incumbent judge of the justice court who took office before January 1, 1975, and who would be entitled to succeed to a municipal court judgeship, except that his fifth year of membership in the State Bar would not occur before January 1, 1976, shall have the right to initially succeed to the commissioner position in the municipal court on said latter date. To exercise the right of succession under this subdivision, such incumbent shall file a written declaration of intention to succeed with the county clerk within 15 days following the operative date of this article.

(c) The position of court commissioner shall expire on January 10, 1977.

73735. Notwithstanding the provisions of Section 71180, any former incumbent judge, as described in subdivision (b) of Section 73734 shall have the right to succeed to the fourth judgeship created effective January 10, 1977, until a successor is elected at the November 1978 election. To exercise the right to succession, such former incumbent judge shall file a written declaration of intention to succeed with the county clerk before November 10, 1976.

73736. (a) Any incumbent judge of the existing justice court, who on January 1, 1976, is not a member of the State Bar and who is not over 64 years of age, shall be employed in the position of clerk III in the municipal court for the balance of the term he would have served as a judge had the office not been superseded. Thereafter, any such individual may be appointed an employee of the municipal court by the clerk-administrator.

(b) Notwithstanding the provisions of Section 72400, an incumbent judge who becomes a clerk, pursuant to this section, shall be authorized to serve as a traffic referee and may so serve at the direction of the presiding judge.

(c) Any such incumbent judge who is employed as a clerk, pursuant to this section, shall receive a salary, during the balance of the term during which he would have served as a judge had the position not been superseded, that is not lower than the regular salary that was last set for his position as judge of the justice court.

73737. The sheriff and his deputies shall act as ex officio marshal and deputy marshals of the court.

73738. Constables in the superseded justice court on the operative date of this section who meet the qualifications for deputy sheriffs shall become deputy sheriffs. Notwithstanding any other provisions of law, all other constables 64 years of age and younger who wish to be so employed shall be employed in the municipal court in whatever capacity the clerk-administrator, with the approval of the presiding judge, shall determine for the balance of the term they would have served as constable had the office not been superseded, provided they shall suffer no diminution in salary or benefits during that time. Thereafter they may be appointed employees of the municipal court by the clerk-administrator.

73739. The clerk-administrator, may appoint:

(a) Four court clerks III, each of them shall receive a monthly salary at a rate specified in range 48.

(b) Ten court clerks II, each of whom shall receive a monthly salary at a rate specified in range 43.

(c) Eight court clerks I, each of whom shall receive a monthly salary at a rate specified in range 39.

(d) One legal stenographer, who shall receive a monthly salary rate specified in range 45.

(e) One interpreter, who shall receive a monthly salary at a rate specified in range 46.

73740. The judges of the municipal court shall appoint a jury commissioner of the municipal court whom shall hold office at their pleasure and who shall exercise the power and duties provided for in Section 72191. The jury commissioner shall receive a monthly salary at a rate specified in range 55. The jury commissioner, may appoint two assistance jury commissioners, each of whom shall receive a monthly salary at a rate specified in range 50.

Notwithstanding the above provisions of this section, the board of supervisors may direct the superior court jury commissioner to serve as jury commissioner for municipal court pursuant to Section 204a of the Code of Civil Procedure and transfer or terminate the positions provided for in this section, provided that such direction and transfer or termination shall remain in effect only until January 1, 1978, unless the Legislature ratifies such direction by amendment of this section.

73741. The clerks, and other attachés of the justice courts in Imperial County superseded by the municipal court established by

this article, shall succeed as authorized by law to equivalent municipal court positions, provided in Sections 73735 to 73738, inclusive.

73742. Whenever reference to a numbered salary range is made in any section of this article, the schedule of monthly salaries found in the salary resolution of the County of Imperial in effect on July 1, 1975, shall apply.

73743. All employees of the Imperial County Municipal Court shall be entitled to the same provisions with respect to retirement, vacations and other benefits allowed to employees of the county.

73744. The positions enumerated in Sections 73735 to 73738, inclusive, are deemed to be comparable in job and salary level to certain positions in the classified service of Imperial County. The following table sets forth the court classifications with the comparable county classifications shown opposite thereto:

Court Classification	County classification
Deputy marshal	Deputy sheriff I
Court clerk III	Court clerk III
Court clerk II	Court clerk II
Court clerk I	Court clerk I
Legal stenographer	Legal stenographer
Interpreter	Interpreter

In the event that the salary for any classification which is shown above is increased by the board of supervisors, a commensurate increase shall be made in the salary for the comparable court classification. Any salary adjustment made pursuant to this section shall be effective the same date as the effective date of the action applicable to the respective and comparable county classifications, but shall remain in effect only until January 1, 1978, unless subsequently ratified by the Legislature.

73745. The presiding judge may appoint as many regular official reporters and as many official reporters pro tempore as the business of the court requires. The reporters shall hold office during the pleasure of the presiding judge.

73746. The regular official reporters shall receive the salary compensation and other benefits as are paid regular official reporters of the Superior Court of Imperial County pursuant to the provisions of Section 70045.5. Each official reporter shall perform the duties required of him by law. Reporters pro tempore shall be paid a per diem and other fees and expenses in the same manner as paid to reporters pro tempore of the Superior Court of Imperial County pursuant to the provisions of Section 70045.5.

Fees for reporting and for transcription of testimony and proceedings in the court shall be paid by the parties to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of reporting and transcription fees out of the county treasury

including fees for reporting and for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69952, inclusive, such fees shall, upon order of the court, be paid from the county treasury.

SEC. 2. Should legislation be enacted providing for state reimbursement to counties for salaries for municipal court judges, Imperial County shall receive such reimbursement for salaries payable to judgeships created pursuant to Section 1 of this act.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 669

An act to amend Section 976 of the Penal Code, relating to arraignment of prisoners.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 976 of the Penal Code is amended to read:

976. (a) When the accusatory pleading is filed, the defendant must be arraigned thereon before the court in which it is filed, unless the action is transferred to some other court for trial.

(b) In any county of the first or third class, if the defendant is to be arraigned in municipal court and is in custody, upon the approval of both the presiding judge of the municipal court in which the accusatory pleading is filed and the presiding judge of the municipal court within the county nearest to the place in which he is held in custody, he may also be arraigned before the municipal court within the county nearest to the place in which he is held in custody. Prior to being taken from the place where he is in custody to the place where he is to be arraigned, such defendant shall be allowed to make three completed telephone calls, at no expense to such defendant, in addition to any other telephone calls which such defendant is entitled to make pursuant to law.

CHAPTER 670

An act to amend Section 386 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 386 of the Code of Civil Procedure is amended to read:

386. (a) A defendant, against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer, upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon such contract, or for such property, upon notice to such person and the adverse party, apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the amount claimed on the contract, or delivering the property or its value to such person as the court may direct; and the court may, in its discretion, make the order; or such defendant may file a verified cross-complaint in interpleader, admitting that he has no interest in such amount or such property claimed, or in a portion of such amount or such property and alleging that all or such portion of the amount or property is demanded by parties to such action or cross-action and apply to the court upon notice to such parties for an order to deliver such property or portion thereof or its value to such person as the court shall direct. And whenever conflicting claims are or may be made upon a person for or relating to personal property, or the performance of an obligation, or any portion thereof, such person may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims. The order of substitution may be made and the action of interpleader may be maintained, and the applicant or interpleading party be discharged from liability to all or any of the conflicting claimants, although their titles or claims have not a common origin, or are not identical but are adverse to and independent of one another.

(b) Any person, firm, corporation, association or other entity against whom double or multiple claims are made, or may be made, by two or more persons which are such that they may give rise to double or multiple liability, may bring an action against the claimants to compel them to interplead and litigate their several claims.

When the person, firm, corporation, association or other entity against whom such claims are made, or may be made, is a defendant in an action brought upon one or more of such claims, it may either file a verified cross-complaint in interpleader, admitting that it has no interest in the money or property claimed, or in only a portion

thereof, and alleging that all or such portion is demanded by parties to such action, and apply to the court upon notice to such parties for an order to deliver such money or property or such portion thereof to such person as the court shall direct; or may bring a separate action against the claimants to compel them to interplead and litigate their several claims. The action of interpleader may be maintained although the claims have not a common origin, are not identical but are adverse to and independent of one another, or the claims are unliquidated and no liability on the part of the party bringing the action or filing the cross-complaint has arisen. The applicant or interpleading party may deny liability in whole or in part to any or all of the claimants. The applicant or interpleading party may join as a defendant in such action any other party against whom claims are made by one or more of the claimants or such other party may interplead by cross-complaint; provided, however, that such claims arise out of the same transaction or occurrence.

(c) Any amount which a plaintiff or cross-complainant admits to be payable may be deposited by him with the clerk of the court at the time of the filing of the complaint or cross-complaint in interpleader without first obtaining an order of the court therefor. Any interest on amounts deposited and any right to damages for detention of property so delivered, or its value, shall cease to accrue after the date of such deposit or delivery.

(d) A defendant named in a complaint to compel conflicting claimants to interplead and litigate their claims, or a defendant named in a cross-complaint in interpleader, may, in lieu of or in addition to any other pleading, file an answer to the complaint or cross-complaint which shall be served upon all other parties to the action and which shall contain allegations of fact as to his ownership of or other interest in the amount or property and any affirmative defenses and the relief requested. The allegations in such answer shall be deemed denied by all other parties to the action, unless otherwise admitted in the pleadings.

(e) Except in cases where by the law a right to a jury trial is now given, conflicting claims to funds or property or the value thereof so deposited or delivered shall be deemed issues triable by the court, and such issues may be first tried. In the event the amount deposited shall be less than the amount claimed to be due by one or more of the conflicting claimants thereto, or in the event the property or the value thereof delivered is less than all of the property or the value thereof claimed by one or more of such conflicting claimants, any issues of fact involved in determining whether there is a deficiency in such deposit or delivery shall be tried by the court or a jury as provided in Title 8 (commencing with Section 577) of Part 2 of this code.

(f) After any such complaint or cross-complaint in interpleader has been filed, the court in which it is filed may enter its order restraining all parties to the action from instituting or further prosecuting any other proceeding in any court in this state affecting

the rights and obligations as between the parties to the interpleader until further order of the court.

CHAPTER 671

An act to amend Sections 3279, 3287, 3294, and 3295 of, to add Sections 3315, 3316, and 3317 to, and to repeal Sections 3289, 3290, 3291, 3298, 3299, 3300, 3300.1, and 3301 of, the Health and Safety Code, relating to tuberculosis, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 3279 of the Health and Safety Code is amended to read:

3279. The department shall maintain a program for the control of tuberculosis. The department shall administer the funds made available by the state for the care of tuberculosis patients.

SEC. 2. Section 3287 of the Health and Safety Code is amended to read:

3287. The department may inspect and have access to all records of all institutions and clinics, both public and private, where tuberculosis patients are treated.

SEC. 3. Section 3289 of the Health and Safety Code is repealed.

SEC. 4. Section 3290 of the Health and Safety Code is repealed.

SEC. 5. Section 3291 of the Health and Safety Code is repealed.

SEC. 6. Section 3294 of the Health and Safety Code is amended to read:

3294. Each city, county, or group of counties may establish and maintain a tuberculosis ward, hospital, or sanatorium for the treatment of persons suffering from tuberculosis.

SEC. 7. Section 3295 of the Health and Safety Code is amended to read:

3295. The state department shall lease any facilities it deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 3351 of the Health and Safety Code.

SEC. 8. Section 3298 of the Health and Safety Code is repealed.

SEC. 9. Section 3299 of the Health and Safety Code is repealed.

SEC. 10. Section 3300 of the Health and Safety Code is repealed.

SEC. 11. Section 3300.1 of the Health and Safety Code is repealed.

SEC. 12. Section 3301 of the Health and Safety Code is repealed.

SEC. 13. Section 3315 is added to the Health and Safety Code, to read:

3315. The State Department of Health may distribute for the purpose of tuberculosis control an annual subvention, paid quarterly, to any local health department that maintains a tuberculosis control program consistent with standards and procedures established by the department. This annual subvention shall be used primarily for the strengthening of tuberculosis prevention activities by local health departments. Further, the department may allocate additional funds to selected local health departments based on high disease incidence, or other standards established by the department. These additional funds shall be expended primarily for the cost of diagnosis, treatment, and followup services required for an effective tuberculosis control program. Services rendered under this section may not be made dependent on status of residence.

SEC. 14. Section 3316 is added to the Health and Safety Code, to read:

3316. The State Health Department may establish standards and procedures for the operation of local tuberculosis control programs. Such standards shall include, but not be limited to, the maintenance of records and reports relative to services rendered and to expenditures made which shall be reported semiannually to the State Department of Health in such manner as it may specify.

SEC. 15. Section 3317 is added to the Health and Safety Code, to read:

3317. Of the annual appropriation made to the department for tuberculosis control, the department may expend a sum not to exceed 7.5 percent of the total, for administrative costs. In addition, it may, if it deems necessary, withhold a portion of the appropriation to pay for the cost of regional laboratory services and regional hospitalization facilities for patients whose care cannot be reasonably accomplished in facilities available within a local health department, or it may contract with physicians to supervise the medical care of tuberculosis patients in areas where such specialized care is not available. Further, the appropriation shall be available to purchase materials or drugs used in tuberculosis control for distribution to local health departments.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the new state funding system for tuberculosis control programs may take effect in the 1975–76 fiscal year and enhance the public health and safety of the people of this state, it is necessary that this act take effect immediately.

CHAPTER 672

An act to amend Section 1269b of the Penal Code, relating to bail.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or employed at a fixed police or sheriff's facility and is acting under an agreement with the agency which keeps the jail wherein an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by such department to collect bail, the clerk of the justice or municipal court of the judicial custody, the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a felony, misdemeanor or infraction and is being held in custody prior to the filing of a formal complaint, indictment or information, and for appearance before the court of a defendant charged with a felony, misdemeanor, or infraction by a formal complaint, indictment or information filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved as provided in subdivision (b).

(b) It is the duty of the superior, municipal and justice court judges in each county to prepare and adopt, by a majority vote, at a meeting called by the presiding judge of the superior court of the county, a uniform countywide schedule of bail for all bailable felony offenses. It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, at a meeting

called by the presiding judge of the municipal court at each county seat, a uniform, countywide schedule of bail for all misdemeanor and infraction offenses. Each schedule shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedules do not list all offenses specifically, they shall contain a general clause for designated amounts of bail as the judges of the county determined to be appropriate for all such offenses not specifically listed in the schedules. The schedules of bail may be revised from time to time by the judges of the county, and one or more meetings of judges for this purpose may be called by the presiding judges of the superior and municipal courts located at each county seat. A copy of the bail schedules shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county and to each superior, municipal and justice court judge and commissioner.

(c) Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, such judge or clerk of the court shall transmit all such money and surety bonds to the county clerk.

(d) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forefeiture as provided by law.

(e) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

CHAPTER 673

An act to amend Section 6141 of the Business and Professions Code, relating to attorneys.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. . Section 6141 of the Business and Professions Code is amended to read:

6141. (a) The board shall fix the annual membership fee for inactive members at a sum not exceeding twenty dollars ($20). The

annual membership fee for inactive members is payable on or before the first day of February of each year.

(b) An inactive member shall not be required to pay the annual membership fee for inactive members for any calendar year following the calendar year in which the member attains the age of seventy (70) years.

CHAPTER 674

An act to amend Sections 1156 and 1157 of the Evidence Code, relating to discovery and admissibility of medical-dental evidence.

[Approved by Governor September 10, 1975 Filed with Secretary of State September 10, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1156 of the Evidence Code is amended to read:

1156. (a) In-hospital medical or medical-dental staff committees of a licensed hospital may engage in research and medical or dental study for the purpose of reducing morbidity or mortality, and may make findings and recommendations relating to such purpose. Except as provided in subdivision (b), the written records of interviews, reports, statements, or memoranda of such in-hospital medical or medical-dental staff committees relating to such medical or dental studies are subject to Sections 2016 to 2036, inclusive, of the Code of Civil Procedure (relating to discovery proceedings) but, subject to subdivisions (c) and (d), shall not be admitted as evidence in any action or before any administrative body, agency, or person.

(b) The disclosure, with or without the consent of the patient, of information concerning him to such in-hospital medical or medical-dental staff committee does not make unprivileged any information that would otherwise be privileged under Section 994 or 1014; but, notwithstanding Sections 994 and 1014, such information is subject to discovery under subdivision (a) except that the identity of any patient may not be discovered under subdivision (a) unless the patient consents to such disclosure.

(c) This section does not affect the admissibility in evidence of the original medical or dental records of any patient.

(d) This section does not exclude evidence which is relevant evidence in a criminal action.

SEC. 2. Section 1157 of the Evidence Code is amended to read:

1157. Neither the proceedings nor the records of organized committees of medical or medical-dental staffs in hospitals having the responsibility of evaluation and improvement of the quality of care rendered in the hospital or medical or dental review committees of local medical or dental societies shall be subject to

discovery. Except as hereinafter provided, no person in attendance at a meeting of any such committee shall be required to testify as to what transpired thereat. The prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits.

The prohibitions contained in this section shall not apply to medical or dental society committees that exceed 10 percent of the membership of the society, nor to any such committee if any person serves upon the committee when his own conduct or practice is being reviewed.

CHAPTER 675

An act to amend Section 2156 of the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 10, 1975. Filed with Secretary of State September 10, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 2156 of the Streets and Highways Code is amended to read:

2156. (a) On or before May 1, 1977 and 1980, and on or before May 1st of each four years thereafter, every county and city shall transmit to the department a report setting forth in such detail as the department may require the following:

(1) The progress it has made in the construction or improvement of its road or street system.

(2) An estimate of its road or street needs for the next five years.

(3) A projected estimate of its road or street needs for the next 10 years.

(b) The department shall review and audit the information and estimates contained in the reports submitted by the counties and cities. The department shall combine all of such information and estimates in a report which shall be submitted to the Legislature at or prior to January 1, 1978 and 1981, and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution.

(c) The department shall cooperate and confer with the Departmental Transportation Advisory Committee in the preparation of its report required by this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that sufficient time be available to the counties and cities and the Department of Transportation to adequately prepare required reports on local street and road systems after the adoption and submission of the California Transportation Plan to Legislature by January 1, 1976, it is necessary that this act take effect immediately.

CHAPTER 676

An act to amend Sections 39083 3 and 39090 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 11, 1975 Filed with Secretary of State September 11, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 39083.3 of the Health and Safety Code is amended to read:

39083.3. (a) No limited-production vehicle, as defined in Section 39090, shall be required to meet emission standards of the board that are more stringent than standards adopted by the board for 1974 model year motor vehicles, such vehicles shall meet the standards adopted by the board for 1974 model year motor vehicles or the standards adopted by the Environmental Protection Agency for 1975 model year motor vehicles, whichever are more stringent.

(b) The board, in its discretion, may certify such limited-production vehicles for sale in California on the basis of engineering evaluation performed in lieu of all, or any portion, of the certification test procedures applicable to new nonlimited-production vehicles.

SEC. 2. Section 39090 of the Health and Safety Code is amended to read:

39090. As used in this chapter, "limited-production vehicle" means a new 1975- or 1976-model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds that is manufactured or sold in this state in quantities of less than 210 units annually.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Production of 1975 model year motor vehicles has commenced. In

order that the emission standards for limited-production vehicles, as defined in Section 39090 of the Health and Safety Code, as proposed by this act be in effect as early as possible in the 1975 model year, it is necessary that this act take effect immediately.

CHAPTER 677

An act to repeal and add Sections 73772 and 73773 to the Government Code, relating to municipal court employees.

[Became law without Governor's signature September 11, 1975. Filed with Secretary of State September 11, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 73772 of the Government Code is repealed.

SEC. 2. Section 73772 is added to the Government Code, to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary recommended by the municipal court and approved by the board of supervisors.

Any change in the salaries in effect immediately prior to the effective date of the amendments to this section enacted by the Legislature at its 1975–76 Regular Session shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 3. Section 73773 of the Government Code is repealed.

SEC. 4. Section 73773 is added to the Government Code, to read:

73773. (a) The clerk, with the approval of the judges of said court, may appoint one chief deputy clerk, 12 deputy clerks grade V, four deputy clerks grade IV, 16 deputy clerks grade III, 12 deputy clerks grade II, seven deputy clerks grade I, and seven intermediate typists and such other employees as the board of supervisors approve upon the recommendation of the municipal court, each of whom shall receive a salary recommended by the municipal court and approved by the board of supervisors. Any appointee shall be compensated at the first step and advance to each higher step upon completion of each year of service. Upon the recommendation of the municipal court and approval of the board of supervisors, such employees may be employed at or may be granted a special step increase to any step within the salary range on the basis of experience or qualifications.

(b) Until such time as the salaries of the employees are approved by the board of supervisors pursuant to subdivision (a), such employees shall receive the salaries in effect immediately prior to January 1, 1976.

(c) Any change in the salaries in effect immediately prior to the

effective date of the amendments to this section enacted by the Legislature at its 1975–76 Regular Session shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

CHAPTER 678

An act to amend Sections 491 and 10131.7 of, and to amend and renumber Section 10342 of, the Business and Professions Code, to amend Sections 3059 and 4456 of the Civil Code, to amend Sections 684.1 and 1699 of the Code of Civil Procedure, to amend Section 9506 of the Commercial Code, to amend Sections 1203, 1230, 1796, 6751.1, 13253.5, 14009, 14262, 16725, 17522.5, 20811, and 31913.5 of, to add an article heading immediately preceding Section 526 of, and to repeal Section 13192.3 of, the Education Code, to amend Section 14800 of the Elections Code, to amend Section 8022 of the Fish and Game Code, to amend Section 60014 of the Food and Agricultural Code, to amend Sections 4107, 6253.5, 8668, 14254, 14810, 20815, 53570, 55551, 68515, and 74662 of, to amend and renumber Sections 18850.1 and 18850.2 of, to amend and renumber the heading of Chapter 17 (commencing with Section 7290) of Division 7 of Title 1 of, and to repeal Section 34217.1 of, the Government Code, to amend Section 6038 of the Harbors and Navigation Code, to amend Sections 11007, 11161, 11163, 11164, 11167, 11176, 13915, 19881, and 33427 of, and to repeal Sections 19880 and 25956 of, the Health and Safety Code, to amend Section 12900 of the Insurance Code, to amend Sections 227, 2631.1, and 7354.5 of the Labor Code, to amend Section 626 of the Penal Code, to amend Section 5135 of, and to repeal Chapter 5 (commencing with Section 2851) of Part 2 of Division 1 of, the Public Utilities Code, to amend Section 7272.5 of, to amend and renumber Section 255.6 of, and to repeal Section 7272.5 of, the Revenue and Taxation Code, to amend and renumber Sections 2400, 2404, 2404.2, 2404.5, and 2406 of, and to add Chapter 18 (commencing with Section 27500) to Part 3 of Division 16 of, the Streets and Highways Code, to amend Sections 1461 and 2801 of the Unemployment Insurance Code, to add Chapter 7 (commencing with Section 12000) to Division 5 of, to repeal Section 12000 of, and to repeal Chapter 5 (commencing with Section 11900) of Division 5 of, the Vehicle Code, to amend Sections 12912 and 22264 of the Water Code, to amend Sections 727, 11151, and 16140 of, and to amend the heading of Division 4 (commencing with Section 4000) of, to repeal the heading of Article 2.3 (commencing with Section 16140) of, and to add a chapter heading immediately preceding Section 16140 of, Part 4 of Division 9 of, the Welfare and Institutions Code, to amend Section 8 of Chapter 1064 of the Statutes of 1973 and Section 1 of Chapter 1076 of the Statutes of 1974, and to repeal Chapter 805 of the Statutes of

1969, relating to maintenance of the codes.

[Approved by Governor September 11, 1975. Filed with Secretary of State September 11, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 491 of the Business and Professions Code is amended to read:

491. Upon suspension or revocation of a license by a board on one or more of the grounds specified in Section 490, the board shall:

(a) Send a copy of the provisions of Section 11522 of the Government Code to the ex-licensee.

(b) Send a copy of the criteria relating to rehabilitation formulated under Section 482 to the ex-licensee.

SEC. 2. Section 10131.7 of the Business and Professions Code is amended to read:

10131.7. It is unlawful for any real estate licensee acting under authority of Section 10131.6:

(a) To advertise or offer for sale in any manner any mobilehome unless it is either in place on a lot rented or leased for human habitation within an established mobilehome park as defined in Section 18214 of the Health and Safety Code and the advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome and the owner of the mobilehome park, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized for a total and uninterrupted period of at least one year.

(b) To fail to withdraw any advertisement of a mobilehome for sale, lease or exchange within 48 hours after his receipt of notice that the mobilehome is no longer available for sale, lease or exchange.

(c) To advertise or represent a mobilehome as a new mobilehome.

(d) To include as an added cost to the selling price of a mobilehome, an amount for licensing or transfer of title of the mobilehome as a vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by the licensee to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(e) To make any representation that a mobilehome is capable of being operated as a vehicle on California highways if the mobilehome does not meet all of the equipment requirements applicable to mobilehomes of Division 12 (commencing with Section 24000) of the Vehicle Code, or to fail to disclose any material fact respecting such equipment requirements.

(f) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a

mobilehome when a downpayment is in fact, required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the mobilehome.

(g) To fail or neglect properly to cause the endorsement, dating and delivery (or fail to endorse, date and deliver) of the certificate of ownership of the mobilehome, and, when having possession, to fail to deliver the registration card to a transferee who is lawfully entitled to a transfer of registration. Except when the certificate of ownership is demanded in writing by a purchaser the licensee shall satisfy the delivery requirement of this subdivision by submitting appropriate documents and fees to the Department of Motor Vehicles for transfer of registration in accordance with Sections 4456 and 5901 of the Vehicle Code and rules and regulations promulgated thereunder.

SEC. 3. Section 10342 of the Business and Professions Code is amended and renumbered to read:

10153.9. No provision in this chapter shall, on the basis of an applicant's failure to successfully complete prior examinations, impose any additional limitations, restrictions, prerequisites, or requirements on any applicant who wishes to participate in subsequent examinations. Nothing in this section, however, requires exemption of any such applicant from the regular fees and requirements normally associated with examinations.

SEC. 4. Section 3059 of the Civil Code is amended to read:

3059. The liens of mechanics, for materials and services upon real property, are regulated by Chapter 2 (commencing with Section 3109) of Title 15 of this part.

SEC. 5. Section 4456 of the Civil Code is amended to read:

4456. The court may grant attorney's fees and costs in accordance with Section 4370 in proceedings to have the marriage adjudged void and in those proceedings based upon voidable marriage in which the party applying for attorney's fees and costs is found to be innocent of fraud or wrongdoing in inducing or entering into the marriage, and free from knowledge of the then existence of any prior marriage or other impediment to the contracting of the marriage for which a judgment of nullity is sought.

SEC. 6. Section 684.1 of the Code of Civil Procedure is amended to read:

684.1. The sheriff, constable or marshal shall enforce a judgment for the possession of personal property in the manner prescribed by Section 514.010 or as otherwise prescribed by law; provided that when the execution requires the delivery of possession of property used as a dwelling, such as a house trailer, mobilehome, or boat, then the sheriff, constable or marshal shall, if the property be occupied place a keeper in charge of the property, at plaintiff's expense, for at least two (2) days, and at the expiration of said period shall remove its occupants and deliver possession to the plaintiff.

SEC. 7. Section 1599 of the Code of Civil Procedure is amended to read:

1699. (a) Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this state. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this state and may be enforced and satisfied in like manner.

(b) The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition the registered support order is confirmed.

(c) At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a support judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this state may be stayed the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this state.

SEC. 8. Section 9506 of the Commercial Code is amended to read:

9506. At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9504 or before the obligation has been discharged under Section 9505(2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

SEC. 9. An article heading is added immediately preceding Section 526 of the Education Code, to read:

Article 2. California Indian Education Centers

SEC. 10. Section 1203 of the Education Code is amended to read:

1203. If the charter of any city provides for or has within two years prior to January 1, 1955, provided for a board of education of five members of a unified school district, and said charter has been or is hereafter amended so that it fails to provide for a board of education, a new board of education composed of five members is created under this section immediately upon the effective date of

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such amendment; the positions thereto shall be filled by appointment of the county superintendent of schools. The terms of the members first so appointed shall expire the last day of March of an odd-numbered year next following the effective date of such charter amendment, and an election shall be held for the members of such board at the time fixed by law for the regular election of members of governing boards of school districts, and the members so elected shall assume office on the first day of April following. If the effective date of such charter amendment is such that a legal election for board members cannot be held as aforesaid prior to the first day of April of an odd-numbered year next following such charter amendment, then the county superintendent of schools shall again appoint the members of such board who shall assume office on the first day of April as aforesaid. The terms of the board members who take office on the first day of April as aforesaid and thereafter shall be as follows:

(a) If such members were elected, the three receiving the largest number of votes shall serve for four-year terms, and the remaining two members shall serve for two-year terms; and all subsequent members shall serve for four-year terms.

(b) If such members were appointed, the county superintendent of schools, upon making the appointments, shall designate three members to serve for four-year terms, and two members to serve for two-year terms.

Except as herein otherwise provided, the members of the board shall be elected at the last time fixed by law for the election of members of governing boards of school districts prior to the commencement of a new term of office. If a general municipal election is to be held within 60 days prior to the time when an election for board members would be held as aforesaid, the board of education may, by resolution filed with the governing body of such city at least 60 days prior to such municipal election, call the school district election to coincide with the municipal election and request the governing body of such city to consolidate such elections in that portion of the school district which lies within such city, and the governing body of such city shall order such elections to be consolidated and to be held as are consolidated elections under the provisions of the Elections Code relating to consolidated elections, in which event the school district shall simultaneously with the holding of such consolidated election conduct an election in any portion of the district not included within such municipality. In the event of the holding of such consolidated election, the school district shall reimburse the city for its proportionate share of the costs of conducting such consolidated election in an amount to be agreed upon between the governing bodies of such school district and such city.

SEC. 11. Section 1230 of the Education Code is amended to read:

1230. Notwithstanding any other provision of law, when elections for school district governing board members in existing or newly

formed school districts are conducted in conjunction with the municipal election of a chartered city on other than the first Tuesday after the first Monday in March, newly elected members shall take office 30 days after the official verification of the results of such election. The terms of office of outgoing members shall expire on the day before such newly elected members take office.

SEC. 12. Section 1796 of the Education Code is amended to read:

1796. If a community college district is formed with boundaries which are coterminous with the boundaries of a single high school district of any type and both districts are thereafter governed by governing boards of identical personnel, and if prior to the formation of the community college district the high school district had established a district tax rate in excess of the maximum rate prescribed by Section 20751, such excess tax rate shall be continued at the option of the governing boards of the high school and community college districts as the maximum combined tax rate of both districts for combined high school and community college purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of both districts and the boundaries of the high school and community college districts thereafter become noncoterminous as a result of any community college district organization or reorganization proceedings, the excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of such district for high school purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of the high school and community college districts, and while both districts are governed by governing boards of identical personnel, the governing boards of such districts may, by resolution, divide said maximum combined tax rate between the two districts, provided that the resulting maximum tax rate for either of the districts shall not be established at a rate lower than the applicable rate or rates established by Section 20751.

As used in this section, "high school district" includes a unified school district, and "high school purposes" include unified school district purposes.

SEC. 13. Section 6751.1 of the Education Code is amended to read:

6751.1. The maximum size for the special educational programs for educationally handicapped pupils defined in Sections 6750.1 and 6751 shall be as follows:

(a) For special day classes the maximum enrollment shall be 12 pupils per class.

If after the beginning of the school year it is determined that

classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

(b) For classes for autistic pupils, as defined by the Superintendent of Public Instruction, conducted by a school district or county superintendent of schools, the maximum class size shall be six pupils. The maximum class size prescribed herein may be exceeded upon a determination by the Superintendent of Public Instruction that to do so is in the best interests of the pupils and of the school district or county superintendent of schools maintaining such classes.

(c) For learning disability groups the maximum enrollment shall be 32; however, participation in any given learning disability group shall be for at least 30 minutes and shall not exceed eight pupils at any one time.

The instruction provided by a full-time teacher, whether offered by a single teacher or two or more part-time teachers, shall result in not more than eight units of average daily attendance being credited as the result of such instruction.

SEC. 14. Section 13192.3 of the Education Code is repealed.

SEC. 15. Section 13253.5 of the Education Code is amended to read:

13253.5. A student providing services in elementary schools or child development facilities as a nonteaching aide shall perform no instructional work; but shall, under the immediate supervision and direction of a certificated employee, perform noninstructional work which serves to assist certificated personnel in performance of teaching and administrative responsibilities.

SEC. 16. Section 14009 of the Education Code is amended to read:

14009. Notwithstanding any other provision of this chapter, a member employed on a part-time basis shall receive the credit he would receive if he was employed on a full-time basis and have his retirement allowance, as well as any other benefits that he is entitled to under this chapter, based upon the salary that he would have received if employed on a full-time basis, if he and his employer both elect to contribute to the Teachers' Retirement Fund the amount that would have been contributed if the member was employed on a full-time basis. This section shall be applicable only to members who have met the criteria provided in Section 13337.7 or 24215 and are not older than 65 years and is limited to a period of five years of

such part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.

SEC. 17. Section 14262 of the Education Code is amended to read:

14262. Allowances payable under Section 14260 on account of children shall be reduced when children become ineligible. Such reduction shall take into account the increases made by application of the improvement factor, however, the member's disability allowance shall not be less than it would have been if there had never been any eligible children.

SEC. 18. Section 16725 of the Education Code is amended to read:

16725. The Superintendent of Public Instruction shall adopt rules and regulations that provide for procedures and standards for the accreditation of neighborhood family day care homes. Neighborhood family day care homes may be accredited by the school district in which the home is located in accordance with the rules and regulations of the Superintendent of Public Instruction. Any neighborhood family day care home accredited by a school district shall be exempt from licensure required by the provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

SEC. 19. Section 17522.5 of the Education Code is amended to read:

17522.5. The provisions of this article shall not be applicable to a community college district.

SEC. 20. Section 20811 of the Education Code is amended to read:

20811. (a) This section shall only apply to those counties having a population in excess of 4,000,000 and to every school district within such a county for which the Board of Supervisors fixes the annual school district tax rate.

(b) Upon written request of the governing board of any school district submitted to the county assessor on or before the 20th day of February, the county assessor shall not later than the succeeding 15th day of May advise in writing the governing board of the school district the estimated total assessed valuation of taxable property in the district for the next succeeding fiscal year, together with the estimated total assessed valuation of all taxable property appearing on the secured roll, the unsecured roll, and solvent credits.

SEC. 21. Section 31913.5 of the Education Code is amended to read:

31913.5. The duties of the commission shall be:

(1) To determine specific areas of the state where unmet priority needs for primary care family physicians exist.

(2) To establish standards for family practice training programs and family practice residency programs and programs which train primary care physician's assistants, including appropriate provisions

to obligate family physicians and primary care physician's assistants who receive training in accordance with this article to provide needed services in areas of unmet need within the state. Standards for family practice residency programs shall provide that all such residency programs contracted for pursuant to this article shall (i) meet the American Medical Association's "Essentials" for Residency Training in Family Practice, (ii) be approved by the Residency Review Committee for Family Practice of the American Medical Association, and (iii) be affiliated or associated with accredited medical schools in California. Medical schools receiving funds under this article shall have programs or departments that recognize family practice as a major independent specialty.

(3) To review and make recommendations to the Secretary of the Health and Welfare Agency concerning the funding of family practice programs or departments, family practice residencies and programs for the training of primary care physician's assistants which are submitted to the Office of Educational Liaison, for participation in the contract program established by this article. Where the commission determines that a program proposal which has been approved for funding or which is the recipient of funds under this article does not meet the standards established by the commission, it shall submit to the secretary and the Legislature a report detailing its objections.

(4) To establish contract criteria and single per-student and per-resident capitation formulas which shall determine the amounts to be transferred to institutions receiving contracts for the training of family practice students and residents and primary care physician's assistants pursuant to this article. Institutions applying for or in receipt of contracts pursuant to this article may appeal to the secretary for waiver of these single capitation formulas. The secretary may grant such waiver in exceptional cases upon a clear showing by the institution that a waiver is essential to the institution's ability to provide a program of a quality comparable to those provided by institutions which have not received waivers, taking into account the public interest in program cost-effectiveness. Recipients of funds appropriated by this article shall, as a minimum, maintain the level of expenditure for family practice or physician's assistant training provided by such recipients during the 1973–74 fiscal year. Funds appropriated by this article shall be used to develop new programs or to expand existing programs and shall not replace funds supporting current family practice training programs. Institutions applying for or in receipt of contracts pursuant to this article may appeal to the secretary for waiver of this maintenance of effort provision. The secretary may grant such waiver if he determines that there is reasonable and proper cause to grant such waiver.

(5) To review and evaluate these programs regarding proper compliance with the provisions of this article and to submit annual progress reports to the Legislature on or before September 30 of each year, commencing September 30, 1974.

The members of the commission shall serve without compensation, except that each member shall be paid a per diem allowance of twenty-five dollars ($25) for each day's attendance at a meeting of the commission. The members of the commission shall also receive their actual and necessary traveling expenses incurred in the course of their attendance at commission meetings.

(d) The Director of the Office of Educational Liaison, or his designee, shall serve as executive secretary of the commission.

SEC. 22. Section 14800 of the Elections Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or any voter unable because of a physical handicap to go to his polling place or because of such handicap is unable to vote at his polling place due to existing architectural barriers at his polling place denying him physical access to the polling place, voting booth, or voting apparatus or machinery, may request in a written statement, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner or a written statement signed by an official of the hospital, sanatorium, or nursing home stating that the voter is a patient in a hospital, sanatorium or nursing home, and that the voter will be confined therein on election day.

In the event the voter is confined in his place of residence on election day, such confinement must have occurred because of conditions arising after the closing day for absent voter ballot applications. Such voter may request in a written statement signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot at the office of the clerk to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner stating that the voter will be confined at his place of residence on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope on or before election day and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the time prescribed for counting such ballot. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk no later than the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

SEC. 23. Section 8022 of the Fish and Game Code is amended to read:

8022. The receipts, reports, or other records filed with the department pursuant to the provisions of Articles 2 through 6 of this chapter, and the information contained therein, shall, except as otherwise provided in this section, be confidential, and the records shall not be public records, and, insofar as possible, the information contained in the records shall be compiled or published as summaries, so as not to disclose the individual record or business of any person.

Notwithstanding the foregoing, commercial landing receipts recorded pursuant to Sections 8011 and 8023, except for the actual name of the seller and buyer of the fish, filed with the department may be used or disseminated as determined by the director to be necessary for development of interstate management plans for Dungeness crab.

SEC. 24. Section 60014 of the Food and Agricultural Code is amended to read:

60014. Except as otherwise provided in Section 60015, it is a misdemeanor for:

(a) Any person to willfully render or furnish a false or fraudulent report, statement, or record required under this chapter.

(b) Any person to deliver into a primary trade channel without proper authority any commodity upon which a marketing program has been instituted.

(c) Any handler, dealer, or carrier to receive or have in its possession, within this state, without proper authority, any commodity upon which a marketing program has been instituted.

(d) Any person to deliver or to attempt to deliver any commodity that has been diverted under the provisions of any marketing program into any channel of trade except that into which diversion has been ordered.

(e) Any person to aid or abet in the commission of any of the acts which are specified in this section.

Each violation of this section constitutes a separate and distinct offense.

SEC. 25. Section 4107 of the Government Code is amended to read:

4107. No prime contractor whose bid is accepted shall:

(a) Substitute any person as subcontractor in place of the subcontractor listed in the original bid, except that the awarding authority, or its duly authorized officer, may, except as otherwise provided in Section 4107.5, consent to the substitution of another person as a subcontractor:

(1) When the subcontractor listed in the bid after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when such written contract, based upon the general terms, conditions, plans and specifications for the project involved or the terms of such subcontractor's written bid, is

presented to him by the prime contractor,

(2) When the listed subcontractor becomes bankrupt or insolvent, or,

(3) When the listed subcontractor fails or refuses to perform his subcontract, or

(4) When the listed subcontractor fails or refuses to meet the bond requirements of the prime contractor as set forth in Section 4108, or

(5) When the prime contractor demonstrates to the awarding authority, or its duly authorized officer, subject to the further provisions set forth in Section 4107.5, that the name of the subcontractor was listed as the result of an inadvertent clerical error, or

(6) When the listed subcontractor is not licensed pursuant to the Contractors License Law, or

(7) When the awarding authority, or its duly authorized officer, determines that the work performed by the listed subcontractor is substantially unsatisfactory and not in substantial accordance with the plans and specifications, or that the subcontractor is substantially delaying or disrupting the progress of the work.

Prior to approval of the prime contractor's request for such substitution the awarding authority, or its duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for such request. Such notice shall be served by certified or registered mail to the last known address of such subcontractor. The listed subcontractor who has been so notified shall have five working days within which to submit written objections to the substitution to the awarding authority. Failure to file such written objections shall constitute the listed subcontractor's consent to the substitution.

If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding authority on the prime contractor's request for substitution.

(b) Permit any such subcontract to be voluntarily assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the original bid, without the consent of the awarding authority, or its duly authorized officer.

(c) Other than in the performance of "change orders" causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid as to which his original bid did not designate a subcontractor.

SEC. 26. Section 6253.5 of the Government Code is amended to read:

6253.5. Notwithstanding the provisions of Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions and all memoranda prepared by the county clerks in the examination of such petitions indicating which registered voters

have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving such petitions or who are responsible for the preparation of such memoranda.

SEC. 27. The heading of Chapter 17 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code is amended and renumbered to read:

CHAPTER 17.5. USE OF A FOREIGN LANGUAGE IN PUBLIC SERVICES

SEC. 28. Section 8668 of the Government Code is amended to read:

8668. (a) Any disaster council previously accredited, the State Civil Defense and Disaster Plan, the State Emergency Resources Management Plan, the State Fire Disaster Plan, the State Law Enforcement Mutual Aid Plan, all previously approved civil defense and disaster plans, all mutual aid agreements, and all other documents and agreements existing as of the effective date of this chapter, shall remain in full force and effect until revised, amended, or revoked in accordance with the provisions of this chapter.

(b) Nothing in this chapter shall be construed to diminish or remove any authority of any city, county, or city and county granted by Section 7 of Article XI of the California Constitution.

SEC. 29. Section 14254 of the Government Code is amended to read:

14254. As used in this chapter, "project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of ten thousand dollars ($10,000).

SEC. 30. Section 14810 of the Government Code is amended to read:

14810. The department shall adopt, publish and apply uniform standards of rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid.

The department may remove, for a period not to exceed 90 calendar days, from any list of qualified bidders prepared by the department any bidder who, based upon his performance on contracts which he has previously been awarded by the state, has demonstrated a lack of reliability in complying with and completing such previously awarded contracts.

Any bidder temporarily removed under this section shall be returned to the list of qualified bidders at any time during this 90-day period, upon demonstrating to the department's satisfaction that the problems which resulted in the bidder's previously demonstrated unreliability in completing state contracts, have been corrected.

SEC. 31. Section 18850 1 of the Government Code, as added by

Chapter 374 of the Statutes of 1974, is amended and renumbered to read:

18850.2. On or before December 10 of each year the Board of Administration of the Public Employees' Retirement System shall submit to the board a report which shall include the findings of the board of administration relating to the benefits of state employees including, but not limited to, the following areas: service retirement, federal social security, death, life insurance, disability, health and medical plans. These findings shall include a determination of the amount by which such compensation exceeds or lags behind the costs to the state of matching prevailing employee benefit practices in other public employment and in private business and recommendations as to priorities for benefit improvements.

SEC. 32. Section 18850.2 of the Government Code is amended and renumbered to read:

18850.3. The board shall annually file a report with the Governor and each house of the Legislature containing the board's recommendations on the total compensation of state civil service employees including salaries and wages as determined by Section 18850, employee benefits, and on the hours of work, conditions of work, and other matters relating to the civil service personnel of the State of California. In making such recommendations, consideration shall be given to the recommendations and report of the Board of Administration of the Public Employees' Retirement System on employee benefits.

The board's report shall be filed with the Governor and with each house of the Legislature on or before January 10 of each year.

SEC. 33. Section 20815 of the Government Code is amended to read:

20815. Notwithstanding any other provision of this part, a member employed on a part-time basis shall receive the credit he would receive if he was employed on a full-time basis and have his retirement allowance, as well as any other benefits he is entitled to under this part, based upon the salary that he would have received if employed on a full-time basis if he and his employer both elect to contribute to the retirement fund the amount that would have been contributed if the member was employed on a full-time basis. This section shall be applicable only to members who are academic employees of California State University and Colleges who have met the criteria provided in Section 13337.7 or 24215 of the Education Code and are not older than 67 years and is limited to a period of five years of such part-time status. The employer shall maintain the necessary records to separately identify each employee receiving credit pursuant to this section.

SEC. 34. Section 34217.1 of the Government Code is repealed.

SEC. 35. Section 53570 of the Government Code is amended to read:

53570. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public

corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity or any improvement district or zone thereof.

(b) The term "revenue bonds" means:

(1) Bonds, warrants, notes or other evidence of indebtedness of a local agency denominated revenue bonds under any law of this state and payable from funds other than the proceeds of ad valorem taxes or the proceeds of assessments levied upon property in the local agency.

(2) Bonds, notes, interim certificates, debentures, or other obligations of a redevelopment agency, including, but not limited to, obligations payable in whole or in part from taxes allocated to and paid into a special fund of the agency pursuant to Article 6 (commencing with Section 33670), Chapter 6, Part 1, Division 24 of the Health and Safety Code.

SEC. 36. Section 55551 of the Government Code is amended to read:

55551. At the hearing the legislative body may order changes in the proposed boundaries of the district by the elimination of any portion thereof which will not, in its opinion, be benefited by the provision of crossing guards.

If the legislative body proposes a change in the boundaries to include additional land in the district, the legislative body shall adopt a resolution briefly describing the change proposed to be made and giving notice of the time and place when and where any interested person may protest such change. The time of such hearing of protests shall be not less than 15 nor more than 60 days from the date of the adoption of the resolution proposing a change in the boundaries. The clerk shall mail, postage prepaid, a copy of a notice of intention to make a change in the boundaries to each property owner within the area proposed to be added as shown on the latest equalized assessment roll. The notice shall be mailed at least 10 days before the date of the hearing of protests and shall describe the proposed change and specify the time for hearing protests. The notice shall also be published in the same manner as provided in Section 55546.

SEC. 37. Section 68515 of the Government Code is amended to read:

68515. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in any county with a population of more than 120,000 and less than 130,000, as determined by the 1970 federal census. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose; and

(5) Such other information as the Judicial Council may require.

SEC. 38. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 55.5. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as specified in range 50.5.

(b) One administrative assistant-municipal court clerk who shall receive a salary as specified in range 50.

(c) Five deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 44.5.

(d) Twenty-four deputy court clerks, grade III, each of whom shall receive a salary as specified in range 43.5.

(e) Forty deputy court clerks, grade II, each of whom shall receive a salary as specified in range 37.5.

(f) Twenty-one deputy court clerks, grade I, each of whom shall receive a salary as specified in range 34.5.

(g) One Spanish-English interpreter who shall receive a salary as specified in range 39.5.

SEC. 39. Section 6038 of the Harbors and Navigation Code is amended to read:

6038. On the day of any election held pursuant to this part, the polls at each of the polling places designated, shall be opened and closed as provided in Section 14206 of the Elections Code.

SEC. 40. Section 11007 of the Health and Safety Code is amended to read:

11007. "Controlled substance" means a drug, substance, or immediate precursor which are included in Schedules I through V, inclusive, pursuant to Chapter 2 (commencing with Section 11053).

SEC. 41. Section 11161 of the Health and Safety Code is amended to read:

11161. Prescription blanks shall be issued by the Department of Justice in serially numbered groups of 100 forms each in triplicate, and shall be furnished free of cost to any person authorized to write a prescription, and such prescription blanks shall not be transferable. Any person possessing any such prescription blank otherwise than as herein provided is guilty of a misdemeanor.

SEC. 42. Section 11163 of the Health and Safety Code is amended to read:

11163. Not more than one such prescription group shall in any case be issued or furnished by the Department of Justice to the same prescriber at one time.

SEC. 43. Section 11164 of the Health and Safety Code is amended to read:

11164. No person shall issue a prescription for a narcotic drug classified in Schedule II other than on the official prescription form issued by the Department of Justice, and no person shall fill any prescription other than on the official prescription form issued by the Department of Justice, except as provided in Section 11176.

SEC. 44. Section 11167 of the Health and Safety Code is amended to read:

11167. The original and one copy of the prescription for a narcotic drug classified in Schedule II shall be delivered to the person filling the prescription. The duplicate shall be properly endorsed by the pharmacist filling the prescription at the time such prescription is filled. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescription is filled, the duplicate shall be returned to the Department of Justice.

SEC. 45. Section 11176 of the Health and Safety Code is amended to read:

11176. No person shall issue a prescription for a narcotic controlled substance classified in Schedule II other than on the official prescription form issued by the Department of Justice, and no person shall fill any prescription for a narcotic controlled substance classified in Schedule II other than on the official prescription form issued by the Department of Justice, except that in the case of an epidemic or a sudden or unforeseen accident or calamity, a prescriber may issue a prescription upon a form other than the official prescription form issued by the Department of Justice, where failure to issue such prescription might result in loss of life or intense suffering. In such an emergency an oral prescription is hereby authorized. In the event such an emergency prescription is issued pursuant to the provisions of this section, the prescriber shall within 72 hours submit the prescription on the official prescription form to the pharmacy filling the emergency prescription. If the prescriber does not provide such prescription on the official prescription form, the pharmacist filling the emergency prescription shall immediately inform the Department of Justice.

SEC. 46. Section 13915 of the Health and Safety Code is amended to read:

13915. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 47. Section 19880 of the Health and Safety Code is repealed.

SEC. 48. Section 19881 of the Health and Safety Code is

amended to read:

19881. No person shall sell, or offer for sale, any new or used unvented heater, which is designed to be used inside any dwelling house or unit, with the exception of an electric heater, or of decorative gas logs for use in a vented fireplace.

SEC. 49. Section 25956 of the Health and Safety Code, as added by Chapter 720 of the Statutes of 1973, is repealed.

SEC. 50. Section 33427 of the Health and Safety Code is amended to read:

33427. An agency shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract. The bonds shall contain the terms and conditions set forth in Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code and are subject to the provisions of that chapter.

SEC. 51. Section 12900 of the Insurance Code is amended to read:

12900. The commissioner shall be appointed by the Governor, with the consent of the Senate and shall hold office for a term of four years, coextensive with the term of office of the Governor.

SEC. 52. Section 227 of the Labor Code is amended to read:

227. Whenever an employer has agreed with any employee to make payments to a health or welfare fund, pension fund or vacation plan, or other such plan for the benefit of the employees, or a negotiated industrial promotion fund, or has entered into a collective bargaining agreement providing for such payments, it shall be unlawful for such an employer willfully or with intent to defraud to fail to make the payments required by the terms of any such agreement. A violation of any provision of this section where the amount the employer failed to pay into the fund or funds exceeds five hundred dollars ($500) shall be punishable by imprisonment in the state prison for a period of not more than five years or in the county jail for a period of not more than one year, by a fine of not more than one thousand dollars ($1,000), or by both such imprisonment and fine. All other violations shall be punishable as a misdemeanor.

SEC. 53. Section 2631.1 of the Labor Code is amended to read:

2631.1. The provisions of Section 2631 shall not apply to labor camps owned or operated by railroad corporations. Application for a permit to operate a labor camp owned or operated by a railroad corporation shall be made to the Department of Housing and Community Development within 30 days of initial occupancy and shall contain at least the following information:

(a) The name and address and telephone numbers of the camp owner and operator.

(b) The present location of the camp.

(c) The present approximate number of occupants to be housed.

(d) A description of the present facilities comprising the camp.

(e) Approximate dates of present occupancy. An amended permit shall not be required if there is any change in the foregoing information applicable to the railroad labor camp, provided, however, the railroad corporation shall make such information available to the department upon reasonable request.

SEC. 54. Section 7354.5 of the Labor Code is amended to read:

7354.5. Notwithstanding any other provision of this chapter, in any case in which an insurer admitted to transact insurance in this state has inspected or caused to be inspected, by a qualified, licensed professional engineer who is registered in California pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, any aerial passenger tramway used as a ski lift, the division may, if it finds such inspections were made according to the provisions of subdivisions (a) and (b) of Section 7344, accept such inspections in lieu of any other inspections for that year, except that the initial inspection of a new ski lift or of a major alteration to an existing ski lift shall be performed by a division safety engineer. Such private inspector shall, before commencing his duties therein, secure from the division a certificate of competency to make such inspections. The division may determine the competency of any applicant for such certificate, either by examination or by other satisfactory proof of qualification.

The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to a ski lift inspector. The inspection reports made to the division shall be in such form and content as the division may find necessary for acceptance as a proper inspection made by such private inspector.

SEC. 55. Section 626 of the Penal Code is amended to read:

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state university or college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State University and Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

(5) "Chief administrative officer" means:

(i) The president of a state university or college, Chancellor of the California State University and Colleges, or the officer designated by

the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the superintendent of a community college district or a school district maintaining a community college.

(ii) For a school: the principal of the school; or a person who possesses a standard supervision credential or a standard administrative credential and who is designated by the principal; or a person who carries out the same functions as a person who possesses such a credential and who is designated by the principal.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Department of Justice containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

SEC. 56. Chapter 5 (commencing with Section 2851) of Part 2 of Division 1 of the Public Utilities Code is repealed.

SEC. 57. Section 5135 of the Public Utilities Code is amended to read:

5135. Before a permit is hereafter issued the commission shall require the applicant to establish ability and reasonable financial responsibility to initiate the proposed operations. The commission shall require the applicant to establish his knowledge and ability to engage in business as a household goods carrier by examination. The examination may be written or oral, or in the form of a demonstration of skill or any combination of these, and any investigation of character, experience and any tests of technical knowledge and manual skill which the commission deems are appropriate may be employed. In any examination the qualification of the applicant shall be determined by an appraisal made by a member of the commission's staff. An applicant who has been determined to be unqualified may thereafter establish his qualifications through a subsequent examination; but no subsequent examination shall be taken prior to three (3) months from the date when such applicant was found to be unqualified. When the staff member shall determine that the applicant is not qualified, then the matter shall be set for hearing and the qualification of the applicant shall be determined by the commission on the basis of evidence of qualifications presented at such hearing, which evidence may include consideration of any written examination of the applicant. When the staff member shall determine that the applicant is qualified, a permit may issue without hearing unless the commission shall consider a hearing desirable, in which event the application may be set for hearing by the commission.

An applicant may qualify in the following ways: (a) if an individual, he may qualify by personal examination or by examination of his

responsible managing employee; (b) if a copartnership or corporation, or any other type of business organization, it may qualify by examination of the responsible managing officer or member of the personnel of such applicant firm. If the individual qualified by examination ceases to be connected with the permitholder, said permitholder shall notify the commission in writing within 30 days after such cessation. If notice is given the permit shall remain in force a reasonable length of time in order that another representative of applicant may be qualified before the Public Utilities Commission. If the permitholder fails to notify the commission of such cessation within a 30-day period, at the end of that period the permit shall be automatically suspended.

The commission may refuse to issue a permit if it shall be shown that an applicant or an officer, director, partner or associate thereof has committed any act constituting dishonesty or fraud; committed any act which, if committed by a permitholder would be grounds for a suspension or revocation of the permit; misrepresented any material fact on his application; or, committed a felony, or crime involving moral turpitude.

The commission shall issue a permit only to those applicants who it finds have demonstrated that they possess sufficient knowledge, ability, integrity and financial resources and responsibility to perform the service within the scope of their application.

No permit shall be issued unless it has been shown that applicant meets one of the following residence requirements: If an individual, applicant must have resided in the State of California for not less than 90 days next preceding the filing of the application. If a partnership, the partner having the largest percentage interest in the partnership must have resided in the State of California continuously for not less than 90 days next preceding the filing of the application. If a corporation, applicant must be a domestic corporation or must have qualified to transact business in the State of California as a foreign corporation at the time of filing the application.

The commission shall prescribe, amend, and repeal rules in accordance with law for the administration of this section.

SEC. 58. Section 255.6 of the Revenue and Taxation Code is amended and renumbered to read:

255.8. In counties having 10 percent or more persons who are Spanish surnamed or Spanish speaking according to the most recent federal decennial census, the notices required to be sent to homeowners by subdivision (b) of Section 255.3 and Section 255.4 and the instructions accompanying the claim form required to be sent to homeowners by subdivision (c) of Section 255.3 shall be in English and Spanish. Notices in Spanish may also be sent or made available in any other county, at the discretion of the county assessor.

SEC. 59. Section 7272.5 of the Revenue and Taxation Code, as added by Chapter 502 of the Statutes of 1974, is repealed.

SEC. 60. Section 7272.5 of the Revenue and Taxation Code, as added by Chapter 1204 of the Statutes of 1974, is amended to read:

7272.5. The contracts referred to in Sections 100252 and 103352 of the Public Utilities Code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contracts. Such costs include all preparatory costs including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 61. Section 2400 of the Streets and Highways Code, as amended by Chapter 1250 of the Statutes of 1974, is amended and renumbered to read:

2450. For purposes of this chapter:

(a) "Grade separation" means the structure which actually separates the vehicular roadway from the railroad tracks.

(b) "Project" means the grade separation and all approaches, ramps, connections, drainage, and other construction required to make the grade separation operable and to effect the separation of grades. Such grade separation project may include provision for separation of nonmotorized traffic from the vehicular roadway and the railroad tracks. If a separation of nonmotorized traffic is not to be included in a project, there shall be an affirmative finding that the separation of nonmotorized traffic is not in the public interest. On any project where there is only one railroad track in existence, the project shall be built so as to provide for expansion to two tracks when the Director of Transportation determines that the project is on an existing or potential major railroad passenger corridor. Such project may consist of:

(1) The alteration or reconstruction of existing grade separations.

(2) The construction of new grade separations to eliminate existing or proposed grade crossings.

(3) The removal or relocation of highways or railroad tracks to eliminate existing grade crossings.

(c) "Highway" means city street, a county highway, or a state highway which is not a freeway as defined in Section 257.

(d) "Railroad" means a railroad corporation.

SEC. 62. Section 2404 of the Streets and Highways Code, as amended by Chapter 1250 of the Statutes of 1974, is amended and renumbered to read:

2454. Allocations made pursuant to Section 2453 shall be made on the basis of the following:

(a) An allocation of 80 percent of the estimated cost of the project

shall be made; except that whenever contributions from other sources exceed 20 percent of the estimated cost, the allocation shall be reduced by the amount in excess of 20 percent of the estimated cost.

(b) An allocation of 50 percent of the estimated cost of the project shall be made for a proposed crossing.

(c) No allocation shall be made in excess of 50 percent of the estimated cost of the project unless the grade crossing to be eliminated has been in existence for at least 10 years prior to the date of allocation.

(d) On projects which eliminate an existing crossing, or alter or reconstruct an existing grade separation, no allocation shall be made unless the railroad agrees to contribute 10 percent of the cost of the project.

(e) Where a project does not include a grade separation, but eliminates existing grade crossing or crossings, the allocation shall not exceed the estimated allocation that would have been made for the grade separation which is no longer needed because of the elimination of the grade crossing by the project and which are indicated on the priority list to be urgently in need of grade separation.

(f) Where the project includes the separation of a highway and a railroad passenger service operated by a city or county, the operating agency shall contribute 20 percent of the cost of the project. The priority listing for such projects shall be in accordance with criteria established for such railroad passenger service by the Public Utilities Commission.

Notwithstanding any of the above provisions of this section or any other provision of law, when the state or local agency uses funds derived from federal sources in financing its share of project costs, the railroad contribution, where required by federal law or regulation, shall be computed pursuant to federal law. However, the allocation made pursuant to this chapter shall be computed as though such matching contribution was derived from nonfederal sources and shall be computed as though the railroad had made its contribution pursuant to state law rather than pursuant to federal law. Provided however, that where the contribution of the railroad is computed according to federal law or regulation because of the use of federal funds in the allocation for a project, the allocation shall be increased by the amount the share of the railroad is reduced below 10 percent of the estimated cost of the project.

SEC. 63. Section 2404.2 of the Streets and Highways Code, as added by Chapter 1419 of the Statutes of 1974, is amended and renumbered to read:

2454.2 The planned removal of trackage of the Sacramento Northern Railway, the construction of substitute tracks and track connections, the elimination of 10 existing grade crossings, the acquisition of necessary rights-of-way, and all necessary associated work and appurtenances, to enable Sacramento Northern Railway

trains to operate via existing trackage of the Atchison, Topeka & Santa Fe Railway, in and adjacent to the City of Pittsburg, shall be eligible for an allocation under Section 2453. The Public Utilities Commission shall determine to what extent, if any, the railroad shall contribute to the project. Such eligibility shall not be contingent on whether the railroad agrees to contribute, and the California Highway Commission shall not deny an allocation on such grounds.

The Legislature hereby finds and declares that it is necessary to enact this special law regarding the Pittsburg track removal and grade crossing elimination project because of the existence of the following special facts and circumstances:

The predominant traffic carried by the Sacramento Northern Railway consists of high explosives, bombs, shells, and ammunition destined for the United States Navy ammunition depot at Port Chicago. Such trains traverse residential areas, cross 10 streets at grade, and constitute a grave hazard to the life and safety of the residents of Pittsburg. Sacramento Northern Railway is willing to remove its tracks and operate its trains via the tracks of the Atchison, Topeka & Santa Fe Railway, which is already partially grade separated and which offers a safer route. However, Sacramento Northern Railway will sacrifice certain of its own facilities, will receive no benefits, and therefore is unwilling to contribute any portion of the cost incidental to the removal of its trackage or for the construction of substitute track connections and appurtenances or for the acquisition of rights-of-way.

Based on the foregoing, the Legislature therefore finds and declares that it is necessary that the Sacramento Northern track removal and relocation project in and adjacent to the City of Pittsburg shall be eligible for a grade separation allocation, and that subdivision (d) of Section 2454, relating to a contribution by the railroad, shall not apply for purposes of qualifying for an allocation under Section 2453.

SEC. 64. Section 2404.5 of the Streets and Highways Code, as added by Chapter 1428 of the Statutes of 1974, is amended and renumbered to read:

2454.5. (a) Whenever the National Railroad Passenger Corporation (AMTRAK) contributes an amount equal to one-third of the total cost to the state and local agencies of a grade separation project, or any lesser percentage as the National Railroad Passenger Corporation (AMTRAK) and the California Highway Commission may agree upon, the cost to the participating parties under existing law shall be reduced proportionately.

(b) Any such grade separation project may be assigned a priority by the Public Utilities Commission that is higher than the priorities assigned to all other such projects for which the National Railroad Passenger Corporation (AMTRAK) has not made a contribution.

SEC. 65. Section 2406 of the Streets and Highways Code, as amended by Chapter 1250 of the Statutes of 1974, is amended and renumbered to read:

2456. An allocation for construction costs, including preconstruction costs if not already allocated, shall be made to a local agency only if it furnishes evidence satisfactory to the department that all necessary orders of the Public Utilities Commission have been executed, that sufficient local funds will be made available as the work of the project progresses, that all necessary agreements with affected railroad or railroads have been executed that, if required, all environmental impact reports have been prepared and approvals obtained, and that all other matters prerequisite to the award of the construction contract can be accomplished within one year after the allocation. Local funds shall be deemed available to the amount of any general obligation bonds authorized but unsold if it is determined that such bonds may be issued and sold by the local agency at any time.

SEC. 66. Chapter 18 (commencing with Section 27500) is added to Part 3 of Division 16 of the Streets and Highways Code, to read:

CHAPTER 18. GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

Article 1. General Provisions

27500. Unless the particular provision or the context otherwise requires, the definitions set forth in this article govern the construction of this chapter.

27501. "District" means the Golden Gate Bridge, Highway and Transportation District.

27502. "Golden Gate Bridge" means the bridge spanning the Golden Gate between the City and County of San Francisco and the County of Marin.

27503. "Transit services" means the transportation of passengers and their incidental baggage by the district by means other than sightseeing ferryboats.

Article 2. Planning

27530. The Legislature finds and declares that since July 1, 1971, the district has been freed of bonded indebtedness. The prospective continuing role of the district and its responsibilities in the field of transportation are policy questions of major importance to the citizens of California, the people and communities regularly served by the Golden Gate Bridge, the district, and the Legislature.

It is desirable, therefore, that all concerned have a common basis for considering the issues and exercising judgment. To this end, the district is directed to develop a transportation facilities plan.

27531. The transportation facilities plan shall include, but not be limited to, the following:

(a) A definition of the district's future responsibilities for providing transportation services. Alternative proposals are

encouraged. Abolishment of the district should be one alternative, in which case recommendations should be made for necessary transfer of powers and duties.

(b) A priority schedule for assuming each of any proposed added responsibilities.

(c) Necessary changes in the district's organizational structure in order to be responsive to any changed responsibilities.

(d) An estimate of the expenditures that may be necessary to support any added responsibilities.

(e) A definition of any capital improvements that may be required.

(f) A long-range estimate of bridge revenues, operating costs, and net revenues that may be available as required to provide proposed transportation services.

(g) A special element addressed to the interfacing of transportation modes.

(h) Explicit consideration must be given to the environmental and social values of the communities affected.

27532. In developing the transportation facilities plan, the district shall hold public hearings so that interested persons and organizations are provided an opportunity to express their viewpoints.

27533. No long-range transportation plan of the district shall be adopted unless such plan is consistent with the regional transportation plan of the Metropolitan Transportation Commission and approved by the commission.

27534. The district shall submit its plan for transit services, other than for the interim system of buses and ferries between the City and County of San Francisco and the Counties of Marin and Sonoma, to the Legislature by April 1, 1975.

The plan shall include a statement indicating that the plan is approved or disapproved by the Metropolitan Transportation Commission.

Article 3. Powers and Functions

27550. The district may study, construct, acquire, improve, maintain, and operate any and all modes of transportation within or partly outside the district, including, but not limited to, water transportation; may join with any cities, counties, districts, or state agencies, or any combinations thereof, to study and to provide any such mode of transportation as may be deemed by the board to be reasonable and appropriate to provide or to assist in providing transportation within or partly outside the district; and may pay for or finance, in whole or in part, any such study and any such mode of transportation.

27551. The district may not, prior to July 30, 1975, expend any of its funds to implement the addition of a second deck to the Golden Gate Bridge or any other proposed plan for transit services, other

than for its interim system of buses and ferries.

It is the intention of the Legislature that the district's interim system of buses and ferries shall be the system outlined in the district's grant application to the Urban Mass Transportation Administration, dated May 21, 1971, entitled, "Application of the Golden Gate Bridge, Highway and Transportation District for a Mass Transportation Capital Grant under the Urban Mass Transportation Act of 1964, as amended."

The district, however, may expend the necessary funds for planning purposes, and for the acquisition of rights-of-way necessary, regardless of what type of transit system is proposed in the Golden Gate Corridor Transportation Facilities Plan submitted to the Legislature on December 31, 1974, and in the plan submitted pursuant to Section 27534.

27552. If the district constructs any rail transit lines, such lines, and the rolling stock and other facilities therefor, shall be coordinated with the system of the San Francisco Bay Area Rapid Transit District.

If the district constructs any tunnel within the Geary Corridor in the City and County of San Francisco, such tunnel and its underground stations shall be constructed so that the conversion of such facilities to physically accommodate the equipment used by the San Francisco Bay Area Rapid Transit District can be accomplished at a minimum cost.

27553. With respect to its ferryboat operations, the district shall not operate any charter or sightseeing services. However, the district may contract with any common carrier to provide such services and to employ the district's boats, employees, facilities, or equipment for such purposes.

27554. Prior to the expenditure of any funds for the bus transit and water transportation system of the district, the board shall determine:

(a) The amount which the counties, and the transit districts therein, served by the system shall contribute to the operation of the system for benefits derived from intracounty operation connected with, or related to, the system. The method of computing and receiving such amount shall be the method provided for in the district's Resolution No. 7030, adopted May 8, 1970.

(b) That the board of supervisors of these counties, and the transit districts therein, have made a commitment to contribute the amount specified in subdivision (a).

27555. It is the intention of the Legislature that the district pursue all avenues to obtain federal financing for both its interim transit system and any long-range transportation facilities approved by the Metropolitan Transportation Commission. Furthermore, the district shall take no action which may preclude it from obtaining federal grants-in-aid if such grants are reasonably anticipated. Furthermore, the district shall encourage minority enterprise to the maximum extent practicable.

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27556. Except for the necessity to finance its interim system of buses and ferries, as described in Section 27551, the district shall not issue general obligation bonds, revenue bonds, or any other form of long-term indebtedness.

SEC. 67. Section 1461 of the Unemployment Insurance Code is amended to read:

1461. Except as provided in this chapter, a county employee shall, upon the request of the board of supervisors of the county submitted to the director, be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4 (commencing with Section 4001) of this division, for all other individuals. The employees of a county may submit to the board of supervisors a petition, signed by a majority of such employees, requesting the board to submit a request to the director to become eligible for such benefits. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this chapter. A county employee shall have no rights, based on county wages, to disability benefits under this division unless the county employing him has elected to become an employer pursuant to Section 710.3.

SEC. 68. Section 2801 of the Unemployment Insurance Code is amended to read:

2801. During confinement in a hospital or nursing home, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of twelve dollars ($12) for each day not in excess of 20 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician or of a practitioner duly authorized by any bona fide church, sect, denomination, or organization whose principles or teachings call for dependence for healing entirely upon prayer or spiritual means.

For the purposes of this part, "hospital" includes those institutions operated as hospitals but exempt from licensing by the State Department of Health under the provisions of subdivision (a) of Section 1270 of the Health and Safety Code.

For the purposes of this part, "nursing home" shall mean an extended care facility, as defined in subsection (j) of Section 1395x of Title 42 of the United States Code. "Nursing home" shall also mean any nursing home conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

SEC. 69. Chapter 5 (commencing with Section 11900) of Division 5 of the Vehicle Code is repealed.

SEC. 69.5. Section 12000 of the Vehicle Code is repealed.

SEC. 70. Chapter 7 (commencing with Section 12000) is added

to Division 5 of the Vehicle Code, to read:

CHAPTER 7. SALE OF AUTOMOBILE PARTS

12000. The Bureau of Automotive Repair in the Department of Consumer Affairs shall enforce the provisions of this chapter. The Bureau of Automotive Repair shall investigate and inspect retail outlets to insure compliance with this chapter.

12001. (a) Any person who sells and installs new parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which identifies by brand name, or other comparable designation, the part or parts installed.

(b) Any person who sells and installs used or factory rebuilt parts in passenger cars, in the ordinary course of his business, shall provide the customer with an invoice which specifically designates the used part or parts installed.

(c) This section shall not apply to any fitting or other device necessary to the installation of any new, used or factory rebuilt part subject to the provisions of this section.

12002. No person shall knowingly manufacture, sell, or install in any vehicle, any vehicle part which, under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.), is, or has been, determined to be defective and subject to customer notification or recall.

12003. Any violation of this chapter shall be a misdemeanor.

SEC. 71. Section 12912 of the Water Code is amended to read:

12912. There shall be deposited in the California Water Fund:

(a) All resources of the Investment Fund.

(b) All receipts and revenues of any type and nature derived from any project constructed, operated, or maintained in whole or in part from the fund, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement, and debt service in connection with the project, and all receipts and revenues of any type or nature derived by the state from joint-use projects between the state and the federal government, except such receipts and revenues which are necessary to pay the costs of operation, maintenance, replacement and debt service, in connection with any such project.

(c) Such moneys in other funds which the Legislature may hereafter direct the Controller to transfer to the fund, and any money required to be deposited in the California Water Fund pursuant to the provisions of subdivision (b) of Section 6217 of the Public Resources Code.

(d) All revenues received by the state pursuant to the provisions of Chapter 29, Statutes of 1956, First Extraordinary Session.

(e) All money from any state bond issue authorized and sold for the purposes of this chapter.

(f) All other funds made available solely for the purposes of this chapter by gift or any other means.

(g) All income derived from the investment of moneys that are in the fund.

SEC. 72. Section 22264 of the Water Code is amended to read:

22264. The provisions of Chapter 7, Part 1, Division 5 of the Health and Safety Code shall not apply to districts except in specific areas concerning which the State Department of Health gives written notice to the district.

In areas where the service rendered by the district is primarily agricultural and domestic service is only incidental thereto, the State Department of Health may prescribe reasonable and feasible action to be taken by the district and the consumers to insure that their domestic water will not be injurious to health.

Municipal and public corporations or utilities, other than a district, which distribute water within a district are not excepted from the provisions of Chapter 7, Part 1, Division 5 of the Health and Safety Code by this section.

SEC. 73. Section 727 of the Welfare and Institutions Code is amended to read:

727. When a minor is adjudged a dependent child of the court, on the ground that he is a person described by Section 600, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such minor, including medical treatment, subject to further order of the court.

The court may order the care, custody, control and conduct of such minor to be under the supervision of the probation officer or may commit such minor to the care, custody and control of:

(a) Some reputable person of good moral character who consents to such commitment.

(b) Some association, society, or corporation embracing within its objects the purpose of caring for such minors, with the consent of such association, society, or corporation.

(c) The probation officer, to be boarded out or placed in some suitable family home or suitable private institution, subject to the requirements of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code; provided, however, that pending action by the State Department of Health, the placement of a minor in a home certified as meeting minimum standards for boarding homes by the probation officer shall be legal for all purposes.

(d) Any other public agency organized to provide care for needy or neglected children.

When a minor is adjudged a dependent child of the court, on the ground that he is a person described by subdivision (d) of Section 600 and the court orders that a parent or guardian shall retain custody of such minor subject to the supervision of the probation officer, the parent or guardian shall be required, as a condition of his continued custody of such minor, to participate in a counseling program to be provided by an appropriate agency designated by the court.

SEC. 74. The heading of Division 4 (commencing with Section

4000) of the Welfare and Institutions Code is amended to read:

DIVISION 4. MENTAL HYGIENE

SEC. 75. Section 11151 of the Welfare and Institutions Code is amended to read:

11151. An applicant or recipient shall be ineligible to receive public assistance unless the property he owns is held for the following purposes:

1. The property is used to provide the applicant or recipient with a home and conforms to the provisions of Section 11152 of this code.

2. The property is producing income for the support of the applicant or recipient and conforms to the provisions of Section 11153.7 of this code.

3. The property is held as a reserve to meet a contingent need, not included within the standard of assistance for which an aid payment is made, and conforms to the provisions of Section 11154 of this code.

4. The property is personal in nature, or meets a special need of the applicant or recipient, or is part of a self-care or rehabilitation plan, or is not available for expenditure or disposition by the applicant or recipient and conforms to provisions of Section 11155 of this code

SEC. 76. The article heading of Article 2.3 (commencing with Section 16140) of Part 4 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 76.5. A chapter heading is added immediately preceding Section 16140 of the Welfare and Institutions Code, to read:

CHAPTER 2.3. INTERCOUNTY ADOPTIONS

SEC. 77. Section 16140 of the Welfare and Institutions Code is amended to read:

16140. For the purposes of this chapter "request" means an express written request that the department conduct a home study with respect to the suitability of the requester's home. Such request need not be part of any document required to be completed by the department.

SEC. 78. Chapter 805 of the Statutes of 1969 is repealed.

SEC. 79. Section 8 of Chapter 1064 of the Statutes of 1973 is amended to read:

Sec. 8. The land to be acquired pursuant to the provisions of this act is described and is shown on the map set forth in Sec. 9 as follows:

(1) Brockway Point Area (described as parcels 1(a), 1(b), and 1(c) on the map)

(3) Burton Creek Area

(4) Meeks Bay Area

(5) Cascade Lake Area

(6) Upper Truckee River Beach

(7) Bijou Beach

(8) Stateline Beach
(9) Celio Ranch
(10) Ward Valley (including Page Meadows)
(11) Blackwood Canyon

SEC. 80. Section 1 of Chapter 1076 of the Statutes of 1974 is amended to read:

Section 1. Chapter 7.7 (commencing with Section 25880) of Division 20 of the Health and Safety Code is repealed.

SEC. 81. Any section of any act enacted by the Legislature during the 1975 portion of the 1975–76 Regular Session, which takes effect on or before January 1, 1976, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to this act.

CHAPTER 679

An act to amend Section 9509 of the Government Code, relating to the Governor.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 9509 of the Government Code is amended to read:

9509. As soon as an enrolled bill is delivered to the Governor, it shall be indorsed as follows: "This bill was received by the Governor this _____ day of _____, 19__." The indorsement shall be signed by the private secretary of the Governor or by any other person designated by the Governor whose designation has been reported to the Speaker of the Assembly and the President pro Tempore of the Senate.

CHAPTER 680

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.

Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal facilities districts.
Municipal improvement district improvement districts.
Municipal improvement assessment districts.
Municipal improvement districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Project areas of redevelopment agencies.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.

Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.
Zones of county waterworks districts.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and

be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

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SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1975.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To validate the organization boundaries, acts, proceedings and bonds of public bodies as soon as possible.

CHAPTER 681

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts.
Airport districts.
Assessment districts.
Bridge and highway districts.
California water district distribution districts.
California water district improvement districts.
California water districts.
Cemetery districts.
Citrus pest control districts.
City general improvement district improvement districts.
City general improvement districts.
City maintenance districts.
Community college districts.
Community facilities districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County flood control and water districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.

County sanitation district improvement districts.
County service area improvement areas.
County service areas.
County sewage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting under and pursuant to Part 3 (commencing with Section 11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Harbor, recreation, and conservation districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal facilities districts.
Municipal improvement district improvement districts.
Municipal improvement assessment districts.
Municipal improvement districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.

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Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Project areas of redevelopment agencies.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
Resource conservation districts.
River port districts.
Road districts.
Sanitary agencies.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.

Zones of county water agencies.
Zones of county water authorities.
Zones of county waterworks districts.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies. and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body

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heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This

section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1975.

CHAPTER 682

An act to amend Sections 17912 and 23405 of the Business and Professions Code, to amend Sections 416.10, 416.20 and 492.010 of the Code of Civil Procedure, to repeal Division 1 (commencing with Section 100) of Title 1 of, and to add Division 1 (commencing with Section 100) to Title 1 of, the Corporations Code, to add Sections 12202.5, 12210, 12211 and 12212 to, and to amend Sections 12185, 12202 and 12203 of, the Government Code, to add Section 25936 to the Revenue and Taxation Code, and to amend Section 1116 of the Unemployment Insurance Code, relating to corporations.

[Approved by the Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17912 of the Business and Professions Code is amended to read:

17912. This chapter does not apply to a real estate investment trust that has obtained a permit under Section 23002 of the Corporations Code and has a statement on file, pursuant to Section 24003 of the Corporations Code, designating an agent for service of process or has qualified to do business under Chapter 21 (commencing with Section 2100) of the Corporations Code.

SEC. 2. Section 23405 of the Business and Professions Code is amended to read:

23405. (a) Any corporation holding a license under this division shall maintain a record of its shareholders at the principal office of the corporation in California and the record of its shareholders shall be available to the department for inspection. Such corporation shall

report to the department in writing any of the following:

(1) Issuance or transfer of any shares of stock to any person where the issuance or transfer results in the person owning 10 percent or more of the corporate stock.

(2) Change in any of the corporate officers which are required by Section 312 of the Corporations Code.

(3) Change of the members of its board of directors.

The report shall be filed with the department within 30 days after the issuance or transfer of corporate stock, change in corporate officers, or change in members of the board of directors, as the case may be.

(b) Any licensee within the purview of this section who is required by federal law to report to the federal government under the provisions of the Federal Alcohol Administration Act or the Internal Revenue Code the information required by this section may send to the department a copy of the report at the same time as it is sent to the federal government, and the copy of the report sent to the department by the licensee shall be deemed sufficient compliance with the provisions of this section.

(c) The provisions of this section shall not apply to any of the following:

(1) A corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York.

(2) A bank, trust company, financial institution or title company to which a license is issued in a fiduciary capacity.

(3) A corporation which is required by law to file periodic reports with the Securities and Exchange Commission.

(d) The department may suspend or revoke any license of a corporation subject to the provisions of this section where conditions exist in relation to any person holding 10 percent or more of the corporate stock of such corporation which would constitute grounds for disciplinary action against such person if such person was a licensee.

SEC. 3. Section 416.10 of the Code of Civil Procedure is amended to read:

416.10. A summons may be served on a corporation by delivering a copy of the summons and of the complaint:

(a) To the person designated as agent for service of process as provided by any provision in Sections 201, 1502, 2105 or 2107 of the Corporations Code (or Sections 3301 to 3303, inclusive, or Sections 6500 to 6504, inclusive, of the Corporations Code as in effect on December 31, 1976, with respect to corporations to which they remain applicable);

(b) To the president or other head of the corporation, a vice president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process;

(c) If the corporation is a bank, to a cashier or assistant cashier or to a person specified in subdivision (a) or (b); or

(d) When authorized by any provision in Sections 1701, 1702, 2110 or 2111 of the Corporations Code (or Sections 3301 to 3303, inclusive, or Sections 6500 to 6504, inclusive, of the Corporations Code as in effect on December 31, 1976, with respect to corporations to which they remain applicable); as provided by such provision.

SEC. 4. Section 416.20 of the Code of Civil Procedure is amended to read:

416.20. A summons may be served on a corporation that has forfeited its charter or right to do business, or has dissolved, by delivering a copy of the summons and of the complaint:

(a) To a person who is a trustee of the corporation and of its stockholders or members; or

(b) When authorized by any provision in Sections 2011 or 2114 of the Corporations Code, as provided by such provision.

SEC. 5. Section 492.010 of the Code of Civil Procedure, as added by Chapter 1516 of the Statutes of 1974, is amended to read:

492.010. Notwithstanding subdivision (a) of Section 483.010, an attachment may be issued in any action for the recovery of money brought against any of the following:

(a) An individual who does not reside in this state.

(b) A foreign corporation not qualified to do business in this state under the provisions of Chapter 21 (commencing with Section 2100) of Division 1 of Title 1 of the Corporations Code.

(c) A foreign partnership which has not filed a designation pursuant to Section 15700 of the Corporations Code.

SEC. 6. Division 1 (commencing with Section 100) of Title 1 of the Corporations Code is repealed.

SEC. 7. Division 1 (commencing with Section 100) is added to Title 1 of the Corporations Code, to read:

DIVISION 1. GENERAL CORPORATION LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

100. (a) This division shall be known and may be cited as the General Corporation Law.

(b) This title of the Corporations Code, or any division, part, chapter, article or section thereof, may at any time be amended or repealed.

101. Unless the provision or the context otherwise requires, the general provisions and definitions set forth in this chapter govern the construction of this division.

102. (a) Subject to the provisions of Chapter 23 (transition provisions), the provisions of this division apply to corporations organized under this division and to business corporations organized under any predecessor general corporation law or by any act of the Legislature creating a private corporation prior to the enactment of a general incorporation statute; they apply to any other corporation only to the extent expressly included in a particular provision of this division.

(b) The existence of corporations formed or existing on the date of enactment or reenactment of this division shall not be affected by the enactment or reenactment of this division nor by any change in the requirements for the formation of corporations nor by the amendment or repeal of the laws under which they were formed or created.

(c) Neither the repeals effected by the enactment or reenactment of this division nor the enactment of this title nor the amendment thereof shall impair or take away any existing liability or cause of action against any corporation, its shareholders, directors or officers incurred prior to the time of such enactment, reenactment or amendment.

103. Every corporation organized under the laws of this state, any other state of the United States or the District of Columbia or under an act of the Congress of the United States, all of the capital stock of which is beneficially owned by the United States, an agency or instrumentality of the United States or any corporation the whole of the capital stock of which is owned by the United States or by an agency or instrumentality of the United States, is conclusively presumed to be an agency and instrumentality of the United States and is entitled to all privileges and immunities to which the holders of all of its stock are entitled as agencies of the United States.

104. Unless otherwise expressly provided, whenever reference is made in this division to any other state or federal statute, such reference is to that statute as it may be amended from time to time, whether before or after the enactment of this division.

105. A corporation or association may be sued as provided in the Code of Civil Procedure.

106. Any corporation heretofore or hereafter formed under this division shall, as a condition of its existence as a corporation, be subject to the provisions of the Code of Civil Procedure authorizing the attachment of corporate property.

107. No corporation, association or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

108. The fees of the Secretary of State for filing instruments by or on behalf of corporations are prescribed in Article 3 (commencing with Section 12180) of Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code.

109. Any agreement, certificate or other instrument relating to a domestic or foreign corporation filed pursuant to the provisions of this division may be corrected with respect to any misstatement of fact contained therein, any defect in the execution thereof or any other error or defect contained therein, by filing a certificate of correction entitled "Certificate of Correction of _____ (insert here the title of the agreement, certificate or other instrument to be corrected and name(s) of corporation or corporations)"; provided, however, that no such certificate of correction shall alter the wording

of any resolution which was in fact adopted by the board or the shareholders or effect a corrected amendment of articles which amendment as so corrected would not in all respects have complied with the requirements of this division at the time of filing of the agreement, certificate or other instrument being corrected. Such certificate of correction shall be signed and verified or acknowledged as provided in this division with respect to the agreement, certificate or other instrument being corrected. It shall set forth the following:

(a) The name or names of the corporation or corporations.

(b) The date the agreement, certificate or other instrument being corrected was filed.

(c) The provision in the agreement, certificate or other instrument as corrected and, if the execution was defective, wherein it was defective.

The filing of the certificate of correction shall not alter the effective time of the agreement, certificate or instrument being corrected, which shall remain as its original effective time, and such filing shall not affect any right or liability accrued or incurred before such filing, except that any right or liability accrued or incurred by reason of the error or defect being corrected shall be extinguished by such filing if the person having such right has not detrimentally relied on the original instrument.

110. (a) Upon receipt of any instrument by the Secretary of State for filing pursuant to this division, if it conforms to law, it shall be filed by, and in the office of, the Secretary of State and the date of filing endorsed thereon. The date of filing shall be the date the instrument is received by the Secretary of State unless withheld from filing for a period of time pursuant to a request by the party submitting it for filing. The Secretary of State shall file a document as of any requested future date, including a Saturday, Sunday or legal holiday, if the document is received in the Secretary of State's office at least one business day prior to the requested date of filing. An instrument does not fail to conform to law because it is not accompanied by the full filing fee if the unpaid portion of such fee does not exceed the limits established by the policy of the Secretary of State for extending credit in such cases.

(b) If the Secretary of State determines that an instrument submitted for filing or otherwise submitted does not conform to law and returns it to the person submitting it, the instrument may be resubmitted accompanied by a written opinion of the member of the State Bar of California submitting the instrument, or representing the person submitting it, to the effect that the specific provision of the instrument objected to by the Secretary of State does conform to law and stating the points and authorities upon which the opinion is based. The Secretary of State shall rely, with respect to any disputed point of law (other than the application of Sections 201, 2101 and 2106), upon such written opinion in determining whether the instrument conforms to law.

(c) Any instrument filed with respect to a corporation (other than

original articles) may provide that it is to become effective not more than 90 days subsequent to its filing date. In case such a delayed effective date is specified, the instrument may be prevented from becoming effective by a certificate stating that by appropriate corporate action it has been revoked and is null and void, executed in the same manner as the original instrument and filed on or before the specified effective date. In the case of a merger agreement, such certificate revoking the earlier filing need only be executed on behalf of one of the constituent corporations. If no such revocation certificate is filed, the instrument becomes effective on the date specified.

111. All references in this division to the voting of shares include the voting of other securities given voting rights in the articles pursuant to subdivision (a) (7) of Section 204.

112. If the articles provide for more or less than one vote for any share on any matter, the references in Sections 152, 153 and 602 to a majority or other proportion of shares means, as to such matter, a majority or other proportion of the votes entitled to be cast. Whenever in this division shares are disqualified from voting on any matter, they shall not be considered outstanding for the determination of a quorum at any meeting to act upon, or the required vote to approve action upon, that matter under any other provision of this division or the articles or bylaws.

113. Any reference in this division to mailing means first-class mail, postage prepaid, unless registered mail is specified. Registered mail includes certified mail.

114. All references in this division to financial statements, balance sheets, income statements and statements of changes in financial position of a corporation and all references to assets, liabilities, earnings, retained earnings and similar accounting items of a corporation mean such financial statements or such items prepared or determined in accordance with generally accepted accounting principles then applicable, and fairly presenting the matters which they purport to present, subject to any specific accounting treatment required by a particular section of this division. Unless otherwise expressly stated, all references in this division to such financial statements mean, in the case of a corporation which has subsidiaries, consolidated statements of the corporation and such of its subsidiaries as are required or permitted to be included in such consolidated statements under generally accepted accounting principles then applicable and all references to such accounting items mean such items determined on a consolidated basis in accordance with such consolidated financial statements.

115. As used in this division, independent accountant means a certified public accountant or public accountant who is independent of the corporation as determined in accordance with generally accepted auditing standards and who is engaged by the corporation to audit its financial statements or perform other accounting services.

116. Nothing contained in this division modifies the provisions of subdivision (h) of Section 25102 or the conditions provided therein to the availability of an exemption under that subdivision.

149. "Acknowledged" means that an instrument is either:

(a) Formally acknowledged as provided in Article 3 (commencing with Section 1180) of Chapter 4 of Title 4 of Part 4 of Division Second of the Civil Code, or

(b) Accompanied by a declaration in writing signed by the persons executing the same that they are such persons and that the instrument is the act and deed of the corporation or of the persons executing the same, as the case may be.

Any certificate of acknowledgment taken without this state before a notary public or a judge or clerk of a court of record having an official seal need not be further authenticated.

150. A corporation is an "affiliate" of, or a corporation is "affiliated" with, another specified corporation if it directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the other specified corporation.

151. "Approved by (or approval of) the board" means approved or ratified by the vote of the board or by the vote of a committee authorized to exercise the powers of the board, except as to matters not within the competence of the committee under Section 311.

152. "Approved by (or approval of) the outstanding shares" means approved by the affirmative vote of a majority of the outstanding shares entitled to vote. Such approval shall include the affirmative vote of a majority of the outstanding shares of each class or series entitled, by any provision of the articles or of this division, to vote as a class or series on the subject matter being voted upon and shall also include the affirmative vote of such greater proportion (including all) of the outstanding shares of any class or series if such greater proportion is required by the articles (Section 204(a)(5)) or a shareholders' agreement or this division.

153. "Approved by (or approval of) the shareholders" means approved or ratified by the affirmative vote of a majority of the shares entitled to vote represented at a duly held meeting at which a quorum is present or by the written consent of shareholders (Section 603) or by the affirmative vote or written consent of such greater proportion (including all) of the shares of any class or series as may be provided in the articles (Section 204(a)(5)) or in this division for all or any specified shareholder action.

154. "Articles" includes the articles of incorporation, amendments thereto, amended articles, restated articles, certificate of incorporation, certificates of determination and agreements of merger.

155. "Board" means the board of directors of the corporation.

156. "Certificate of determination" means a certificate executed and filed pursuant to Section 401.

157. "Chapter" refers to a chapter of this Division 1 of Title 1 of

the Corporations Code, unless otherwise expressly stated.

158. (a) "Close corporation" means a corporation organized under this division whose articles contain, in addition to the provisions required by Section 202, a provision that all of the corporation's issued shares of all classes shall be held of record by not more than a specified number of persons, not exceeding 10, and a statement "This corporation is a close corporation."

(b) The provisions referred to in subdivision (a) may be included in the articles by amendment, but if such amendment is adopted after the issuance of shares only by the affirmative vote of all of the issued and outstanding shares of all classes, regardless of limitations or restrictions on voting rights.

(c) The provisions referred to in subdivision (a) may be deleted from the articles by amendment, but if such amendment is adopted after the issuance of shares only by the affirmative vote of at least two-thirds of each class of the outstanding shares; provided, however, that the articles may provide for a lesser vote, but not less than a majority of the outstanding shares, or may deny a vote to any class, or both.

(d) In determining the number of shareholders for the purposes of the provision in the articles authorized by this section, a husband and wife shall be counted as one regardless of how shares may be held by either or both of them, a trust holding shares shall be counted as one regardless of the number of trustees or beneficiaries and a partnership or corporation or business association holding shares shall be counted as one (except that any such trust or entity the primary purpose of which was the acquisition or voting of the shares shall be counted according to the number of beneficial interests therein).

(e) A corporation shall cease to be a close corporation upon the filing of an amendment to its articles pursuant to subdivision (c) or if it shall have more than the maximum number of holders of record of its shares specified in its articles as a result of an inter vivos transfer of shares which is not void under subdivision (d) of Section 418, the transfer of shares by will or pursuant to the laws of descent and distribution, the dissolution of a partnership or corporation or business association or the termination of a trust which holds shares or otherwise by operation of law. Promptly upon acquiring more than the specified number of holders of record of its shares, a close corporation shall execute and file an amendment to its articles deleting the provisions referred to in subdivision (a) and deleting any other provisions not permissible for a corporation which is not a close corporation, which amendment shall be promptly approved and filed by the board and need not be approved by the outstanding shares.

(f) Nothing contained in this section shall invalidate any agreement among the shareholders to vote for the deletion from the articles of the provisions referred to in subdivision (a) upon the lapse of a specified period of time or upon the occurrence of a certain

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event or condition or otherwise.

(g) The following sections contain specific references to close corporations: 186, 202(a), 204, 300, 418, 421, 706, 1111, 1201 and 1800.

159. "Common shares" means shares which have no preference over any other shares with respect to distribution of assets on liquidation or with respect to payment of dividends.

160. (a) Except as provided in subdivision (b), "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a corporation.

(b) "Control" in Sections 181 and 1200 means the ownership directly or indirectly of shares possessing more than 50 percent of the total combined voting power of all classes of shares entitled to vote.

161. "Constituent corporation" means a corporation which is merged with one or more other corporations and includes the surviving corporation.

162. "Corporation", unless otherwise expressly provided, refers only to a corporation organized under this division or a business corporation organized under any predecessor general corporation law or by any act of the Legislature creating a private corporation prior to the enactment of a general incorporation statute.

164. "Directors" includes persons designated in the articles as such or elected by the incorporators and persons designated, elected or appointed by any other name or title to act as directors and their successors.

165. "Disappearing corporation" means a constituent corporation which is not the surviving corporation.

166. "Distribution to its shareholders" means the transfer of cash or property by a corporation to its shareholders without consideration, whether by way of dividend or otherwise, except a dividend in shares of the corporation, or the purchase or redemption of its shares for cash or property, including such transfer, purchase or redemption by a subsidiary of the corporation. The time of any distribution by way of dividend shall be the date of declaration thereof and the time of any distribution by purchase or redemption of shares shall be the date cash or property is transferred by the corporation, whether or not pursuant to a contract of an earlier date; provided, that where a negotiable debt security is issued in exchange for shares the time of the distribution is the date when the corporation acquires the shares in such exchange. In the case of a sinking fund payment, cash or property is transferred within the meaning of this section at the time that it is delivered to a trustee for the holders of preferred shares to be used for the redemption of such shares or physically segregated by the corporation in trust for that purpose.

167. "Domestic corporation" means a corporation formed under the laws of this state.

168. "Equity security" in Sections 181, 1200 and 1201 means any share, any security convertible, with or without consideration, into shares or any warrant or right to subscribe to or purchase any of the foregoing.

169. "Filed", unless otherwise expressly provided, means filed in the office of the Secretary of State.

170. "Foreign association" means a business association organized as a trust under the laws of a foreign jurisdiction.

171. "Foreign corporation" means any corporation other than a domestic corporation and, when used in Section 191, Section 201 and Chapter 21, includes a foreign association, unless otherwise stated. "Foreign corporation" as used in Chapter 21 does not include a corporation or association chartered under the laws of the United States.

172. "Liquidation price" or "liquidation preference" means amounts payable on shares of any class upon voluntary or involuntary dissolution, winding up or distribution of the entire assets of the corporation, including any cumulative dividends accrued and unpaid, in priority to shares of another class or classes.

173. "Officers' certificate" means a certificate signed and verified by the chairman of the board, the president or any vice president and by the secretary, the chief financial officer, the treasurer or any assistant secretary or assistant treasurer.

174. "On the certificate" means that a statement appears on the face of a share certificate or on the reverse thereof with a reference thereto on the face.

175. Except as used in Section 1200, a "parent" of a specified corporation is an affiliate controlling such corporation directly or indirectly through one or more intermediaries.

176. "Preferred shares" means shares other than common shares.

177. "Proper county" means the county where the principal executive office of the corporation is located or, if the principal executive office of the corporation is not located in this state, or the corporation has no such office, the County of Sacramento.

178. "Proxy" means a written authorization signed by a shareholder or the shareholder's attorney in fact giving another person or persons power to vote with respect to the shares of such shareholder. "Signed" for the purpose of this section means the placing of the shareholder's name on the proxy (whether by manual signature, typewriting, telegraphic transmission or otherwise) by the shareholder or the shareholder's attorney in fact.

179. "Proxyholder" means the person or persons to whom a proxy is given.

180. "Redemption price" means the amount or amounts (in cash, property or securities, or any combination thereof) payable on shares of any class or series upon the redemption of the shares. Unless otherwise expressly provided, the redemption price is payable in cash

181. "Reorganization" means:

(a) A merger pursuant to Chapter 11 other than a short-form merger (a "merger reorganization");

(b) The acquisition by one corporation in exchange in whole or in

part for its equity securities (or the equity securities of a corporation which is in control of the acquiring corporation) of shares of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (an "exchange reorganization"); or

(c) The acquisition by one corporation in exchange in whole or in part for its equity securities (or the equity securities of a corporation which is in control of the acquiring corporation) or for its debt securities which are not adequately secured and which have a maturity date in excess of five years after the consummation of the reorganization, or both, of all or substantially all of the property and assets of another corporation (a "sale-of-assets reorganization").

182. "Reverse stock split" means the pro rata combination of all the outstanding shares of a class into a smaller number of shares of the same class by an amendment to the articles stating the effect on outstanding shares.

183. "Series" of shares means those shares within a class which have the same rights, preferences, privileges and restrictions but which differ in one or more rights, preferences, privileges or restrictions from other shares within the same class.

184. "Shares" means the units into which the proprietary interests in a corporation are divided in the articles.

185. "Shareholder" means one who is a holder of record of shares.

186. "Shareholders' agreement" means a written agreement among all of the shareholders of a close corporation authorized by subdivision (b) of Section 300.

187. "Short-form merger" means a merger pursuant to Section 1110.

188. "Stock split" means the pro rata division, otherwise than by a share dividend, of all the outstanding shares of a class into a greater number of shares of the same class by an amendment to the articles stating the effect on outstanding shares.

189. "Subsidiary" of a specified corporation means a corporation of whose shares those possessing more than 50 percent of the total combined voting power of all classes of shares entitled to vote are owned directly or indirectly through one or more subsidiaries by the specified corporation.

190. "Surviving corporation" means a corporation into which one or more other corporations are merged.

191. (a) For the purposes of Chapter 21, "transact intrastate business" means entering into repeated and successive transactions of its business in this state, other than interstate or foreign commerce.

(b) A foreign corporation shall not be considered to be transacting intrastate business merely because its subsidiary transacts intrastate business.

(c) Without excluding other activities which may not constitute transacting intrastate business, a foreign corporation shall not be considered to be transacting intrastate business within the meaning

of subdivision (a) solely by reason of carrying on in this state any one or more of the following activities:

(1) Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.

(2) Holding meetings of its board or shareholders or carrying on other activities concerning its internal affairs.

(3) Maintaining bank accounts.

(4) Maintaining offices or agencies for the transfer, exchange and registration of its securities or depositaries with relation to its securities.

(5) Effecting sales through independent contractors.

(6) Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.

(7) Creating evidences of debt or mortgages, liens or security interests on real or personal property.

(8) Conducting an isolated transaction completed within a period of 180 days and not in the course of a number of repeated transactions of like nature.

(d) Any foreign corporation engaged in the business of making or investing in loans shall not be considered to be transacting intrastate business within the meaning of subdivision (a) by reason of engaging in any one or more of the following activities in addition to those specified in subdivision (c):

(1) The acquisition by purchase, by contract to purchase, by making of advance commitments to purchase or by assignment of loans, secured or unsecured, or any interest therein, if such activities are carried on from outside this state by the lending institution.

(2) The making by an officer or employee of physical inspections and appraisals of real or personal property securing or proposed to secure any loan, if the officer or employee making any physical inspection or appraisal is not a resident of and does not maintain a place of business for such purpose in this state.

(3) The ownership of any loans and the enforcement of any loans by trustee's sale, judicial process or deed in lieu of foreclosure or otherwise.

(4) The modification, renewal, extension, transfer or sale of loans or the acceptance of additional or substitute security therefor or the full or partial release of the security therefor or the acceptance of substitute or additional obligors thereon, if the activities are carried on from outside this state by the lending institution.

(5) The engaging by contractual arrangement of a corporation, firm or association, qualified to do business in this state, which is not a subsidiary or parent of the lending institution and which is not under common management with the lending institution, to make collections and to service loans in any manner whatsoever,

including the payment of ground rents, taxes, assessments, insurance and the like and the making, on behalf of the lending institution, of physical inspections and appraisals of real or personal property securing any loans or proposed to secure any loans, and the performance of any such engagement.

(6) The acquisition of title to the real or personal property covered by any mortgage, deed of trust or other security instrument by trustee's sale, judicial sale, foreclosure or deed in lieu of foreclosure, or for the purpose of transferring title to any federal agency or instrumentality as the insurer or guarantor of any loan, and the retention of title to any real or personal property so acquired pending the orderly sale or other disposition thereof.

(7) The engaging in activities necessary or appropriate to carry out any of the foregoing activities.

Nothing contained in this subdivision (d) shall be construed to permit any foreign banking corporation to maintain an office in this state otherwise than as provided by the laws of this state or to limit the powers conferred upon any foreign banking corporation as set forth in the laws of this state or to permit any foreign lending institution to maintain an office in this state except as otherwise permitted under the laws of this state.

192. "Vacancy" when used with respect to the board means any authorized position of director which is not then filled by a duly elected and acting director, whether caused by death, resignation, removal, change in the authorized number of directors (by the board or the shareholders) or otherwise.

193. "Verified" means that the statements contained in a certificate or other document are declared to be true of the own knowledge of the persons executing the same in either:

(a) An affidavit signed by them under oath before an officer authorized by the laws of this state or of the place where it is executed to administer oaths, or

(b) A declaration in writing executed by them "under penalty of perjury" and stating the date and place (whether within or without this state) of execution.

Any affidavit sworn to without this state before a notary public or a judge or clerk of a court of record having an official seal need not be further authenticated.

194. "Vote" includes authorization by written consent, subject to the provisions of subdivision (f) of Section 307 and subdivision (d) of Section 603.

195. "Written" or "in writing" includes facsimile and telegraphic communication.

CHAPTER 2. ORGANIZATION AND BYLAWS

200. (a) One or more natural persons, partnerships, associations or corporations, domestic or foreign, may form a corporation under this division by executing and filing articles of incorporation.

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(b) Each incorporator and each director named in the articles shall sign and acknowledge the articles.

(c) The corporate existence begins upon the filing of the articles and continues perpetually, unless otherwise expressly provided by law or in the articles.

201. (a) The Secretary of State shall not file articles setting forth a name in which "bank", "trust", "trustee" or related words appear, unless the certificate of approval of the Superintendent of Banks is attached thereto.

(b) The Secretary of State shall not file articles which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, the name of a domestic corporation, the name of a foreign corporation which is authorized to transact intrastate business or has registered its name pursuant to Section 2101, a name which a foreign corporation has assumed under subdivision (b) of Section 2106, a name which will become the record name of a domestic or foreign corporation upon the effective date of a filed corporate instrument where there is a delayed effective date pursuant to subdivision (c) of Section 110 or a name which is under reservation for another corporation, except that a corporation may adopt a name that is substantially the same as an existing domestic corporation or foreign corporation which is authorized to transact intrastate business or has registered its name pursuant to Section 2101, upon proof of consent by such domestic or foreign corporation and a finding by the Secretary of State that under the circumstances the public is not likely to be misled.

The use by a corporation of a name in violation of this section may be enjoined notwithstanding the filing of its articles by the Secretary of State.

(c) Any applicant may, upon payment of the fee prescribed therefor in the Government Code, obtain from the Secretary of State a certificate of reservation of any name not prohibited by subdivision (b), and upon the issuance of the certificate the name stated therein shall be reserved for a period of 60 days. The Secretary of State shall not, however, issue certificates reserving the same name for two or more consecutive 60-day periods to the same applicant or for the use or benefit of the same person, partnership, firm or corporation; nor shall consecutive reservations be made by or for the use or benefit of the same person, partnership, firm or corporation of names so similar as to fall within the prohibitions of subdivision (b).

202. The articles of incorporation shall set forth:

(a) The name of the corporation; provided, however, that in order for the corporation to be subject to the provisions of this division applicable to a close corporation (Section 158), the name of the corporation must contain the word "corporation", "incorporated" or "limited" or an abbreviation of one of such words.

(b) The applicable one of the following statements:

(1) The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the

General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code;

(2) The purpose of the corporation is to engage in the banking business and any other lawful activities (including trust business) not prohibited to a bank by applicable laws and regulations;

(3) The purpose of the corporation is to engage in the trust company business and any other lawful activities not prohibited to a trust company by applicable laws and regulations; or

(4) The purpose of the corporation is to engage in the profession of _____ (with the insertion of a profession permitted to be incorporated by the California Corporations Code) and any other lawful activities (other than the banking or trust company business) not prohibited to a corporation engaging in such profession by applicable laws and regulations.

The articles shall not set forth any further or additional statement with respect to the purposes or powers of the corporation, except by way of limitation or except as expressly required by any law of this state other than this division or any federal or other statute or regulation (including the Internal Revenue Code and regulations thereunder as a condition of acquiring or maintaining a particular status for tax purposes).

(c) The name and address in this state of the corporation's initial agent for service of process in accordance with subdivision (b) of Section 1502.

(d) If the corporation is authorized to issue only one class of shares, the total number of shares which the corporation is authorized to issue.

(e) If the corporation is authorized to issue more than one class of shares, or if any class of shares is to have two or more series:

(1) The total number of shares of each class the corporation is authorized to issue, and the total number of shares of each series which the corporation is authorized to issue or that the board is authorized to fix the number of shares of any such series;

(2) The designation of each class, and the designation of each series or that the board may determine the designation of any such series; and

(3) The rights, preferences, privileges and restrictions granted to or imposed upon the respective classes or series of shares or the holders thereof, or that the board, within any limits and restrictions stated, may determine or alter the rights, preferences, privileges and restrictions granted to or imposed upon any wholly unissued class of shares or any wholly unissued series of any class of shares.

As to any series the number of shares of which is authorized to be fixed by the board, the articles may also authorize the board, within the limits and restrictions stated therein or stated in any resolution or resolutions of the board originally fixing the number of shares constituting any series, to increase or decrease (but not below the

number of shares of such series then outstanding) the number of shares of any such series subsequent to the issue of shares of that series. In case the number of shares of any series shall be so decreased, the shares constituting such decrease shall resume the status which they had prior to the adoption of the resolution originally fixing the number of shares of such series.

203. Except as specified in the articles or in any shareholders' agreement, no distinction shall exist between classes or series of shares or the holders thereof.

204. The articles of incorporation may set forth:

(a) Any or all of the following provisions, which shall not be effective unless expressly provided in the articles:

(1) Granting, with or without limitations, the power to levy assessments upon the shares or any class of shares;

(2) Granting to shareholders preemptive rights to subscribe to any or all issues of shares or securities;

(3) Special qualifications of persons who may be shareholders;

(4) A provision limiting the duration of the corporation's existence to a specified date;

(5) A provision requiring, for any or all corporate actions (except as provided in Section 303, subdivision (c) of Section 708 and Section 1900) the vote of a larger proportion or of all of the shares of any class or series, or of a larger proportion or of all of the directors, than is otherwise required by this division;

(6) A provision limiting or restricting the business in which the corporation may engage or the powers which the corporation may exercise or both;

(7) A provision conferring upon the holders of any evidences of indebtedness, issued or to be issued by the corporation, the right to vote in the election of directors and on any other matters on which shareholders may vote;

(8) A provision conferring upon shareholders the right to determine the consideration for which shares shall be issued.

Notwithstanding this subdivision (a), in the case of a close corporation any of the provisions referred to above may be validly included in a shareholders' agreement. Nothing contained in this subdivision (a) shall affect the enforceability, as between the parties thereto, of any lawful agreement not otherwise contrary to public policy.

(b) Reasonable restrictions upon the right to transfer or hypothecate shares of any class or classes, but no restriction shall be binding with respect to shares issued prior to the adoption of the restriction unless the holders of such shares voted in favor of the restriction.

(c) The names and addresses of the persons appointed to act as initial directors.

(d) Any other provision, not in conflict with law, for the management of the business and for the conduct of the affairs of the corporation, including any provision which is required or permitted

by this division to be stated in the bylaws

205. Solely for the purpose of any statute or regulation imposing any tax or fee based upon the capitalization of a corporation, all authorized shares of a corporation organized under this division shall be deemed to have a nominal or par value of one dollar ($1) per share. If any federal or other statute or regulation applicable to a particular corporation requires that the shares of such corporation have a par value, such shares shall have the par value determined by the board in order to satisfy the requirements of such statute or regulation.

206. Subject to any limitation contained in the articles and to compliance with any other applicable laws, any corporation other than a banking corporation, trust company or professional corporation may engage in any business activity; and a banking corporation, trust company or professional corporation may engage in any business activity not prohibited by the respective statutes and regulations to which it is subject.

207. Subject to any limitations contained in the articles and to compliance with other provisions of this division and any other applicable laws, a corporation shall have all of the powers of a natural person in carrying out its business activities, including, without limitation, the power to:

(a) Adopt, use and at will alter a corporate seal, but failure to affix a seal does not affect the validity of any instrument.

(b) Adopt, amend and repeal bylaws.

(c) Qualify to do business in any other state, territory, dependency or foreign country.

(d) Subject to the provisions of Section 510, issue, purchase, redeem, receive, take or otherwise acquire, own, hold, sell, lend, exchange, transfer or otherwise dispose of, pledge, use and otherwise deal in and with its own shares, bonds, debentures and other securities.

(e) Make donations, regardless of specific corporate benefit, for the public welfare or for community fund, hospital, charitable, educational, scientific, civic or similar purposes.

(f) Pay pensions, and establish and carry out pension, profit-sharing, share bonus, share purchase, share option, savings, thrift and other retirement, incentive and benefit plans, trusts and provisions for any or all of the directors, officers and employees of the corporation or any of its subsidiary or affiliated corporations.

(g) Subject to the provisions of Section 315, assume obligations, enter into contracts, including contracts of guaranty or suretyship, incur liabilities, borrow and lend money and otherwise use its credit, and secure any of its obligations, contracts or liabilities by mortgage, pledge or other encumbrance of all or any part of its property, franchises and income.

(h) Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not such participation involves sharing or delegation of control

with or to others.

208. (a) No limitation upon the business, purposes or powers of the corporation or upon the powers of the shareholders, officers or directors, or the manner of exercise of such powers, contained in or implied by the articles or by Chapters 18, 19 and 20 or by any shareholders' agreement shall be asserted as between the corporation or any shareholder and any third person, except in a proceeding (1) by a shareholder or the state to enjoin the doing or continuation of unauthorized business by the corporation or its officers, or both, in cases where third parties have not acquired rights thereby, or (2) to dissolve the corporation or (3) by the corporation or by a shareholder suing in a representative suit against the officers or directors of the corporation for violation of their authority.

(b) Any contract or conveyance made in the name of a corporation which is authorized or ratified by the board, or is done within the scope of the authority, actual or apparent, conferred by the board or within the agency power of the officer executing it, except as the board's authority is limited by law other than this division, binds the corporation, and the corporation acquires rights thereunder, whether the contract is executed or wholly or in part executory.

(c) This section applies to contracts and conveyances made by foreign corporations in this state and to all conveyances by foreign corporations of real property situated in this state.

209. For all purposes other than an action in the nature of quo warranto, a copy of the articles of a corporation duly certified by the Secretary of State is conclusive evidence of the formation of the corporation and prima facie evidence of its corporate existence.

210. If initial directors have not been named in the articles, the incorporator or incorporators, until the directors are elected, may do whatever is necessary and proper to perfect the organization of the corporation, including the adoption and amendment of bylaws of the corporation and the election of directors and officers.

211. Bylaws may be adopted, amended or repealed either by approval of the outstanding shares (Section 152) or by the approval of the board, except as provided in Section 212. Subject to subdivision (a) (5) of Section 204, the articles or bylaws may restrict or eliminate the power of the board to adopt, amend or repeal any or all bylaws.

212. (a) The bylaws shall set forth (unless such provision is contained in the articles, in which case it may only be changed by an amendment of the articles) the number of directors of the corporation; or that the number of directors shall be not less than a stated minimum nor more than a stated maximum (which in no case shall be greater than two times the stated minimum minus one), with the exact number of directors to be fixed, within the limits specified, by the board or the shareholders in the manner provided in the bylaws, subject to subdivision (a) (5) of Section 204. The number or minimum number of directors shall not be less than three; provided, however, that the bylaws (or the articles) may provide any one or

more of the following: that (1) before shares are issued, the number shall be one, (2) so long as the corporation only has one shareholder, the number shall be one, (3) so long as the corporation has only one shareholder, the number shall be two, (4) so long as the corporation has only two shareholders, the number shall be two. After the issuance of shares, a bylaw specifying or changing a fixed number of directors or the maximum or minimum number or changing from a fixed to a variable board or vice versa may only be adopted by approval of the outstanding shares (Section 152); provided, however, that a bylaw or amendment of the articles reducing the number or the minimum number of directors cannot be adopted if the votes cast against its adoption at a meeting or the shares not consenting in the case of action by written consent would be sufficient to elect at least one director if voted cumulatively at an election at which all of the outstanding shares entitled to vote were voted and the entire number of previously authorized directors were then being elected.

(b) The bylaws may contain any provision, not in conflict with law or the articles for the management of the business and for the conduct of the affairs of the corporation, including but not limited to:

(1) Any provision referred to in subdivision (b), (c) or (d) of Section 204.

(2) The time, place and manner of calling, conducting and giving notice of shareholders', directors' and committee meetings.

(3) The manner of execution, revocation and use of proxies.

(4) The qualifications, duties and compensation of directors; the time of their annual election; and the requirements of a quorum for directors' and committee meetings.

(5) The appointment and authority of committees of the board.

(6) The appointment, duties, compensation and tenure of officers.

(7) The mode of determination of holders of record of its shares.

(8) The making of annual reports and financial statements to the shareholders.

213. Every corporation shall keep at its principal executive office in this state, or if its principal executive office is not in this state at its principal business office in this state, the original or a copy of its bylaws as amended to date, which shall be open to inspection by the shareholders at all reasonable times during office hours. If the principal executive office of the corporation is outside this state and the corporation has no principal business office in this state, it shall upon the written request of any shareholder furnish to such shareholder a copy of the bylaws as amended to date.

CHAPTER 3. DIRECTORS AND MANAGEMENT

300. (a) Subject to the provisions of this division and any limitations in the articles and the bylaws relating to action required to be approved by the shareholders (Section 153) or by the outstanding shares (Section 152), the business and affairs of the corporation shall be managed and all corporate powers shall be

exercised by or under the direction of the board. The board may delegate the management of the day-to-day operation of the business of the corporation to a management company or other person provided that the business and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the board.

(b) Notwithstanding subdivision (a) or any other provision of this division, but subject to subdivision (c), no shareholders' agreement, which relates to any phase of the affairs of a close corporation, including but not limited to management of its business, division of its profits or distribution of its assets on liquidation, shall be invalid as between the parties thereto on the ground that it so relates to the conduct of the affairs of the corporation as to interfere with the discretion of the board or that it is an attempt to treat the corporation as if it were a partnership or to arrange their relationships in a manner that would be appropriate only between partners. A transferee of shares covered by such an agreement which is filed with the secretary of the corporation for inspection by any prospective purchaser of shares, who has actual knowledge thereof or notice thereof by a notation on the certificate pursuant to Section 418, is bound by its provisions and is a party thereto for the purposes of subdivision (d). The agreement may not be modified, extended or revoked without the consent of such a transferee, subject to any provision of the agreement permitting modification, extension or revocation by less than unanimous agreement of the parties. A transferor of shares covered by such an agreement ceases to be a party thereto upon ceasing to be a shareholder of the corporation unless the transferor is a party thereto other than as a shareholder. An agreement made pursuant to this subdivision shall terminate when the corporation ceases to be a close corporation. This subdivision does not apply to an agreement authorized by subdivision (a) of Section 706.

(c) No agreement entered into pursuant to subdivision (b) may alter or waive any of the provisions of Sections 158, 500, 501, 1111 and 1201(e) or of Chapters 15, 16, 18 and 22. All other provisions of this division may be altered or waived, except the required filing of any document with the Secretary of State.

(d) An agreement of the type referred to in subdivision (b) shall, to the extent and so long as the discretion or powers of the board in its management of corporate affairs is controlled by such agreement, impose upon each shareholder who is a party thereto liability for managerial acts performed or omitted by such person pursuant thereto that is otherwise imposed by this division upon directors, and the directors shall be relieved to that extent from such liability.

(e) The failure of a close corporation to observe corporate formalities relating to meetings of directors or shareholders in connection with the management of its affairs, pursuant to an agreement authorized by subdivision (b), shall not be considered a factor tending to establish that the shareholders have personal

liability for corporate obligations.

301. (a) At each annual meeting of shareholders, directors shall be elected to hold office until the next annual meeting. The articles may provide for the election of one or more directors by the holders of the shares of any class or series voting as a class or series.

(b) Each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which elected and until a successor has been elected and qualified.

302. The board may declare vacant the office of a director who has been declared of unsound mind by an order of court or convicted of a felony.

303. (a) Any or all of the directors may be removed without cause if such removal is approved by the outstanding shares (Section 152), subject to the following:

(1) No director may be removed (unless the entire board is removed) when the votes cast against removal, or not consenting in writing to such removal, would be sufficient to elect such director if voted cumulatively at an election at which the same total number of votes were cast (or, if such action is taken by written consent, all shares entitled to vote were voted) and the entire number of directors authorized at the time of the director's most recent election were then being elected; and

(2) When by the provisions of the articles the holders of the shares of any class or series, voting as a class or series, are entitled to elect one or more directors, any director so elected may be removed only by the applicable vote of the holders of the shares of that class or series.

(b) Any reduction of the authorized number of directors does not remove any director prior to the expiration of such director's term of office.

(c) Except as provided in this section and Sections 302 and 304, a director may not be removed prior to the expiration of such director's term of office.

304. The superior court of the proper county may, at the suit of shareholders holding at least 10 percent of the number of outstanding shares of any class, remove from office any director in case of fraudulent or dishonest acts or gross abuse of authority or discretion with reference to the corporation and may bar from reelection any director so removed for a period prescribed by the court. The corporation shall be made a party to such action.

305. (a) Unless otherwise provided in the articles or bylaws and except for a vacancy created by the removal of a director, vacancies on the board may be filled by a majority of the directors then in office, whether or not less than a quorum, or by a sole remaining director. Unless the articles or a bylaw adopted by the shareholders provide that the board may fill vacancies occurring in the board by reason of the removal of directors, such vacancies may be filled only by approval of the shareholders (Section 153).

(b) The shareholders may elect a director at any time to fill any

vacancy not filled by the directors. Any such election by written consent requires the consent of a majority of the outstanding shares entitled to vote.

(c) If, after the filling of any vacancy by the directors, the directors then in office who have been elected by the shareholders shall constitute less than a majority of the directors then in office,

(1) Any holder or holders of an aggregate of 5 percent or more of the total number of shares at the time outstanding having the right to vote for such directors may call a special meeting of shareholders, or

(2) The superior court of the proper county shall, upon application of such shareholder or shareholders, summarily order a special meeting of shareholders,

to be held to elect the entire board. The term of office of any director not elected by the shareholders shall terminate upon such election of a successor.

The hearing on any application filed pursuant to this subdivision shall be held on not less than 10 business days' notice to the corporation. If the corporation intends to oppose the application, it shall file with the court a notice of opposition not later than five business days prior to the date set for the hearing. The application and any notice of opposition shall be supported by appropriate affidavits and the court's determination shall be made on the basis of the papers in the record; but, for good cause shown, the court may receive and consider at the hearing additional evidence, oral or documentary, and additional points and authorities. The hearing shall take precedence over all other matters not of a similar nature pending on the date set for the hearing.

(d) Any director may resign effective upon giving written notice to the chairman of the board, the president, the secretary or the board of directors of the corporation, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation is effective at a future time, a successor may be elected to take office when the resignation becomes effective.

306. If a corporation has not issued shares and all the directors resign, die or become incompetent, the superior court of any county may appoint directors of the corporation upon application by any party in interest.

307. Unless otherwise provided in the articles or (subject to subdivision (a) (5) of Section 204) in the bylaws:

(a) Meetings of the board may be called by the chairman of the board or the president or any vice president or the secretary or any two directors.

(b) Regular meetings of the board may be held without notice if the time and place of such meetings are fixed by the bylaws or the board. Special meetings of the board shall be held upon four days' notice by mail or 48 hours' notice delivered personally or by telephone or telegraph. A notice, or waiver of notice, need not specify the purpose of any regular or special meeting of the board.

(c) Notice of a meeting need not be given to any director who signs a waiver of notice, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such director.

(d) A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than 24 hours, notice of any adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment.

(e) The transactions of any meeting of the board, however called and noticed or wherever held, are as valid as though had at a meeting duly held after regular call and notice if a quorum is present and if, either before or after the meeting, each of the directors not present signs a written waiver of notice, a consent to holding the meeting or an approval of the minutes thereof. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

(f) Any action required or permitted to be taken by the board may be taken without a meeting, if all members of the board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board. Such action by written consent shall have the same force and effect as a unanimous vote of such directors.

(g) Meetings of the board may be held at any place within or without the state which has been designated in the notice of the meeting or, if not stated in the notice or there is no notice, designated in the bylaws or by resolution of the board.

(h) Members of the board may participate in a meeting through use of conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another.

(i) A majority of the authorized number of directors constitutes a quorum of the board for the transaction of business. The articles or bylaws may not provide that a quorum shall be less than one-third the authorized number of directors or less than two, whichever is larger, unless the authorized number of directors is one, in which case one director constitutes a quorum.

(j) Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present is the act of the board, subject to the provisions of Section 310 and subdivision (e) of Section 317. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

The provisions of this section apply also to committees of the board and action by such committees, mutatis mutandis.

308. (a) If a corporation has an even number of directors who are equally divided and cannot agree as to the management of its affairs, so that its business can no longer be conducted to advantage or so that there is danger that its property and business will be impaired or lost, the superior court of the proper county may, notwithstanding any provisions of the articles or bylaws and whether or not an action is pending for an involuntary winding up or dissolution of the corporation, appoint a provisional director pursuant to this section. Action for such appointment may be filed by any director or by the holders of not less than 33⅓ percent of the outstanding shares entitled to vote for the election of directors.

(b) The provisional director shall be an impartial person, who is neither a shareholder nor a creditor of the corporation, nor related by consanguinity or affinity within the third degree according to the common law to any of the other directors of the corporation or to any judge of the court by which such provisional director is appointed. The provisional director shall have all the rights and powers of a director until the deadlock in the board is broken or until such provisional director is removed by order of the court or by approval of the outstanding shares (Section 152). Such person shall be entitled to such compensation as shall be fixed by the court unless otherwise agreed with the corporation.

(c) This section does not apply to corporations subject to the Banking Law or the Public Utilities Act.

309. (a) A director shall perform the duties of a director, including the duties as a member of any committee of the board upon which the director may serve, in good faith, in a manner such director believes to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

(b) In performing the duties of a director, a director shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(1) One or more officers or employees of the corporation whom the director believes to be reliable and competent in the matters presented,

(2) Counsel, independent accountants or other persons as to matters which the director believes to be within such person's professional or expert competence, or

(3) A committee of the board upon which the director does not serve, as to matters within its designated authority, which committee the director believes to merit confidence,

so long as, in any such case, the director acts in good faith, after reasonable inquiry when the need therefor is indicated by the circumstances and without knowledge that would cause such reliance to be unwarranted.

(c) A person who performs the duties of a director in accordance

with subdivisions (a) and (b) shall have no liability based upon any alleged failure to discharge the person's obligations as a director.

310. No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any corporation, firm or association in which one or more of its directors has a material financial interest, is either void or voidable because such director or directors or such other corporation, firm or association are parties or because such director or directors are present at the meeting of the board or a committee thereof which authorizes, approves or ratifies the contract or transaction, if

(a) The material facts as to the transaction and as to such director's interest are fully disclosed or known to the shareholders and such contract or transaction is approved by the shareholders (Section 153) in good faith, with the shares owned by the interested director or directors not being entitled to vote thereon, or

(b) The material facts as to the transaction and as to such director's interest are fully disclosed or known to the board or committee, and the board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient without counting the vote of the interested director or directors and the contract or transaction is just and reasonable as to the corporation at the time it is authorized, approved or ratified, or

(c) As to contracts or transactions not approved as provided in subdivision (a) or (b), the person asserting the validity of the contract or transaction sustains the burden of proving that the contract or transaction was just and reasonable as to the corporation at the time it was authorized, approved or ratified.

Interested directors may be counted in determining the presence of a quorum at a meeting of the board or a committee thereof which authorizes, approves or ratifies a contract or transaction. A mere common directorship does not constitute a material financial interest.

311. The board may, by resolution adopted by a majority of the authorized number of directors, designate one or more committees, each consisting of two or more directors, to serve at the pleasure of the board. The board may designate one or more directors as alternate members of any committee, who may replace any absent member at any meeting of the committee. Any such committee, to the extent provided in the resolution of the board or in the bylaws, shall have all the authority of the board, except with respect to:

(a) The approval of any action for which this division also requires shareholders' approval (Section 153) or approval of the outstanding shares (Section 152).

(b) The filling of vacancies on the board or in any committee.

(c) The fixing of compensation of the directors for serving on the board or on any committee.

(d) The amendment or repeal of bylaws or the adoption of new bylaws

(e) The amendment or repeal of any resolution of the board which by its express terms is not so amendable or repealable.

(f) A distribution to the shareholders of the corporation (Section 166), except at a rate or in a periodic amount or within a price range determined by the board.

(g) The appointment of other committees of the board or the members thereof.

312. (a) A corporation shall have a chairman of the board or a president or both, a secretary, a chief financial officer and such other officers with such titles and duties as shall be stated in the bylaws or determined by the board and as may be necessary to enable it to sign instruments and share certificates. Any number of offices may be held by the same person unless the articles or bylaws provide otherwise.

(b) Except as otherwise provided by the articles, bylaws or a resolution of the board, officers shall be chosen by the board and serve at the pleasure of the board. Any officer may resign at any time upon written notice to the corporation.

(c) An officer shall record or cause to be recorded actions taken at meetings of the shareholders and directors and committees in a book to be kept for that purpose at the principal executive office of the corporation.

313. Subject to the provisions of subdivision (a) of Section 208, any note, mortgage, evidence of indebtedness, contract, share certificate, conveyance or other instrument in writing, and any assignment or endorsement thereof, executed or entered into between any corporation and any other person, when signed by the chairman of the board, the president or any vice president and the secretary, any assistant secretary, the chief financial officer or any assistant treasurer of such corporation, is not invalidated as to the corporation by any lack of authority of the signing officers in the absence of actual knowledge on the part of the other person that the signing officers had no authority to execute the same.

314. The original or a copy of the bylaws or of the minutes of any incorporators', shareholders', directors', committee or other meeting or of any resolution adopted by the board or a committee thereof, or shareholders, certified to be a true copy by a person purporting to be the secretary or an assistant secretary of the corporation, is prima facie evidence of the adoption of such bylaws or resolution or of the due holding of such meeting and of the matters stated therein.

315. (a) Except as provided in subdivision (b), a corporation shall not make any loan of money or property to or guarantee the obligation of

(1) Any director or officer of the corporation or of its parent or any subsidiary, or

(2) Any person upon the security of shares of the corporation or of its parent, unless the loan or guaranty is otherwise adequately secured,

except by the vote of the holders of a majority of the shares of all

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classes, regardless of limitations or restrictions on voting rights, other than shares held by the benefited director, officer or shareholder.

(b) Any corporation may lend money to, or guarantee any obligation of or otherwise assist any officer or other employee of the corporation or of any subsidiary, including any officer or employee who is also a director, pursuant to an employee benefit plan (including, without limitation, any stock purchase or stock option plan) available to executives or other employees, whenever the board determines that such loan or guaranty may reasonably be expected to benefit the corporation. If such plan includes officers or directors, it shall be approved by the shareholders (Section 153) after disclosure of the right under such plan to include officers or directors thereunder. Such loan or guaranty or other assistance may be with or without interest and may be unsecured or secured in such manner as the board shall approve, including, without limitation, a pledge of shares of the corporation. A corporation may advance money to a director or officer of the corporation or of its parent or any subsidiary for expenses reasonably anticipated to be incurred in the performance of the duties of such director or officer, provided that in the absence of such advance such director or officer would be entitled to be reimbursed for such expenses by such corporation, its parent or any subsidiary.

(c) The provisions of subdivision (a) do not apply to banks, industrial loan companies or credit unions or to loans permitted under any statute regulating any special class of corporations.

316. (a) Subject to the provisions of Section 309, directors of a corporation who approve any of the following corporate actions shall be jointly and severally liable to the corporation for the benefit of all of the creditors or shareholders entitled to institute an action under subdivision (c):

(1) The making of any distribution to its shareholders to the extent that it is contrary to the provisions of Sections 500 through 503, inclusive.

(2) The distribution of assets to shareholders after institution of dissolution proceedings of the corporation, without paying or adequately providing for all known liabilities of the corporation, excluding any claims not filed by creditors within the time limit set in a notice given to creditors under Chapters 18, 19 and 20.

(3) The making of any loan or guaranty contrary to Section 315.

(b) A director who is present at a meeting of the board, or any committee thereof, at which action specified in subdivision (a) is taken and who abstains from voting shall be considered to have approved the action.

(c) Suit may be brought in the name of the corporation to enforce the liability under subdivision (a) against any or all directors liable by any one or more creditors of the corporation whose debts or claims arose prior to the time of any of the corporate actions specified in subdivision (a) and who have not consented to the corporate action, whether or not they have reduced their claims to judgment,

or by any one or more holders of shares outstanding at the time of any violation of Section 502 or 503 specified in subdivision (a) (1) who have not consented to the corporate action, without regard to the provisions of Section 800.

(d) The damages recoverable from a director under this section shall be the amount of the illegal distribution or the loss suffered by the corporation as a result of the illegal loan or guaranty, as the case may be, but not exceeding the liabilities of the corporation owed to nonconsenting creditors at the time of the violation and the injury suffered by nonconsenting shareholders, as the case may be.

(e) Any director sued under this section may implead all other directors liable and may compel contribution, either in that action or in an independent action against directors not joined in that action.

(f) Directors liable under this section shall also be entitled to be subrogated to the rights of the corporation:

(1) With respect to subdivision (a) (1), against shareholders who received the distribution.

(2) With respect to subdivision (a) (2), against shareholders who received the distribution of assets.

(3) With respect to subdivision (a) (3), against the person who received the loan or guaranty.

Any director sued under this section may file a cross-complaint against the person or persons who are liable to such director as a result of the subrogation provided for in this subdivision or may proceed against them in an independent action.

317. (a) For the purposes of this section, "agent" includes any person who is or was a director, officer, employee or other agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, or was a director, officer, employee or agent of a corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation; "proceeding" includes any threatened, pending or completed action or proceeding, whether civil, criminal, administrative or investigative; and "expenses" includes attorneys' fees and any expenses of establishing a right to indemnification under subdivision (d) or subdivision (e) (3).

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the corporation) by reason of the fact that such person is or was an agent of the corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement,

conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

(c) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action by or in the right of the corporation to procure a judgment in its favor by reason of the fact that such person is or was an agent of the corporation, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this subdivision (c):

(1) In respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the corporation in the performance of such person's duty to the corporation, unless and only to the extent that the court in which such action was brought shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;

(2) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

(3) Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval.

(d) To the extent that an agent of a corporation has been successful on the merits in defense of any proceeding referred to in subdivision (b) or (c) or in defense of any claim, issue or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

(e) Except as provided in subdivision (d), any indemnification under this section shall be made by the corporation only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in subdivision (b) or (c), by:

(1) A majority vote of a quorum consisting of directors who are not parties to such proceeding;

(2) Approval of the shareholders (Section 153), with the shares owned by the person to be indemnified not being entitled to vote thereon; or

(3) The court in which such proceeding is or was pending upon application made by the corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney or other

person is opposed by the corporation.

(f) Expenses incurred in defending any proceeding may be advanced by the corporation prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this section.

(g) No provision made by a corporation to indemnify its or its subsidiary's directors or officers for the defense of any proceeding, whether contained in the articles, bylaws, a resolution of shareholders or directors, an agreement or otherwise, shall be valid unless consistent with this section. Nothing contained in this section shall affect any right to indemnification to which persons other than such directors and officers may be entitled by contract or otherwise.

(h) No indemnification or advance shall be made under this section, except as provided in subdivision (d) or subdivision (e) (3), in any circumstance where it appears:

(1) That it would be inconsistent with a provision of the articles, bylaws, a resolution of the shareholders or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

(2) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

(i) A corporation shall have power to purchase and maintain insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the corporation would have the power to indemnify the agent against such liability under the provisions of this section.

CHAPTER 4. SHARES AND SHARE CERTIFICATES

400. A corporation may issue one or more classes or series of shares or both, with full, limited or no voting rights and with such other rights, preferences, privileges and restrictions as are stated or authorized in its articles. No denial or limitation of voting rights shall be effective unless at the time one or more classes of outstanding shares or debt securities, singly or in the aggregate, are entitled to full voting rights; and no denial or limitation of dividend or liquidation rights shall be effective unless at the time one or more classes of outstanding shares, singly or in the aggregate, are entitled to unlimited dividend and liquidation rights.

401. (a) Before any corporation issues any shares of any class or series of which the rights, preferences, privileges and restrictions, or any of them, or the number of shares constituting any series or the designation of such series, are not set forth in its articles but are fixed in a resolution adopted by the board pursuant to authority given by its articles, an officers' certificate setting forth a copy of the

resolution, the number of shares of the class or series and that none of the shares of such class or series has been issued shall be executed and filed.

(b) After any certificate of determination has been filed, but before the corporation issues any shares of the class or series covered thereby, the board may alter or revoke any right, preference, privilege or restriction fixed or determined by the resolution set forth therein by the adoption of another resolution appropriate for that purpose and the execution and filing of an officers' certificate setting forth a copy of the resolution, and stating that none of the shares of the class or the series affected has been issued. No right, preference, privilege or restriction may be altered or revoked after the issue of any shares of the class or series specifically affected other than by amendment to the articles pursuant to Chapter 9.

(c) After any certificate of determination has been filed, the board may, if authorized in the articles pursuant to subdivision (e) of Section 202, increase or decrease the number of shares constituting any series, by the adoption of another resolution appropriate for that purpose and the execution and filing of an officers' certificate setting forth a copy of such resolution, the number of shares of such series then outstanding and the increase or decrease in the number of shares constituting such series. If any such certificate of determination has been incorporated in restated articles filed pursuant to Section 910, the action authorized by this subdivision may, notwithstanding Section 902, be accomplished by an amendment of the articles approved by the board alone.

402. (a) A corporation may provide in its articles for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the corporation only (except as provided in subdivision (b)), at such price or prices, within such time or upon the happening of one or more specified events and upon such terms and conditions as are stated in the articles.

(b) A corporation shall not issue redeemable or other shares which purport by their terms to grant to any holder thereof the right to compel the corporation to redeem such shares, except that an open-end investment company registered under the United States Investment Company Act of 1940 may, if its articles so provide, issue shares which are redeemable at the option of the holder at a price approximately equal to the shares' proportionate interest in the net assets of the corporation and a shareholder may compel redemption of such shares in accordance with their terms.

(c) No redeemable common shares, other than (1) those authorized under subdivision (b), (2) shares of a corporation which has a license or franchise from a governmental agency to conduct its business or is a member corporation of a national securities exchange registered under the United States Securities Exchange Act of 1934, which license, franchise or membership is conditioned upon some or all of the holders of its stock possessing prescribed qualifications, to the extent necessary to prevent the loss of such license, franchise or

membership or to reinstate it, or (3) shares of a professional corporation as defined in Part 4 of Division 3 of this title, shall be issued or redeemed unless the corporation at the time has outstanding a class of common shares that is not subject to redemption.

(d) Nothing in this section shall prevent a corporation from creating a sinking fund or other provision for, or entering into an agreement for, the redemption or purchase of its shares to the extent permitted by Chapter 5.

403. (a) When so provided in the articles, a corporation may issue shares convertible within such time or upon the happening of one or more specified events and upon such terms and conditions as are stated in the articles:

(1) At the option of the holder only or automatically upon the happening of one or more specified events, into shares of any class or series; or

(2) If it is a corporation which has a license or franchise from a governmental agency to conduct its business or a member corporation of a national securities exchange registered under the United States Securities Exchange Act of 1934, the license, franchise or membership of which is conditioned upon some or all of the holders of its stock possessing prescribed qualifications, to the extent necessary to prevent the loss of such license, franchise or membership or to reinstate it, at the option of the corporation, into shares of any class or series or into any other security of the corporation.

(b) Unless otherwise provided in the articles, a corporation may issue its debt securities convertible into other debt securities or into shares of the corporation within such time or upon the happening of one or more specified events and upon such terms and conditions as are fixed by the board.

404. Either in connection with the issue, subscription or sale of any of its shares, bonds, debentures, notes or other securities or independently thereof, a corporation may grant options to purchase or subscribe for shares of any class or series upon such terms and conditions as may be deemed expedient. Option rights may be transferable or nontransferable and separable or inseparable from other securities of the corporation.

405. (a) If at the time of granting option or conversion rights or at any later time the corporation is not authorized by its articles to issue all the shares required for the satisfaction of the rights, if and when exercised, the additional number of shares required to be issued upon the exercise of such option or conversion rights shall be authorized by an amendment to the articles.

(b) If a corporation has obtained approval of the outstanding shares (Section 152) for the issue of options to purchase shares or of securities convertible into shares of the corporation, the board may, without further approval of the outstanding shares (Section 152), amend the articles to increase the authorized shares of any class or

series to such number as will be sufficient from time to time, when added to the previously authorized but unissued shares of such class or series, to satisfy any such option or conversion rights.

406. Unless the articles provide otherwise, the board may issue shares, options or securities having conversion or option rights without first offering them to shareholders of any class.

407. A corporation may, but is not required to, issue fractions of a share originally or upon transfer. If it does not issue fractions of a share, it shall in connection with any original issuance of shares (a) arrange for the disposition of fractional interests by those entitled thereto, (b) pay in cash the fair value of fractions of a share as of the time when those entitled to receive such fractions are determined or (c) issue scrip or warrants in registered or bearer form which shall entitle the holder to receive a certificate for a full share upon the surrender of such scrip or warrants aggregating a full share; provided, however, that a merger or reorganization agreement may provide that fractions of a share will be disregarded or that shares issuable in the merger will be rounded off to the nearest whole share if the fraction of a share which any person would otherwise be entitled to receive in the merger or reorganization is less than one-half of 1 percent of the total shares such person is entitled to receive; and provided, further, that a corporation may not pay cash for fractional shares if such action would result in the cancellation of more than 10 percent of the outstanding shares of any class. A determination by the board of the fair value of fractions of a share shall be conclusive in the absence of fraud. A certificate for a fractional share shall, but scrip or warrants shall not unless otherwise provided therein, entitle the holder to exercise voting rights, to receive dividends thereon and to participate in any of the assets of the corporation in the event of liquidation. The board may cause scrip or warrants to be issued subject to the condition that they shall become void if not exchanged for certificates representing full shares before a specified date or that the shares for which scrip or warrants are exchangeable may be sold by the corporation and the proceeds thereof distributed to the holder of the scrip or warrants or any other condition which the board may impose.

408. (a) A corporation may adopt and carry out a stock purchase plan or agreement or stock option plan or agreement providing for the issue and sale for such consideration as may be fixed of its unissued shares, or of issued shares acquired or to be acquired, to one or more of the employees or directors of the corporation or of a subsidiary or to a trustee on their behalf and for the payment for such shares in installments or at one time, and may provide for aiding any such persons in paying for such shares by compensation for services rendered, promissory notes or otherwise.

(b) A stock purchase plan or agreement or stock option plan or agreement may include, among other features, the fixing of eligibility for participation therein, the class and price of shares to be issued or sold under the plan or agreement, the number of shares

which may be subscribed for, the method of payment therefor, the reservation of title until full payment therefor, the effect of the termination of employment, an option or obligation on the part of the corporation to repurchase the shares upon termination of employment, subject to the provisions of Chapter 5, restrictions upon transfer of the shares and the time limits of and termination of the plan.

409. (a) Shares may be issued:

(1) For such consideration as is determined from time to time by the board, or by the shareholders if the articles so provide, consisting of any or all of the following: money paid; labor done; services actually rendered to the corporation or for its benefit or in its formation or reorganization; debts or securities canceled; and tangible or intangible property actually received either by the issuing corporation or by a wholly owned subsidiary; but neither promissory notes of the purchaser (unless adequately secured by collateral other than the shares acquired or unless permitted by Section 408) nor future services shall constitute payment or part payment for shares of the corporation; or

(2) As a share dividend or upon a stock split, reverse stock split, reclassification of outstanding shares into shares of another class, conversion of outstanding shares into shares of another class, exchange of outstanding shares for shares of another class or other change affecting outstanding shares.

(b) Except as provided in subdivision (d), shares issued as provided in this section or Section 408 shall be declared and taken to be fully paid stock and not liable to any further call nor shall the holder thereof be liable for any further payments under the provisions of this division. In the absence of fraud in the transaction, the judgment of the directors as to the value of the consideration for shares shall be conclusive.

(c) If the articles reserve to the shareholders the right to determine the consideration for the issue of any shares, such determination shall be made by approval of the outstanding shares (Section 152).

(d) A corporation may issue the whole or any part of its shares as partly paid and subject to call for the remainder of the consideration to be paid therefor. On the certificate issued to represent any such partly paid shares the total amount of the consideration to be paid therefor and the amount paid thereon shall be stated. Upon the declaration of any dividend on fully paid shares, the corporation shall declare a dividend upon partly paid shares of the same class, but only upon the basis of the percentage of the consideration actually paid thereon.

(e) The board shall state by resolution its determination of the fair value to the corporation in monetary terms of any consideration other than money for which shares are issued.

410. (a) Every subscriber to shares and every person to whom shares are originally issued is liable to the corporation for the full

consideration agreed to be paid for the shares.

(b) The full agreed consideration for shares shall be paid prior to or concurrently with the issuance thereof, unless the shares are issued as partly paid pursuant to subdivision (d) of Section 409, in which case the consideration shall be paid in accordance with the agreement of subscription or purchase.

411. A transferee of shares for which the full agreed consideration has not been paid to the issuing corporation, who acquired them in good faith, without knowledge that they were not paid in full or to the extent stated on the certificate representing them, is liable only for the amount shown by the certificate to be unpaid on the shares represented thereby, until the transferee transfers the shares to one who becomes liable therefor; provided that the transferor shall remain personally liable if so provided on the certificate or agreed upon in writing. The liability of any holder of such shares who derives title through such a transferee and who is not a party to any fraud affecting the issue of the shares is the same as that of the transferee through whom title is derived.

412. Every transferee of partly paid shares who acquired them under a certificate showing the fact of part payment, and every transferee of such shares (other than a transferee who derives title through a holder in good faith without knowledge and who is not a party to any fraud affecting the issue of such shares) who acquired them with actual knowledge that the full agreed consideration had not been paid to the extent stated on the certificate therefor, is personally liable to the corporation for installments of the amount unpaid becoming due until the shares are transferred to one who becomes liable therefor; provided that the transferor shall remain personally liable if so provided on the certificate or agreed upon in writing.

413. A person holding shares as pledgee, executor, administrator, guardian, trustee, receiver or in any representative or fiduciary capacity is not personally liable for any unpaid balance of the subscription price of the shares because the shares are so held but the estate and funds in the hands of such fiduciary or representative are liable and the shares are subject to sale therefor.

414. (a) No action shall be brought by or on behalf of any creditor to reach and apply the liability, if any, of a shareholder to the corporation to pay the amount due on such shareholder's shares unless final judgment has been rendered in favor of the creditor against the corporation and execution has been returned unsatisfied in whole or in part or unless such proceedings would be useless.

(b) All creditors of the corporation, with or without reducing their claims to judgment, may intervene in any such creditor's action to reach and apply unpaid subscriptions and any or all shareholders who hold partly paid shares may be joined in such action. Several judgments may be rendered for and against the parties to the action or in favor of a receiver for the benefit of the respective parties thereto.

(c) All amounts paid by any shareholder in any such action shall be credited on the unpaid balance due the corporation upon such shareholder's shares.

415. Nothing in this division shall be construed as a derogation of any rights or remedies which any creditor or shareholder may have against any promoter, shareholder, director, officer or the corporation because of participation in any fraud or illegality practiced upon such creditor or shareholder by any such person or by the corporation in connection with the issue or sale of shares or other securities or in derogation of any rights which the corporation may have by rescission, cancellation or otherwise because of any fraud or illegality practiced on it by any such person in connection with the issue or sale of shares or other securities.

416. (a) Every holder of shares in a corporation shall be entitled to have a certificate signed in the name of the corporation by the chairman or vice chairman of the board or the president or a vice president and by the chief financial officer or an assistant treasurer or the secretary or any assistant secretary, certifying the number of shares and the class or series of shares owned by the shareholder. Any or all of the signatures on the certificate may be facsimile. In case any officer, transfer agent or registrar who has signed or whose facsimile signature has been placed upon a certificate shall have ceased to be such officer, transfer agent or registrar before such certificate is issued, it may be issued by the corporation with the same effect as if such person were an officer, transfer agent or registrar at the date of issue.

(b) Notwithstanding subdivision (a), a corporation which is the issuer of securities registered under the United States Securities Exchange Act of 1934 may adopt a system of issuance, recordation and transfer of its shares by electronic or other means not involving any issuance of certificates, including provisions for notice to purchasers in substitution for the required statements on certificates under Sections 417 and 418, which system has been approved by the Commissioner of Corporations or the United States Securities and Exchange Commission or which is authorized in any statute of the United States.

417. If the shares of the corporation are classified or if any class of shares has two or more series, there shall appear on the certificate one of the following:

(a) A statement of the rights, preferences, privileges and restrictions granted to or imposed upon each class or series of shares authorized to be issued and upon the holders thereof.

(b) A summary of such rights, preferences, privileges and restrictions with reference to the provisions of the articles and any certificates of determination establishing the same.

(c) A statement setting forth the office or agency of the corporation from which shareholders may obtain, upon request and without charge, a copy of the statement referred to in subdivision (a).

418. (a) There shall also appear on the certificate (unless stated or summarized under subdivision (a) or (b) of Section 417) the statements required by all of the following clauses to the extent applicable:

(1) The fact that the shares are subject to restrictions upon transfer.

(2) If the shares are assessable or are not fully paid, a statement that they are assessable or the statements required by subdivision (d) of Section 409 if they are not fully paid.

(3) The fact that the shares are subject to a voting agreement under subdivision (a) of Section 706 or an irrevocable proxy under subdivision (e) of Section 705 or restrictions upon voting rights contractually imposed by the corporation.

(4) The fact that the shares are redeemable.

(5) The fact that the shares are convertible and the period for conversion.

(b) Unless stated on the certificate as required by subdivision (a), no restriction upon transfer, no liability to assessment or for the unpaid portion of the subscription price, no right of redemption and no voting agreement under subdivision (a) of Section 706 nor irrevocable proxy under subdivision (e) of Section 705 nor voting restriction imposed by the corporation shall be enforceable against a transferee of the shares without actual knowledge of such restriction, liability, right, agreement or proxy.

(c) All certificates representing shares of a close corporation shall contain, in addition to any other statements required by this section, the following conspicuous legend on the face thereof: "This corporation is a close corporation. The number of holders of record of its shares of all classes cannot exceed ____ [a number not in excess of 10]. Any attempted voluntary inter vivos transfer which would violate this requirement is void. Refer to the articles, bylaws and any agreements on file with the secretary of the corporation for further restrictions."

(d) Any attempted voluntary inter vivos transfer of the shares of a close corporation which would result in the number of holders of record of its shares exceeding the maximum number specified in its articles is void if the certificate contains the legend required by subdivision (c).

419. (a) A domestic or foreign corporation may issue a new share certificate or a new certificate for any other security in the place of any certificate theretofore issued by it, alleged to have been lost, stolen or destroyed, and the corporation may require the owner of the lost, stolen or destroyed certificate or the owner's legal representative to give the corporation a bond (or other adequate security) sufficient to indemnify it against any claim that may be made against it (including any expense or liability) on account of the alleged loss, theft or destruction of any such certificate or the issuance of such new certificate.

(b) If a corporation refuses to issue a new share certificate or other

certificate in place of one theretofore issued by it, or by any corporation of which it is the lawful successor, alleged to have been lost, stolen or destroyed, the owner of the lost, stolen or destroyed certificate or the owner's legal representative may bring an action in the superior court of the proper county for an order requiring the corporation to issue a new certificate in place of the one lost, stolen or destroyed.

(c) If the court is satisfied that the plaintiff is the lawful owner of the number of shares or other securities, or any part thereof, described in the complaint and that the certificate therefor has been lost, stolen or destroyed, and no sufficient cause has been shown why a new certificate should not be issued in place thereof, it shall make an order requiring the corporation to issue and deliver to the plaintiff a new certificate for such shares or other securities. In its order the court shall direct that, prior to the issuance and delivery to the plaintiff of such new certificate, the plaintiff give the corporation a bond (or other adequate security) as to the court appears sufficient to indemnify the corporation against any claim that may be made against it (including any expense or liability) on account of the alleged loss, theft or destruction of any such certificate or the issuance of such new certificate.

420. Neither a domestic nor foreign corporation nor its transfer agent or registrar is liable:

(a) For transferring or causing to be transferred on the books of the corporation to the surviving joint tenant or tenants any share or shares or other securities issued to two or more persons in joint tenancy, whether or not the transfer is made with actual or constructive knowledge of the existence of any understanding, agreement, condition or evidence that the shares or securities were held other than in joint tenancy or of a breach of trust by any joint tenant.

(b) To a minor or incompetent person in whose name shares are of record on its books or to any transferee of or transferor to either for transferring the shares on its books at the instance of or to the minor or incompetent or for the recognition of or dealing with the minor or incompetent as a shareholder, whether or not the corporation, transfer agent or registrar had notice, actual or constructive, of the nonage or incompetency, unless a guardian or conservator of the property of the minor or incompetent has been appointed and the corporation, transfer agent or registrar has received written notice thereof.

(c) To any married person or to any transferee of such person for transferring shares on its books at the instance of the person in whose name they are registered, without the signature of such person's spouse and regardless of whether the registration indicates that the shares are community property, in the same manner as if such person were unmarried.

(d) The provisions of the California Commercial Code shall not affect the limitations of liability set forth in this section. Section 5125

of the Civil Code shall be subject to the provisions of this section and shall not be construed to prevent transfers, or result in liability to the corporation, transfer agent or registrar permitting or effecting transfers, which comply with this section.

421. Each holder of shares of a close corporation, whether original or subsequent, by accepting the certificates for the shares which contain the legend required by subdivision (c) of Section 418 agrees and consents that such holder cannot make any transfer of shares which would violate the provisions of subdivision (d) of Section 418 and waives any right which such holder might otherwise have under any other law to sell such shares to a greater number of purchasers or to demand any registration thereof under the Securities Act of 1933, as now or hereafter amended, or as provided in any statute adopted in substitution therefor, or otherwise, so long as the corporation is a close corporation.

422. (a) When the articles are amended in any way affecting the statements contained in the certificates for outstanding shares, or it becomes desirable for any reason, in the discretion of the board, to cancel any outstanding certificate for shares and issue a new certificate therefor conforming to the rights of the holder, the board may order any holders of outstanding certificates for shares to surrender and exchange them for new certificates within a reasonable time to be fixed by the board.

(b) The order may provide that a holder of any certificates so ordered to be surrendered is not entitled to vote or to receive dividends or exercise any of the other rights of shareholders until the holder has complied with the order, but such order operates to suspend such rights only after notice and until compliance. The duty of surrender of any outstanding certificates may also be enforced by civil action.

423. (a) Shares are not assessable except as provided in this section. If the articles expressly confer such authority upon the corporation or the board, and subject to any limitations therein contained, the board may in its discretion levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is in addition to the right of the corporation to recover the unpaid subscription price of shares or the remainder of the consideration to be paid therefor.

(b) Every levy of an assessment shall: specify the amount thereof and to whom and where it is payable; fix a date, not less than 30 nor more than 60 days from the date of the levy of the assessment, on which such assessment becomes delinquent if not paid; and fix a date, not less than 15 nor more than 60 days from the date on which the unpaid assessment becomes delinquent, for the sale of delinquent shares. The levy also shall fix the hour and place of sale, which place shall be in the county where the corporation is required to keep a copy of its bylaws pursuant to Section 213, or if there is no such county, in Sacramento.

(c) Upon the levy of an assessment, the secretary of the

corporation shall give notice thereof in substantially the following form:

(Name of corporation in full. Location of principal executive office.)

Notice is hereby given that the board of directors on (date) has levied an assessment of (amount) per share upon the (name or designation of class or series of shares) of the corporation payable (to whom and where). Any shares upon which this assessment remains unpaid on (date fixed) will be delinquent. Unless payment is made prior to delinquency, the said shares, or as many of them as may be necessary, will be sold at (particular place) on (date) at (hour) of such day, to pay the delinquent assessment, together with a penalty of 5 percent of the amount of the assessment on such shares, or be forfeited to the corporation. (Name of secretary with location of office.)

(d) The notice shall be served personally upon each holder of record of shares assessed; provided, however, that in lieu of personal service the notice may be mailed to each such shareholder addressed to the last address of the shareholder appearing on the books of the corporation or given by the shareholder to the corporation for the purpose of notice, or if no such address appears or is given, at the place where the principal executive office of the corporation is located, and published once in some newspaper of general circulation in the county in which the principal executive office of the corporation is located. If there is no such newspaper in such county, the publication shall be made in some newspaper of general circulation in an adjoining county. Such personal service or service by mail and publication shall be made at least 10 days prior to the date of delinquency.

(e) The assessment is a lien upon the shares assessed from the time of personal service or the publication of the notice of assessment, unless the articles provide for such lien from the time of the levy. A transfer of the shares on the books of the corporation after the lien of an assessment has attached is a waiver of the lien unless a conspicuous legend is placed on the face of any certificate issued upon such transfer setting forth the information contained in the notice required by subdivision (c) of this section. Such legend shall be removed if the assessment on the shares evidenced by the certificate is paid or if the shares are sold to pay the assessment or forfeited for nonpayment.

(f) The date of sale of delinquent shares fixed in any levy of an assessment may be extended from time to time for not more than 30 days at a time by order of the board entered on the records of the corporation, or when the sale is restrained by order of a court. Notice of such extension shall be given by announcement by the secretary, or other person authorized to conduct the sale, made at the time and place of sale last theretofore fixed.

(g) If payment is made after delinquency and before the sale, the shareholder shall pay a penalty of 5 percent of the amount of the assessment on the shares in addition to the assessment.

(h) At the place and time appointed in the notice of levy any officer or an agent of the corporation, shall, unless otherwise ordered by the board, sell or cause to be sold to the highest bidder for cash as many shares of each delinquent holder of the assessed shares as may be necessary to pay the assessment and charges thereon according to the notice.

The person offering at the sale to pay the assessment and penalty for the smallest number of shares is the highest bidder. The shares purchased shall be transferred to the highest bidder on the share register of the corporation on the payment of the assessment and penalty and a new certificate therefor issued to such highest bidder.

A corporation is not required to accept an offer for a fraction of a share.

(i) If no bidder offers to pay the amount due on the shares, together with the penalty of 5 percent thereof, the shares shall be forfeited to the corporation in satisfaction of the assessment and penalty thereon.

(j) After a sale or forfeiture of shares for nonpayment of an assessment or of a call for the unpaid balance of the subscription price or remainder of the consideration to be paid therefor, the holder or owner of delinquent shares shall surrender the certificate for such shares to the corporation for cancellation. This duty may be enforced by order or decree of court and such holder or owner shall be liable for damages to the corporation for failure to surrender the certificate for cancellation upon demand without good cause or excuse.

Any certificate not so surrendered forthwith becomes null and void and ceases to be evidence of the right or title of the holder or any transferee to the shares purporting to be represented thereby, and neither the corporation nor the purchaser of such shares incurs any liability thereon to any such transferee.

The purchaser of any shares, at a sale for delinquent assessments thereon, whenever made, is entitled to the issue of a new certificate representing the shares so purchased.

(k) The certificate of the secretary or assistant secretary of the corporation is prima facie evidence of the time and place of sale and any postponement thereof, of the quantity and particular description of the shares sold, to whom, for what price, and of the fact of payment of the purchase money. The certificate shall be filed in the office of the corporation, and copies of the certificate, certified by the secretary or an assistant secretary of the corporation, are prima facie evidence of the facts therein stated.

(*l*) As assessment is not invalidated by a failure to publish the notice of assessment, nor by the nonperformance of any act required in order to enforce the payment of the assessment; but in case of any substantial error or omission in the course of proceedings for

collection of an assessment on any shares, all previous proceedings, except the levy of the assessment, are void as to such shares, and shall be taken anew.

(m) No action shall be maintained to recover shares sold for delinquent assessments, upon the ground of irregularity in the assessment, irregularity or defect of the notice of sale, or defect or irregularity in the sale, unless the party seeking to maintain the action first pays or tenders to the corporation, or the party holding the shares sold, the sum for which the shares were sold, together with all subsequent assessments which may have been paid thereon and interest on such sums from the time they were paid. No such action shall be maintained unless it is commenced by the filing of a complaint and the issuing of a summons thereon within six months after the sale was made.

(n) The only remedy for the collection of an assessment on fully paid shares is sale or forfeiture of the shares unless (1) remedy by action is expressly authorized in the original articles or by an amendment of the articles adopted before August 21, 1933, or by an amendment adopted on or after August 21, 1933, by unanimous consent of the shareholders, and (2) unless a statement of such remedy appears on the face of any share certificate issued on or after August 21, 1933.

CHAPTER 5. DIVIDENDS AND REACQUISITIONS OF SHARES

500. Neither a corporation nor any of its subsidiaries shall make any distribution to the corporation's shareholders (Section 166) unless:

(a) The amount of the retained earnings of the corporation immediately prior thereto equals or exceeds the amount of the proposed distribution; or

(b) Immediately after giving effect thereto:

(1) The sum of the assets of the corporation (exclusive of goodwill, capitalized research and development expenses and deferred charges) would be at least equal to 1¼ times its liabilities; (not including deferred taxes, deferred income and other deferred credits); and

(2) The current assets of the corporation would be at least equal to its current liabilities or, if the average of the earnings of the corporation before taxes on income and before interest expense for the two preceding fiscal years was less than the average of the interest expense of the corporation for such fiscal years, at least equal to 1¼ times its current liabilities;

provided, however, that in determining the amount of the assets of the corporation no appreciation in value not yet realized shall in any event be included, except with respect to readily marketable securities, and profits derived from an exchange of assets shall not be included unless the assets received are currently realizable in cash; and provided, further, that for the purpose of this subdivision

"current assets" may include net amounts which the board has determined in good faith may reasonably be expected to be received from customers during the 12-month period used in calculating current liabilities pursuant to existing contractual relationships obligating such customers to make fixed or periodic payments during the term of the contract or, in the case of public utilities, pursuant to service connections with customers, after in each case giving effect to future costs not then included in current liabilities but reasonably expected to be incurred by the corporation in performing such contracts or providing service to utility customers. The amount of any distribution payable in property shall, for the purpose of this chapter, be determined on the basis of the value at which such property is carried on the corporation's financial statements in accordance with generally accepted accounting principles. Clause (2) of subdivision (b) is not applicable to a corporation which does not classify its assets into current and fixed under generally accepted accounting principles.

501. Neither a corporation nor any of its subsidiaries shall make any distribution to the corporation's shareholders (Section 166) if the corporation or the subsidiary making the distribution is, or as a result thereof would be, likely to be unable to meet its liabilities (except those whose payment is otherwise adequately provided for) as they mature.

502. Neither a corporation nor any of its subsidiaries shall make any distribution to the corporation's shareholders (Section 166) on any shares of its stock of any class or series which are junior to outstanding shares of any other class or series with respect to distribution of assets on liquidation if, after giving effect thereto, the excess of its assets (exclusive of goodwill, capitalized research and development expenses and deferred charges) over its liabilities, (not including deferred taxes, deferred income and other deferred credits) would be less than the liquidation preference of all shares having a preference on liquidation over the class or series to which the distribution is made.

503. Neither a corporation nor any of its subsidiaries shall make any distribution to the corporation's shareholders (Section 166) on any shares of its stock of any class or series which are junior to outstanding shares of any other class or series with respect to payment of dividends unless the amount of the retained earnings of the corporation immediately prior thereto equals or exceeds the amount of the proposed distribution plus the aggregate amount of the cumulative dividends in arrears on all shares having a preference with respect to payment of dividends over the class or series to which the distribution is made.

504. The provisions of Section 500 do not apply to any dividend declared by a regulated investment company, as defined in the United States Internal Revenue Code, to the extent that the dividend is necessary to maintain the status of the corporation as a regulated investment company under the provisions of that code. The

provisions of this chapter do not apply to any purchase or redemption of shares by a registered open-end investment company under the United States Investment Company Act of 1940 pursuant to a right of redemption at the option of the holder of the shares, so long as such right remains unsuspended under the provisions of that statute and the articles and bylaws of the corporation.

505. Nothing in this chapter prohibits additional restrictions upon the declaration of dividends or the purchase or redemption of a corporation's own shares by provision in the articles or bylaws or in any indenture or other agreement entered into by the corporation.

506. (a) Any shareholder who receives any distribution prohibited by this chapter with knowledge of facts indicating the impropriety thereof is liable to the corporation for the benefit of all of the creditors or shareholders entitled to institute an action under subdivision (b) for the amount so received by such shareholder with interest thereon at the legal rate on judgments until paid, but not exceeding the liabilities of the corporation owed to nonconsenting creditors at the time of the violation and the injury suffered by nonconsenting shareholders, as the case may be.

(b) Suit may be brought in the name of the corporation to enforce the liability under subdivision (a) against any or all shareholders liable by any one or more creditors of the corporation whose debts or claims arose prior to the time of the distribution to shareholders and who have not consented thereto, whether or not they have reduced their claims to judgment, or any one or more holders of shares outstanding at the time of the distribution to shareholders who have not consented thereto, without regard to the provisions of Section 800.

(c) Any shareholder sued under this section may implead all other shareholders liable under this section and may compel contribution, either in that action or in an independent action against shareholders not joined in that action.

(d) Nothing contained in this section affects any liability which any shareholder may have under Sections 3439 to 3439.13, inclusive, of the Civil Code.

507. Each distribution to shareholders other than one chargeable to retained earnings shall be identified in a notice to shareholders as being made from a source other than retained earnings, stating the accounting treatment thereof. The notice shall accompany the distribution or shall be given within three months after the end of the fiscal year in which the distribution is made.

508. This chapter does not apply in connection with any proceeding for winding up and dissolution under Chapter 18 or 19.

509. (a) A corporation may redeem any or all shares which are redeemable at its option by (1) giving notice of redemption, and (2) payment or deposit of the redemption price of the shares as provided in its articles or deposit of the redemption price pursuant to subdivision (d).

(b) Subject to any provisions in the articles with respect to the

notice required for redemption of shares, the corporation may give notice of the redemption of any or all shares subject to redemption by causing a notice of redemption to be published in a newspaper of general circulation in the county in which the principal executive office of the corporation is located at least once a week for two successive weeks, in each instance on any day of the week, commencing not earlier than 60 nor later than 20 days before the date fixed for redemption. The notice of redemption shall set forth all of the following:

(1) The class or series of shares or part of any class or series of shares to be redeemed.

(2) The date fixed for redemption.

(3) The redemption price.

(4) The place at which the shareholders may obtain payment of the redemption price upon surrender of their share certificates.

(c) If the corporation gives notice of redemption pursuant to subdivision (b), it shall also mail a copy of the notice of redemption to each holder of record of shares to be redeemed as of the date of mailing or record date fixed in accordance with Section 701, addressed to the holder at the address of such holder appearing on the books of the corporation or given by the holder to the corporation for the purpose of notice, or if no such address appears or is given at the place where the principal executive office of the corporation is located, not earlier than 60 nor later than 20 days before the date fixed for redemption. Failure to comply with this subdivision does not invalidate the redemption of the shares.

(d) If, on or prior to any date fixed for redemption of redeemable shares, the corporation deposits with any bank or trust company in this state as a trust fund a sum sufficient to redeem, on the date fixed for redemption thereof, the shares called for redemption, with irrevocable instructions and authority to the bank or trust company to publish the notice of redemption thereof (or to complete such publication if theretofore commenced) and to pay, on and after the date fixed for redemption or prior thereto, the redemption price of the shares to their respective holders upon the surrender of their share certificates, then from and after the date of the deposit (although prior to the date fixed for redemption) the shares so called shall be redeemed and dividends on those shares shall cease to accrue after the date fixed for redemption. The deposit shall constitute full payment of the shares to their holders and from and after the date of the deposit the shares shall no longer be outstanding and the holders thereof shall cease to be shareholders with respect to such shares and shall have no rights with respect thereto except the right to receive from the bank or trust company payment of the redemption price of the shares without interest, upon surrender of their certificates therefor, and any right to convert the shares which may exist and then continue for any period fixed by its terms.

510. (a) When a corporation purchases or redeems or otherwise acquires its own shares, such shares are restored to the status of

authorized but unissued shares, unless the articles prohibit the reissuance thereof.

(b) If the articles prohibit the reissue of shares upon acquisition thereof by the corporation, then upon such acquisition the authorized number of shares of the class and series, if any, to which such shares belonged is reduced by the number of shares so acquired. Thereupon the articles shall be amended to reflect such reduction in authorized shares and, if all of the authorized shares of any class or series are acquired and their reissue is prohibited by the articles, then the articles shall also be amended to eliminate therefrom any statement of rights, preferences, privileges and restrictions relating solely to such class or series. A certificate of amendment shall be filed in accordance with the requirements of Chapter 9, except that approval by the outstanding shares (Section 152) shall not be required to adopt any such amendment.

CHAPTER 6. SHAREHOLDERS' MEETINGS AND CONSENTS

600. (a) Meetings of shareholders may be held at such place within or without this state as may be stated in or fixed in accordance with the bylaws. If no other place is stated or so fixed, shareholder meetings shall be held at the principal executive office of the corporation.

(b) An annual meeting of shareholders shall be held for the election of directors on a date and at a time stated in or fixed in accordance with the bylaws. Any other proper business may be transacted at the annual meeting.

(c) If there is a failure to hold the annual meeting for a period of 60 days after the date designated therefor or, if no date has been designated, for a period of 15 months after the organization of the corporation or after its last annual meeting, the superior court of the proper county may summarily order a meeting to be held upon the application of any shareholder after notice to the corporation giving it an opportunity to be heard. The shares represented at such meeting, either in person or by proxy, and entitled to vote thereat shall constitute a quorum for the purpose of such meeting, notwithstanding any provision of the articles or bylaws or in this division to the contrary. The court may issue such orders as may be appropriate, including, without limitation, orders designating the time and place of such meeting, the record date for determination of shareholders entitled to vote and the form of notice of such meeting.

(d) Special meetings of the shareholders may be called by the board, the chairman of the board, the president or the holders of shares entitled to cast not less than 10 percent of the votes at the meeting or such other persons as may be provided in the articles or bylaws.

601. (a) Whenever shareholders are required or permitted to take any action at a meeting, a written notice of the meeting shall

be given not less than 10 nor more than 60 days before the date of the meeting to each shareholder entitled to vote thereat. Such notice shall state the place, date and hour of the meeting and (1) in the case of a special meeting, the general nature of the business to be transacted, and no other business may be transacted, or (2) in the case of the annual meeting, those matters which the board, at the time of the mailing of the notice, intends to present for action by the shareholders, but subject to the provisions of subdivision (f) any proper matter may be presented at the meeting for such action. The notice of any meeting at which directors are to be elected shall include the names of nominees intended at the time of the notice to be presented by management for election.

(b) Notice of a shareholders' meeting or any report shall be given either personally or by mail or other means of written communication, addressed to the shareholder at the address of such shareholder appearing on the books of the corporation or given by the shareholder to the corporation for the purpose of notice; or if no such address appears or is given, at the place where the principal executive office of the corporation is located or by publication at least once in a newspaper of general circulation in the county in which the principal executive office is located. The notice or report shall be deemed to have been given at the time when delivered personally or deposited in the mail or sent by other means of written communication. An affidavit of mailing of any notice or report in accordance with the provisions of this division, executed by the secretary, assistant secretary or any transfer agent, shall be prima facie evidence of the giving of the notice or report.

If any notice or report addressed to the shareholder at the address of such shareholder appearing on the books of the corporation is returned to the corporation by the United States Postal Service marked to indicate that the United States Postal Service is unable to deliver the notice or report to the shareholder at such address, all future notices or reports shall be deemed to have been duly given without further mailing if the same shall be available for the shareholder upon written demand of the shareholder at the principal executive office of the corporation for a period of one year from the date of the giving of the notice or report to all other shareholders.

(c) Upon request in writing to the chairman of the board, president, vice president or secretary by any person (other than the board) entitled to call a special meeting of shareholders, the officer forthwith shall cause notice to be given to the shareholders entitled to vote that a meeting will be held at a time requested by the person or persons calling the meeting, not less than 35 nor more than 60 days after the receipt of the request. If the notice is not given within 20 days after receipt of the request, the persons entitled to call the meeting may give the notice or the superior court of the proper county shall summarily order the giving of the notice, after notice to the corporation giving it an opportunity to be heard. The procedure provided in subdivision (c) of Section 305 shall apply to such

application. The court may issue such orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date for determination of shareholders entitled to vote and the form of notice.

(d) When a shareholders' meeting is adjourned to another time or place, unless the bylaws otherwise require and except as provided in this subdivision, notice need not be given of the adjourned meeting if the time and place thereof are announced at the meeting at which the adjournment is taken. At the adjourned meeting the corporation may transact any business which might have been transacted at the original meeting. If the adjournment is for more than 45 days or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each shareholder of record entitled to vote at the meeting.

(e) The transactions of any meeting of shareholders, however called and noticed, and wherever held, are as valid as though had at a meeting duly held after regular call and notice, if a quorum is present either in person or by proxy, and if, either before or after the meeting, each of the persons entitled to vote, not present in person or by proxy, signs a written waiver of notice or a consent to the holding of the meeting or an approval of the minutes thereof. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting. Attendance of a person at a meeting shall constitute a waiver of notice of such meeting, except when the person objects, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened and except that attendance at a meeting is not a waiver of any right to object to the consideration of matters not included in the notice if such objection is expressly made at the meeting. Neither the business to be transacted at nor the purpose of any regular or special meeting of shareholders need be specified in any written waiver of notice, unless otherwise provided in the articles or bylaws, except as provided in subdivision (f).

(f) Any shareholder approval at a meeting, other than unanimous approval by those entitled to vote, pursuant to Sections 310, 902, 1201, 1900 or 2007 shall be valid only if the general nature of the proposal so approved was stated in the notice of meeting or in any written waiver of notice.

602. (a) Unless otherwise provided in the articles, a majority of the shares entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of shareholders, but in no event shall a quorum consist of less than one-third (or, in the case of a mutual water company, 20 percent) of the shares entitled to vote at the meeting or, except in the case of a close corporation, of more than a majority of the shares entitled to vote at the meeting. If a quorum is present, the affirmative vote of the majority of the shares represented at the meeting and entitled to vote on any matter shall be the act of the shareholders, unless the vote of a greater number or voting by classes is required by this division or the articles and

except as provided in subdivision (b).

(b) The shareholders present at a duly called or held meeting at which a quorum is present may continue to transact business until adjournment notwithstanding the withdrawal of enough shareholders to leave less than a quorum, if any action taken (other than adjournment) is approved by at least a majority of the shares required to constitute a quorum.

(c) In the absence of a quorum, any meeting of shareholders may be adjourned from time to time by the vote of a majority of the shares represented either in person or by proxy, but no other business may be transacted, except as provided in subdivision (b).

603. (a) Unless otherwise provided in the articles, any action which may be taken at any annual or special meeting of shareholders may be taken without a meeting and without prior notice, if a consent in writing, setting forth the action so taken, shall be signed by the holders of outstanding shares having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote thereon were present and voted.

(b) Unless the consents of all shareholders entitled to vote have been solicited in writing,

(1) Notice of any shareholder approval pursuant to Section 310, 317, 1201 or 2007 without a meeting by less than unanimous written consent shall be given at least 10 days before the consummation of the action authorized by such approval, and

(2) Prompt notice shall be given of the taking of any other corporate action approved by shareholders without a meeting by less than unanimous written consent,

to those shareholders entitled to vote who have not consented in writing. Subdivision (b) of Section 601 applies to such notice.

(c) Any shareholder giving a written consent, or the shareholder's proxyholders, or a transferee of the shares or a personal representative of the shareholder or their respective proxyholders, may revoke the consent by a writing received by the corporation prior to the time that written consents of the number of shares required to authorize the proposed action have been filed with the secretary of the corporation, but may not do so thereafter. Such revocation is effective upon its receipt by the secretary of the corporation.

(d) Notwithstanding subdivision (a), directors may not be elected by written consent except by unanimous written consent of all shares entitled to vote for the election of directors.

604. (a) Any form of proxy or written consent distributed to 10 or more shareholders of a corporation with outstanding shares held of record by 100 or more persons shall afford an opportunity on the proxy or form of written consent to specify a choice between approval and disapproval of each matter or group of related matters intended to be acted upon at the meeting for which the proxy is solicited or by such written consent, other than elections to office,

and shall provide, subject to reasonable specified conditions, that where the person solicited specifies a choice with respect to any such matter the shares will be voted in accordance therewith.

(b) Every form of proxy or written consent, which provides an opportunity to specify approval or disapproval with respect to any proposal, shall also contain an appropriate space marked "abstain," whereby a shareholder may indicate a desire to abstain from voting his or her shares on the proposal. A proxy marked "abstain" by the shareholder with respect to a particular proposal shall not be voted either for or against such proposal.

(c) In any election of directors, any form of proxy in which the directors to be voted upon are named therein as candidates and which is marked by a shareholder "withhold" or otherwise marked in a manner indicating that the authority to vote for the election of directors is withheld shall not be voted either for or against the election of a director.

(d) This section does not apply to any corporation with an outstanding class of securities registered under Section 12 of the Securities Exchange Act of 1934 or whose securities are exempted from such registration by Section 12(g)(2) of that act.

(e) Failure to comply with this section shall not invalidate any corporate action taken, but may be the basis for challenging any proxy at a meeting and the superior court may compel compliance therewith at the suit of any shareholder.

605. (a) For the purpose of determining whether a corporation has outstanding shares held of record by 100 or more persons, shares shall be deemed to be "held of record" by each person who is identified as the owner of such shares on the record of shareholders maintained by or on behalf of the corporation, subject to the following:

(1) In any case where the record of shareholders has not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such record if it had been maintained in accordance with accepted practice shall be included as a holder of record.

(2) Shares identified as held of record by a corporation, a partnership, a trust, whether or not the trustees are named, or other organization shall be included as so held by one person.

(3) Shares identified as held of record by one or more persons as trustees, executors, guardians, custodians or in other fiduciary capacities with respect to a single trust, estate or account shall be included as held of record by one person.

(4) Shares held by two or more persons as co-owners shall be included as held by one person.

(5) Shares registered in substantially similar names, where the corporation (or other person soliciting proxies) has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(b) Notwithstanding subdivision (a):

(1) Shares held, to the knowledge of the corporation (or other person soliciting proxies), subject to a voting trust, deposit agreement or similar arrangement shall be included as held of record by the recordholders of the voting trust certificates, certificates of deposit, receipts or similar evidences of interest in such securities; provided, however, that the corporation (or other person soliciting proxies) may rely in good faith on such information as is received in response to its request from a nonaffiliated issuer of the certificates or evidences of interest.

(2) If the corporation (or other person soliciting proxies) knows or has reason to know that the form of holding shares of record is used primarily to circumvent the provisions of this section, the beneficial owners of such shares shall be deemed to be the record owners thereof.

CHAPTER 7. VOTING OF SHARES

700. (a) Except as provided in Section 708 and except as may be otherwise provided in the articles, each outstanding share, regardless of class, shall be entitled to one vote on each matter submitted to a vote of shareholders.

(b) Any holder of shares entitled to vote on any matter may vote part of the shares in favor of the proposal and refrain from voting the remaining shares or vote them against the proposal, other than elections to office, but, if the shareholder fails to specify the number of shares such shareholder is voting affirmatively, it will be conclusively presumed that the shareholder's approving vote is with respect to all shares such shareholder is entitled to vote.

701. (a) In order that the corporation may determine the shareholders entitled to notice of any meeting or to vote or entitled to receive payment of any dividend or other distribution or allotment of any rights or entitled to exercise any rights in respect of any other lawful action, the board may fix, in advance, a record date, which shall not be more than 60 nor less than 10 days prior to the date of such meeting nor more than 60 days prior to any other action.

(b) If no record date is fixed:

(1) The record date for determining shareholders entitled to notice of or to vote at a meeting of shareholders shall be at the close of business on the business day next preceding the day on which notice is given or, if notice is waived, at the close of business on the business day next preceding the day on which the meeting is held.

(2) The record date for determining shareholders entitled to give consent to corporate action in writing without a meeting, when no prior action by the board is necessary, shall be the day on which the first written consent is given.

(3) The record date for determining shareholders for any other purpose shall be at the close of business on the day on which the board adopts the resolution relating thereto, or the 60th day prior to

the date of such other action, whichever is later.

(c) A determination of shareholders of record entitled to notice of or to vote at a meeting of shareholders shall apply to any adjournment of the meeting unless the board fixes a new record date for the adjourned meeting, but the board shall fix a new record date if the meeting is adjourned for more than 45 days.

(d) Shareholders on the record date are entitled to notice and to vote or to receive the dividend, distribution or allotment of rights or to exercise the rights, as the case may be, notwithstanding any transfer of any shares on the books of the corporation after the record date, except as otherwise provided in the articles or by agreement or in this division.

702. (a) Subject to subdivision (c) of Section 703, shares held by an administrator, executor, guardian, conservator or custodian may be voted by such holder either in person or by proxy, without a transfer of such shares into the holder's name. Shares standing in the name of a trustee may be voted by the trustee, either in person or by proxy, but no trustee shall be entitled to vote shares held by such trustee without a transfer of such shares into the trustee's name.

(b) Shares standing in the name of a receiver may be voted by such receiver; and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into the receiver's name if authority to do so is contained in the order of the court by which such receiver was appointed.

(c) Subject to the provisions of Section 705 and except where otherwise agreed in writing between the parties, a shareholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the pledgee shall be entitled to vote the shares so transferred.

(d) Shares standing in the name of a minor may be voted and the corporation may treat all rights incident thereto as exercisable by the minor, in person or by proxy, whether or not the corporation has notice, actual or constructive, of the nonage, unless a guardian of the minor's property has been appointed and written notice of such appointment given to the corporation.

703. (a) Shares standing in the name of another corporation, domestic or foreign, may be voted by such officer, agent or proxyholder as the bylaws of such other corporation may prescribe or, in the absence of such provision, as the board of such other corporation may determine or, in the absence of such determination, by the chairman of the board, president or any vice president of such other corporation, or by any other person authorized to do so by the chairman of the board, president or any vice president of such other corporation. Shares which are purported to be voted or any proxy purported to be executed in the name of a corporation (whether or not any title of the person signing is indicated) shall be presumed to be voted or the proxy executed in accordance with the provisions of this subdivision, unless the contrary is shown.

(b) Shares of a parent owned by a subsidiary shall not be entitled to vote on any matter.

(c) Shares held by the issuing corporation in a fiduciary capacity, and shares of an issuing corporation held in a fiduciary capacity by its subsidiary, shall not be entitled to vote on any matter, except to the extent that the settlor or beneficial owner possesses and exercises a right to vote or to give the corporation binding instructions as to how to vote such shares.

704. If shares stand of record in the names of two or more persons, whether fiduciaries, members of a partnership, joint tenants, tenants in common, husband and wife as community property, tenants by the entirety, voting trustees, persons entitled to vote under a shareholder voting agreement or otherwise, or if two or more persons (including proxyholders) have the same fiduciary relationship respecting the same shares, unless the secretary of the corporation is given written notice to the contrary and is furnished with a copy of the instrument or order appointing them or creating the relationship wherein it is so provided, their acts with respect to voting shall have the following effect:

(1) If only one votes, such act binds all;

(2) If more than one vote, the act of the majority so voting binds all;

(3) If more than one vote, but the vote is evenly split on any particular matter, each faction may vote the securities in question proportionately.

If the instrument so filed or the registration of the shares shows that any such tenancy is held in unequal interests, a majority or even split for the purpose of this section shall be a majority or even split in interest.

705. (a) Every person entitled to vote shares may authorize another person or persons to act by proxy with respect to such shares. Any proxy purporting to be executed in accordance with the provisions of this division shall be presumptively valid.

(b) No proxy shall be valid after the expiration of 11 months from the date thereof unless otherwise provided in the proxy. Every proxy continues in full force and effect until revoked by the person executing it prior to the vote pursuant thereto, except as otherwise provided in this section. Such revocation may be effected by a writing delivered to the corporation stating that the proxy is revoked or by a subsequent proxy executed by, or by attendance at the meeting and voting in person by, the person executing the proxy. The dates contained on the forms of proxy presumptively determine the order of execution, regardless of the postmark dates on the envelopes in which they are mailed.

(c) A proxy is not revoked by the death or incapacity of the maker unless, before the vote is counted, written notice of such death or incapacity is received by the corporation.

(d) Except when other provision shall have been made by written agreement between the parties, the recordholder of shares which

such person holds as pledgee or otherwise as security or which belong to another shall issue to the pledgor or to the owner of such shares, upon demand therefor and payment of necessary expenses thereof, a proxy to vote or take other action thereon.

(e) A proxy which states that it is irrevocable is irrevocable for the period specified therein (notwithstanding subdivision (c)) when it is held by any of the following or a nominee of any of the following:

(1) A pledgee;

(2) A person who has purchased or agreed to purchase or holds an option to purchase the shares or a person who has sold a portion of such person's shares in the corporation to the maker of the proxy;

(3) A creditor or creditors of the corporation or the shareholder who extended or continued credit to the corporation or the shareholder in consideration of the proxy if the proxy states that it was given in consideration of such extension or continuation of credit and the name of the person extending or continuing credit;

(4) A person who has contracted to perform services as an employee of the corporation, if a proxy is required by the contract of employment and if the proxy states that it was given in consideration of such contract of employment, the name of the employee and the period of employment contracted for; or

(5) A person designated by or under an agreement under Section 706.

Notwithstanding the period of irrevocability specified, the proxy becomes revocable when the pledge is redeemed, the option or agreement to purchase is terminated or the seller no longer owns any shares of the corporation or dies, the debt of the corporation or the shareholder is paid, the period of employment provided for in the contract of employment has terminated or the agreement under Section 706 has terminated. In addition to the foregoing clauses (1) through (5), a proxy may be made irrevocable (notwithstanding subdivision (c)) if it is given to secure the performance of a duty or to protect a title, either legal or equitable, until the happening of events which, by its terms, discharge the obligations secured by it.

(f) A proxy may be revoked, notwithstanding a provision making it irrevocable, by a purchaser of shares without knowledge of the existence of the provision unless the existence of the proxy and its irrevocability appears on the certificate representing such shares.

706. (a) Notwithstanding any other provision of this division, an agreement between two or more shareholders of a close corporation, if in writing and signed by the parties thereto, may provide that in exercising any voting rights the shares held by them shall be voted as provided by the agreement, or as the parties may agree or as determined in accordance with a procedure agreed upon by them, and the parties may transfer the shares covered by such an agreement to a third party or parties with authority to vote them in accordance with the terms of the agreement. Such an agreement shall not be denied specific performance by a court on the ground that the remedy at law is adequate or on other grounds relating to

the jurisdiction of a court of equity. An agreement made pursuant to this subdivision between shareholders of a close corporation shall terminate when the corporation ceases to be a close corporation.

(b) Shares in any corporation may be transferred by written agreement to trustees in order to confer upon them the right to vote and otherwise represent the shares for such period of time, not exceeding 10 years, as may be specified in the agreement. The validity of a voting trust agreement, otherwise lawful, shall not be affected during a period of 10 years from the date when it was created or last extended as hereinafter provided by the fact that under its terms it will or may last beyond such 10-year period. At any time within two years prior to the time of expiration of any voting trust agreement as originally fixed or as last extended as provided in this subdivision, one or more beneficiaries under the voting trust agreement may, by written agreement and with the written consent of the voting trustee or trustees, extend the duration of the voting trust agreement with respect to their shares for an additional period not exceeding 10 years from the expiration date of the trust as originally fixed or as last extended as provided in this subdivision. A duplicate of the voting trust agreement and any extension thereof shall be filed with the secretary of the corporation and shall be open to inspection by a shareholder, a holder of a voting trust certificate or the agent of either, upon the same terms as the record of shareholders of the corporation is open to inspection.

(c) No agreement made pursuant to subdivision (a) shall be held to be invalid or unenforceable on the ground that it is a voting trust which does not comply with subdivision (b).

(d) This section shall not invalidate any voting or other agreement among shareholders or any irrevocable proxy complying with subdivision (e) of Section 705, which agreement or proxy is not otherwise illegal.

707. (a) In advance of any meeting of shareholders the board may appoint inspectors of election to act at the meeting and any adjournment thereof. If inspectors of election are not so appointed, or if any persons so appointed fail to appear or refuse to act, the chairman of any meeting of shareholders may, and on the request of any shareholder or a shareholder's proxy shall, appoint inspectors of election (or persons to replace those who so fail or refuse) at the meeting. The number of inspectors shall be either one or three. If appointed at a meeting on the request of one or more shareholders or proxies, the majority of shares represented in person or by proxy shall determine whether one or three inspectors are to be appointed.

(b) The inspectors of election shall determine the number of shares outstanding and the voting power of each, the shares represented at the meeting, the existence of a quorum and the authenticity, validity and effect of proxies, receive votes, ballots or consents, hear and determine all challenges and questions in any way arising in connection with the right to vote, count and tabulate all votes or consents, determine when the polls shall close, determine

the result and do such acts as may be proper to conduct the election or vote with fairness to all shareholders.

(c) The inspectors of election shall perform their duties impartially, in good faith, to the best of their ability and as expeditiously as is practical. If there are three inspectors of election, the decision, act or certificate of a majority is effective in all respects as the decision, act or certificate of all. Any report or certificate made by the inspectors of election is prima facie evidence of the facts stated therein.

708. (a) Every shareholder complying with subdivision (b) and entitled to vote at any election of directors may cumulate such shareholder's votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which the shareholder's shares are entitled, or distribute the shareholder's votes on the same principle among as many candidates as the shareholder thinks fit.

(b) No shareholder shall be entitled to cumulate votes (i.e., cast for any one or more candidates a number of votes greater than the number of the shareholder's shares) unless such candidate or candidates' names have been placed in nomination prior to the voting and the shareholder has given notice at the meeting prior to the voting of the shareholder's intention to cumulate the shareholder's votes. If any one shareholder has given such notice, all shareholders may cumulate their votes for candidates in nomination.

(c) In any election of directors, the candidates receiving the highest number of votes of the shares entitled to be voted for them up to the number of directors to be elected by such shares are elected.

(d) Subdivision (a) applies to the shareholders of any mutual water company organized or existing for the purpose of delivering water to its shareholders at cost on lands located within the boundaries of one or more reclamation districts now or hereafter legally existing in this state and created by or formed under the provisions of any statute of this state, but does not otherwise apply to the shareholders of mutual water companies unless their articles or bylaws so provide.

(e) Elections for directors need not be by ballot unless a shareholder demands election by ballot at the meeting and before the voting begins or unless the bylaws so require.

709. (a) Upon the filing of an action therefor by any shareholder or by any person who claims to have been denied the right to vote, the superior court of the proper county shall try and determine the validity of any election or appointment of any director of any domestic corporation, or of any foreign corporation if the election was held or the appointment was made in this state. In the case of a foreign corporation the action may be brought at the option of the plaintiff in the county in which the corporation has its principal office in this state or in the county in which the election was held or the appointment was made.

(b) Upon the filing of the complaint, and before any further proceedings are had, the court shall enter an order fixing a date for the hearing, which shall be within five days unless for good cause shown a later date is fixed, and requiring notice of the date for the hearing and a copy of the complaint to be served upon the corporation and upon the person whose purported election or appointment is questioned and upon any person (other than the plaintiff) whom the plaintiff alleges to have been elected or appointed, in the manner in which a summons is required to be served, or, if the court so directs, by registered mail; and the court may make such further requirements as to notice as appear to be proper under the circumstances.

(c) The court may determine the person entitled to the office of director or may order a new election to be held or appointment to be made, may determine the validity, effectiveness and construction of voting agreements and voting trusts, the validity of the issuance of shares and the right of persons to vote and may direct such other relief as may be just and proper.

CHAPTER 8. SHAREHOLDER DERIVATIVE ACTIONS

800. (a) As used in this section, "corporation" includes an unincorporated association; "board" includes the managing body of an unincorporated association; "shareholder" includes a member of an unincorporated association; and "shares" includes memberships in an unincorporated association.

(b) No action may be instituted or maintained in right of any domestic or foreign corporation by any holder of shares or of voting trust certificates of such corporation unless both of the following conditions exist:

(1) The plaintiff alleges in the complaint that plaintiff was a shareholder, of record or beneficially, or the holder of voting trust certificates at the time of the transaction or any part thereof of which plaintiff complains or that plaintiff's shares or voting trust certificates thereafter devolved upon plaintiff by operation of law from a holder who was a holder at the time of the transaction or any part thereof complained of; provided, that any shareholder who does not meet such requirements may nevertheless be allowed in the discretion of the court to maintain such action on a preliminary showing to and determination by the court, by motion and after a hearing, at which the court shall consider such evidence, by affidavit or testimony, as it deems material, that (i) there is a strong prima facie case in favor of the claim asserted on behalf of the corporation, (ii) no other similar action has been or is likely to be instituted, (iii) the plaintiff acquired the shares before there was disclosure to the public or to the plaintiff of the wrongdoing of which plaintiff complains, (iv) unless the action can be maintained the defendant may retain a gain derived from defendant's willful breach of a fiduciary duty, and (v) the requested relief will not result in unjust enrichment of the

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corporation or any shareholder of the corporation; and

(2) The plaintiff alleges in the complaint with particularity plaintiff's efforts to secure from the board such action as plaintiff desires, or the reasons for not making such effort, and alleges further that plaintiff has either informed the corporation or the board in writing of the ultimate facts of each cause of action against each defendant or delivered to the corporation or the board a true copy of the complaint which plaintiff proposes to file.

(c) In any action referred to in subdivision (b), at any time within 30 days after service of summons upon the corporation or upon any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or such defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish security as hereinafter provided. The motion shall be based upon one or both of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its shareholders.

(2) That the moving party, if other than the corporation, did not participate in the transaction complained of in any capacity.

The court on application of the corporation or any defendant may, for good cause shown, extend the 30-day period for an additional period or periods not exceeding 60 days.

(d) At the hearing upon any motion pursuant to subdivision (c), the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material (1) to the ground or grounds upon which the motion is based, or (2) to a determination of the probable reasonable expenses, including attorneys' fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after hearing the evidence adduced by the parties, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the nature and amount of security, not to exceed fifty thousand dollars ($50,000), to be furnished by the plaintiff for reasonable expenses, including attorneys' fees, which may be incurred by the moving party and the corporation in connection with the action, including expenses for which the corporation may become liable pursuant to Section 317. A ruling by the court on the motion shall not be a determination of any issue in the action or of the merits thereof. The amount of the security may thereafter be increased or decreased in the discretion of the court upon a showing that the security provided has or may become inadequate or is excessive, but the court may not in any event increase the total amount of the security beyond fifty thousand dollars ($50,000). If the court, upon any such motion, makes a determination that security shall be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished

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within such reasonable time as may be fixed by the court. The corporation and the moving party shall have recourse to the security in such amount as the court shall determine upon the termination of the action.

(e) If the plaintiff shall, either before or after a motion is made pursuant to subdivision (c), or any order or determination pursuant to such motion, post good and sufficient bond or bonds in the aggregate amount of fifty thousand dollars ($50,000) to secure the reasonable expenses of the parties entitled to make the motion, the plaintiff has complied with the requirements of this section and with any order for security theretofore made pursuant hereto, and any such motion then pending shall be dismissed and no further or additional bond or other security shall be required.

(f) If a motion is filed pursuant to subdivision (c), no pleadings need be filed by the corporation or any other defendant and the prosecution of the action shall be stayed until 10 days after the motion has been disposed of.

CHAPTER 9. AMENDMENT OF ARTICLES

900. (a) By complying with the provisions of this chapter, a corporation may amend its articles from time to time, in any and as many respects as may be desired, so long as its articles as amended contain only such provisions as it would be lawful to insert in original articles filed at the time of the filing of the amendment and, if a change in shares or the rights of shareholders or an exchange, reclassification or cancellation of shares or rights of shareholders is to be made, such provisions as may be necessary to effect such change, exchange, reclassification or cancellation. It is the intent of the Legislature in adopting this section to exercise to the fullest extent the reserve power of the state over corporations and to authorize any amendment of the articles covered by the preceding sentence regardless of whether any provision contained in the amendment was permissible at the time of the original incorporation of the corporation.

(b) A corporation shall not amend its articles to alter any statement which may appear in the original articles of the names and addresses of the first directors, nor the name and address of the initial agent, except to correct an error in the statement or to delete either after the corporation has filed a statement under Section 1502.

901. Before any shares have been issued, any amendment of the articles may be adopted by a writing signed by a majority of the incorporators, if directors were not named in the original articles and have not been elected, or, if directors were named in the original articles or have been elected, by a majority of the directors.

902. (a) After any shares have been issued, amendments may be adopted if approved by the board and approved by the outstanding shares (Section 152), either before or after the approval by the board.

(b) Notwithstanding subdivision (a), an amendment extending

the corporate existence or making the corporate existence perpetual may be adopted by a corporation organized prior to August 14, 1929, with approval by the board alone.

(c) Notwithstanding subdivision (a), unless the corporation has more than one class of shares outstanding, an amendment effecting only a stock split (including any increase in the authorized number of shares required in connection therewith and taking account of shares then reserved for future issuance) may be adopted with approval by the board alone.

(d) Notwithstanding subdivision (a), an amendment deleting the names and addresses of the first directors or the name and address of the initial agent may be adopted with approval by the board alone.

903. (a) A proposed amendment must be approved by the outstanding shares (Section 152) of a class, whether or not such class is entitled to vote thereon by the provisions of the articles, if the amendment would:

(1) Increase or decrease the aggregate number of authorized shares of such class, other than an increase incident to a stock split or as provided in Section 405(b).

(2) Effect an exchange, reclassification or cancellation of all or part of the shares of such class, other than a stock split.

(3) Effect an exchange, or create a right of exchange, of all or part of the shares of another class into the shares of such class.

(4) Change the rights, preferences, privileges or restrictions of the shares of such class.

(5) Create a new class of shares having rights, preferences or privileges prior to the shares of such class, or increase the rights, preferences or privileges or the number of authorized shares of any class having rights, preferences or privileges prior to the shares of such class.

(6) In the case of preferred shares, divide the shares of any class into series having different rights, preferences, privileges or restrictions or authorize the board to do so.

(7) Cancel or otherwise affect dividends on the shares of such class which have accrued but have not been paid.

(b) Different series of the same class shall not constitute different classes for the purpose of voting by classes except when a series is adversely affected by an amendment in a different manner than other shares of the same class.

(c) In addition to approval by a class as provided in subdivision (a), a proposed amendment must also be approved by the outstanding voting shares (Section 152).

904. If any amendment of the articles would make shares assessable or would authorize remedy by action for the collection of an assessment on fully paid shares, it must be approved by all of the outstanding shares regardless of limitations or restrictions on the voting rights thereof.

905. In the case of amendments adopted after the corporation has issued any shares, the corporation shall file a certificate of

amendment, which shall consist of an officers' certificate stating:

(a) The wording of the amendment or amended articles in accordance with Section 907;

(b) That the amendment has been approved by the board;

(c) If the amendment is one for which the approval of the outstanding shares (Section 152) is required, that the amendment was approved by the required vote of shareholders in accordance with Section 902, 903 or 904; the total number of outstanding shares of each class entitled to vote with respect to the amendment; and that the number of shares of each class voting in favor of the amendment equaled or exceeded the vote required, specifying the percentage vote required of each class entitled to vote.

(d) If the amendment is one which may be adopted with approval by the board alone, a statement of the facts entitling the board alone to adopt the amendment.

(e) In the event of an amendment of the articles pursuant to a merger, the filing of the officers' certificate and agreement pursuant to Section 1103 or a certificate of ownership pursuant to Section 1110(b) shall be in lieu of any filing required under this chapter.

906. In the case of amendments adopted by the incorporators or the board under Section 901, the corporation shall file a certificate of amendment signed and verified by a majority of the incorporators or of the board, as the case may be, which shall state that the signers thereof constitute at least a majority of the incorporators or of the board, that the corporation has issued no shares and that they adopt the amendment or amendments therein set forth.

In the case of amendments adopted by the board under Section 901, the corporation may file a certificate of amendment pursuant to Section 905 in lieu of a certificate of amendment pursuant to this section.

907. The certificate of amendment shall establish the wording of the amendment or amended articles by one or more of the following means:

(a) By stating that the articles shall be amended to read as therein set forth in full.

(b) By stating that any provision of the articles, which shall be identified by the numerical or other designation given it in the articles or by stating the wording thereof, shall be stricken from the articles or shall be amended to read as set forth in the certificate.

(c) By stating that the provisions set forth therein shall be added to the articles.

If the purpose of the amendment is to effect a stock split or reverse stock split or to reclassify, cancel, exchange, or otherwise change outstanding shares, the amendment or amended articles shall state the effect thereof on outstanding shares.

908. Upon the filing of the certificate of amendment, the articles shall be amended in accordance with the certificate and any change, reclassification or cancellation of shares shall be effected, and a copy of the certificate, certified by the Secretary of State, is prima facie

evidence of the performance of the conditions necessary to the adoption of the amendment.

909. A corporation formed for a limited period may at any time subsequent to the expiration of the term of its corporate existence, if it has continuously acted as a corporation and done business as such, extend the term of its existence by an amendment to its articles removing any provision limiting the term of its existence and providing for perpetual existence. If the filing of the certificate of amendment providing for perpetual existence would be prohibited if it were original articles by the provisions of Section 201, the Secretary of State shall not file such certificate unless by the same or a concurrently filed certificate of amendment the articles of such corporation are amended to adopt a new available name. For the purpose of the adoption of any such amendment, persons who have been functioning as directors of such corporation shall be considered to have been validly elected even though their election may have occurred after the expiration of the original term of the corporate existence. The certificate of amendment shall set forth that the corporation continuously acted as a corporation and did business as such from the expiration of its term of corporate existence to the date of the amendment.

910. (a) A corporation may restate in a single certificate the entire text of its articles as amended by filing an officers' certificate entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended to the date of the certificate, except that the signatures and acknowledgments of the incorporators and any statements regarding the effect of any prior amendment upon outstanding shares and any provisions of agreements of merger (other than amendments to the articles of the surviving corporation) and the names and addresses of the first directors and of the initial agent for service of process shall be omitted. Such omissions are not alterations or amendments of the articles. The certificate may also itself alter or amend the articles in any respect, in which case the certificate must comply with Section 905 or 906, as the case may be, and Section 907.

(b) If the certificate does not itself alter or amend the articles in any respect, it shall be approved by the board and shall be subject to the provisions of this chapter relating to an amendment of the articles not requiring any approval of the outstanding shares (Section 152). If the certificate does itself alter or amend the articles, it shall be subject to the provisions of this chapter relating to the amendment or amendments so made.

(c) Certificates of determination are a part of the articles within the meaning of this section. The provisions of such a certificate shall be given an article designation in the restated articles.

(d) Restated articles of incorporation filed pursuant to this section shall supersede for all purposes the original articles and all amendments and certificates of determination filed prior thereto.

CHAPTER 10. SALES OF ASSETS

1000. Any mortgage, deed of trust, pledge or other hypothecation of all or any part of the corporation's property, real or personal, for the purpose of securing the payment or performance of any contract or obligation may be approved by the board. Unless the articles otherwise provide, no approval of shareholders (Section 153) or of the outstanding shares (Section 152) shall be necessary for such action.

1001. (a) A corporation may sell, lease, convey, exchange, transfer or otherwise dispose of all or substantially all of its property and assets when the principal terms are

(1) Approved by the board, and

(2) Unless the transaction is in the usual and regular course of its business, approved by the outstanding shares (Section 152), either before or after approval by the board and before or after the transaction.

A transaction constituting a reorganization (Section 181) is subject to the provisions of Chapter 12 and not this section.

(b) Notwithstanding approval of the outstanding shares (Section 152), the board may abandon the proposed transaction without further action by the shareholders, subject to the contractual rights, if any, of third parties.

(c) Such sale, lease, conveyance, exchange, transfer or other disposition may be made upon such terms and conditions and for such consideration as the board may deem in the best interests of the corporation. The consideration may be money, property or securities of any other corporation, domestic or foreign, or any of them.

1002. Any deed or instrument conveying or otherwise transferring any assets of a corporation may have annexed to it the certificate of the secretary or an assistant secretary of the corporation, setting forth that the transaction has been validly approved by the board and (a) stating that the property described in said deed or instrument is less than substantially all of the assets of the corporation or that the transfer is in the usual and regular course of the business of the corporation, if such be the case, or (b) if such property constitutes all or substantially all of the assets of the corporation and the transfer is not in the usual and regular course of the business of the corporation, stating the fact of approval thereof by the outstanding shares (Section 152) pursuant to this chapter or Chapter 12, as the case may be, or that such approval is not required by Chapter 12. Such certificate is prima facie evidence of the existence of the facts authorizing such conveyance or other transfer of the assets and conclusive evidence in favor of any innocent purchaser or encumbrancer for value.

CHAPTER 11. MERGER

1100. Any two or more corporations may be merged into one of such corporations pursuant to this chapter.

1101. The board of each corporation which desires to merge shall approve an agreement of merger. The agreement shall state:

(a) The terms and conditions of the merger;

(b) The mode of carrying the same into effect;

(c) The amendments to the articles of the surviving corporation to be effected by the merger, if any;

(d) The name of the surviving corporation, which may be the same as or similar to the name of a constituent corporation, domestic or foreign, regardless of whether any such foreign corporation is qualified to transact intrastate business, and the name and place of incorporation of each disappearing corporation;

(e) The manner of converting the shares of each of the constituent corporations into shares or other securities of the surviving corporation and, if any shares of any of the constituent corporations are not to be converted solely into shares or other securities of the surviving corporation, the cash, property, rights or securities of any corporation which the holders of such shares are to receive in exchange for such shares, which cash, property, rights or securities of any corporation may be in addition to or in lieu of shares or other securities of the surviving corporation; and

(f) Such other details or provisions as are desired, if any, including, without limitation, a provision for the payment of cash in lieu of fractional shares or for any other arrangement with respect thereto consistent with the provisions of Section 407.

Each share of the same class or series of any constituent corporation (other than shares held by a parent party in a reorganization or short-form merger) must, unless all shareholders of the class consent and except as provided in Section 407, be treated equally with respect to any distribution of cash, property, rights or securities. If the agreement provides for any amendment to the articles of the surviving corporation, the agreement shall meet the requirements of Section 907.

1102. Each corporation shall sign the agreement by its chairman of the board, president or a vice president and secretary or an assistant secretary acting on behalf of their respective corporations.

1103. After approval of a merger by the board and any shareholder vote required by Chapter 12, the surviving corporation shall file a copy of the agreement of merger with an officers' certificate of each constituent corporation attached stating the total number of outstanding shares of each class entitled to vote on the merger, that the agreement in the form attached was approved by that corporation by a vote of a number of shares of each class which equaled or exceeded the vote required, specifying each class entitled to vote and the percentage vote required of each class, or that the merger was entitled to be approved by the board alone under the

provisions of Section 1201. The merger and any amendment of the articles of the surviving corporation contained in the merger agreement shall thereupon be effective (subject to subdivision (c) of Section 110 and subject to the provisions of Section 1108) and the several parties thereto shall be one corporation. The agreement shall not be filed, however, until there has been filed by or on behalf of each corporation taxed under the Bank and Corporation Tax Law, the existence of which is terminated by the merger, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said act have been paid or secured. The Secretary of State may certify a copy of the merger agreement separate from the officers' certificates attached thereto.

1104. Any amendment to the agreement may be adopted and the agreement so amended may be approved by the board and by the outstanding shares (Section 152) (if required by Chapter 12) of any constituent corporation in the same manner as the original agreement. If the agreement so amended is approved by the board and the outstanding shares (if required) of each of the corporations, the agreement so amended shall then constitute the agreement of merger.

1105. The board may, in its discretion, abandon a merger, subject to the contractual rights, if any, of third parties, including other constituent corporations, without further approval by the outstanding shares (Section 152), at any time before the merger is effective.

1106. A copy of an agreement of merger certified by an official having custody thereof has the same force in evidence as the original and, except as against the state, is conclusive evidence of the performance of all conditions precedent to the merger, the existence on the effective date of the surviving corporation and the performance of the conditions necessary to the adoption of any amendment to the articles contained in the agreement of merger.

1107. (a) Upon merger pursuant to this chapter the separate existence of the disappearing corporations ceases and the surviving corporation shall succeed, without other transfer, to all the rights and property of each of the disappearing corporations and shall be subject to all the debts and liabilities of each in the same manner as if the surviving corporation had itself incurred them.

(b) All rights of creditors and all liens upon the property of each of the constituent corporations shall be preserved unimpaired, provided that such liens upon property of a disappearing corporation shall be limited to the property affected thereby immediately prior to the time the merger is effective.

(c) Any action or proceeding pending by or against any disappearing corporation may be prosecuted to judgment, which shall bind the surviving corporation, or the surviving corporation may be proceeded against or substituted in its place.

1108. (a) The merger of any number of domestic corporations with any number of foreign corporations may be effected if the

foreign corporations are authorized by the laws under which they are formed to effect such a merger. The surviving corporation may be any one of the constituent corporations and shall continue to exist under the laws of the state or place of its incorporation.

(b) If the surviving corporation is a domestic corporation, the merger proceedings with respect to that corporation and any domestic disappearing corporation shall conform to the provisions of this chapter governing the merger of domestic corporations, or to Section 1110, but if the surviving corporation is a foreign corporation, then, subject to the requirements of subdivision (d) and of Section 407 and Chapters 12 and 13 (with respect to any domestic constituent corporations), the merger proceedings may be in accordance with the laws of the state or place of incorporation of the surviving corporation.

(c) If the surviving corporation is a domestic corporation, the agreement and the officers' certificate of each constituent corporation shall be filed as provided in Section 1103 and thereupon, subject to subdivision (c) of Section 110, the merger shall be effective as to each domestic constituent corporation; and each foreign disappearing corporation which is qualified for the transaction of intrastate business shall by virtue of the filing automatically surrender its right to transact intrastate business.

(d) Subject to Section 1110, if the surviving corporation is a foreign corporation, the merger shall become effective in accordance with the law of the jurisdiction in which it is organized, but shall be effective as to any domestic disappearing corporation as of the time of filing in such foreign jurisdiction upon the filing in this state as required by this subdivision. There shall be filed as to the domestic disappearing corporation or corporations a copy of the agreement, certificate or other document filed by the surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the merger, which copy shall be certified by the public officer having official custody of the original or, in lieu thereof, an executed counterpart of such agreement, certificate or other document; and each foreign disappearing corporation which is qualified for the transaction of intrastate business shall automatically by such filing surrender its right to transact intrastate business.

(e) The provisions of Chapters 12 and 13 apply to the rights of the shareholders of any of the constituent corporations which are domestic corporations.

1109. Whenever a domestic or foreign corporation having any real property in this state merges or consolidates with another corporation pursuant to the laws of this state or of the state or place in which any constituent corporation was incorporated, and the laws of the state or place of incorporation (including this state) of any disappearing corporation provide substantially that the making and filing of the agreement of merger vests in the surviving corporation all the real property of any disappearing corporation, the filing for record in the office of the county recorder of any county in this state

in which any of the real property of such disappearing corporation is located of either (a) a certificate prescribed by the Secretary of State, or (b) a copy of the agreement of merger, certified by the Secretary of State or an authorized public official of the state or place pursuant to the laws of which the merger is effected, shall evidence record ownership in the surviving corporation of all interest of such disappearing corporation in and to the real property located in that county.

1110. (a) If a domestic corporation owns all the outstanding shares of a corporation or corporations, domestic or foreign, the merger of the subsidiary corporation or corporations into the parent corporation may be effected by a resolution adopted by the board of the parent corporation and the filing of a certificate of ownership as provided in subdivision (d). The resolution shall provide for the merger and shall provide that the parent corporation assumes all the liabilities of each subsidiary corporation.

(b) If a domestic corporation owns less than all the outstanding shares but at least 90 percent of the outstanding shares of each class of a corporation or corporations, domestic or foreign, the merger of the subsidiary corporation or corporations into the parent corporation may be effected by resolutions adopted by the boards of the parent and each subsidiary corporation and the filing of a certificate of ownership as provided in subdivision (d). The resolution of the board of the parent corporation shall provide for the merger, shall provide that the parent corporation assumes all the liabilities of each subsidiary corporation and shall set forth the securities, cash, property or rights to be issued, paid, delivered or granted by the parent corporation upon surrender of each share of each subsidiary corporation not owned by the parent corporation. The resolution of the board of each subsidiary corporation shall approve the fairness of the consideration to be received for each share of the subsidiary corporation not owned by the parent corporation.

(c) In any merger pursuant to this section, the parent corporation may change its name, subject to Section 201, regardless of whether the name so adopted is the same as or similar to that of one of the disappearing corporations. In such case the resolution shall provide for the amendment of articles to change the name and shall establish the wording of the amendment as provided in Section 907.

(d) After adoption of the resolution or resolutions of merger, a certificate of ownership consisting of an officers' certificate of the parent corporation shall be filed, and a copy thereof for each domestic and qualified foreign disappearing corporation. The certificate of ownership shall:

(1) Identify the parent and subsidiary corporation or corporations.

(2) Set forth the share ownership by the parent corporation of each subsidiary corporation as 100% of the outstanding shares or as at least 90% of the outstanding shares of each class, as the case may be.

(3) Set forth the resolution adopted by the board of the parent corporation, including the resolution for change of name if applicable.

(4) Set forth the resolution adopted by the board of each subsidiary corporation, if required.

(e) The certificate of ownership shall not be filed, however, until there has been filed by or on behalf of each subsidiary corporation taxed under the Bank and Corporation Tax Law, the existence of which is terminated by the merger, the certificate of satisfaction of the Franchise Tax Board that all taxes imposed by said law have been paid or secured.

(f) Upon the filing of the certificate of ownership, the merger shall be effective and any amendment of the articles of the surviving corporation set forth in the certificate shall be effective.

(g) A merger pursuant to this section may be effected if the parent corporation is a foreign corporation and if at least one subsidiary corporation is a domestic corporation but in such a case the certificate of ownership prepared as in subdivision (d) shall be filed as to each domestic and qualified foreign subsidiary corporation, but no filing shall be made as to the foreign parent corporation.

(h) A foreign subsidiary corporation may not be merged as in this section provided and a foreign parent corporation may not act as in this section provided unless the laws of the state or place of its incorporation permit such action.

(i) In the event all of the outstanding shares of a subsidiary domestic corporation party to a merger effected under this section are not owned by the parent corporation immediately prior to the merger, the surviving corporation shall, within 10 days after the effective date of the merger, notify each shareholder of such domestic corporation that the merger has become effective, which notice shall contain a copy of the resolutions of the boards of the parent and the subsidiary required by subdivision (b) and the information required by subdivision (a) of Section 1301. The notice shall be sent by registered mail addressed to the shareholder at the address of such shareholder as it appears on the records of the corporation. Any such shareholder shall have the right to demand payment of cash for the shares of such shareholder pursuant to the provisions of Chapter 13.

1111. If any disappearing corporation in a merger is a close corporation and the surviving corporation is not a close corporation, the merger shall be approved by the affirmative vote of at least two-thirds of each class of the outstanding shares of such disappearing corporation; provided, however, that the articles or a shareholders' agreement may provide for a lesser vote, but not less than a majority of the outstanding shares of each class.

CHAPTER 12. REORGANIZATIONS

1200. A reorganization (Section 181) shall be approved by the board of:

(a) Each constituent corporation in a merger reorganization;

(b) The acquiring corporation in an exchange reorganization;

(c) The acquiring corporation and the corporation whose property and assets are acquired in a sale-of-assets reorganization; and

(d) The corporation in control of any constituent or acquiring corporation under subdivision (a), (b) or (c) and whose equity securities are issued or transferred in the reorganization (a "parent party").

1201. (a) The principal terms of a reorganization shall be approved by the outstanding shares (Section 152) of each class, regardless of limitations or restrictions on the voting rights thereof, of each corporation the approval of whose board is required under Section 1200, except as provided in subdivision (b) and except that (unless otherwise provided in the articles) no approval of any class of outstanding preferred shares of the surviving or acquiring corporation or parent party shall be required if the rights, preferences, privileges and restrictions granted to or imposed upon such class of shares remain unchanged (subject to the provisions of subdivision (c)). For the purpose of this subdivision, two classes of common shares differing only as to voting rights shall be considered as a single class of shares.

(b) No approval of the outstanding shares (Section 152) shall be required in the case of any corporation if such corporation, or its shareholders immediately before the reorganization, or both, shall own (immediately after the reorganization) equity securities, other than any warrant or right to subscribe to or purchase such equity securities, of the surviving or acquiring corporation or a parent party (subdivision (d) of Section 1200) possessing more than five-sixths of the total combined voting power of the surviving or acquiring corporation or parent party. In making the determination of ownership by the shareholders of a corporation, immediately after the reorganization, of equity securities pursuant to the preceding sentence, equity securities which they owned immediately before the reorganization as shareholders of another party to the transaction shall be disregarded. For the purpose of this section only, the total combined voting power of a corporation shall be calculated by assuming the conversion of all equity securities convertible (immediately or at some future time) into shares entitled to vote but not assuming the exercise of any warrant or right to subscribe to or purchase such shares. Shares which are only entitled to vote upon the happening of an event or condition which has not yet occurred shall not be considered voting shares.

(c) Notwithstanding the provisions of subdivision (b), a reorganization shall be approved by the outstanding shares (Section

152) of the surviving corporation in a merger reorganization if any amendment is made to its articles which would otherwise require such approval.

(d) Notwithstanding the provisions of subdivision (b), a reorganization shall be approved by the outstanding shares (Section 152) of any class of a disappearing corporation in a merger reorganization if holders of shares of that class receive shares of the surviving corporation having different rights, preferences, privileges or restrictions than those surrendered. Shares in a foreign corporation received in exchange for shares in a domestic corporation have different rights, preferences, privileges and restrictions within the meaning of the preceding sentence.

(e) Notwithstanding the provisions of subdivisions (a) and (b), a reorganization shall be approved by the affirmative vote of at least two-thirds of each class of the outstanding shares of any close corporation if the reorganization would result in their receiving shares of a corporation which is not a close corporation; provided, however, that the articles may provide for a lesser vote, but not less than the vote otherwise required by this section.

(f) Any approval required by this section may be given before or after the approval by the board. Notwithstanding approval required by this section, the board may abandon the proposed reorganization without further action by the shareholders, subject to the contractual rights, if any, of third parties.

(g) If one of the parties to a reorganization is directly or indirectly controlled by, or under common control with, another party to the reorganization and if approval of the outstanding shares is neither required nor obtained, then in any action to attack the validity of the reorganization or to have the reorganization set aside or rescinded, the person asserting the validity of the reorganization shall have the burden of proving that the reorganization is just and reasonable as to the shareholders affected. The court in any such action shall not restrain or enjoin the consummation of the transaction except upon 10 days prior notice to the corporation and upon a determination by the court that clearly no other remedy will adequately protect the complaining shareholder or the class of shareholders of which such shareholder is a member.

CHAPTER 13. DISSENTERS' RIGHTS

1300. (a) If the approval of the outstanding shares (Section 152) of a corporation is required for a reorganization under subdivisions (a) and (b) or subdivision (e) of Section 1201, each shareholder of such corporation and each shareholder of a disappearing corporation in a short-form merger may, by complying with this chapter, require the corporation in which the shareholder holds shares to purchase for cash at their fair market value the shares owned by the shareholder which are dissenting shares as defined in subdivision (b). The fair market value shall be determined as of the day before the first

announcement of the terms of the proposed reorganization or short-form merger, excluding any appreciation or depreciation in consequence of the proposed action, but adjusted for any stock split, reverse stock split or share dividend which becomes effective thereafter.

(b) As used in this chapter, "dissenting shares" means shares which come within all of the following descriptions:

(1) Which were not immediately prior to the reorganization or short-form merger either (i) listed on any national securities exchange certified by the Commissioner of Corporations under Section 25100(o) or (ii) listed on the list of OTC margin stocks issued by the Board of Governors of the Federal Reserve System, and the notice of meeting of shareholders to act upon the reorganization summarizes the provisions of this section and Sections 1301, 1302, 1303 and 1304; provided, however, that this provision does not apply to any shares with respect to which there exists any restriction on transfer imposed by the corporation or by any law or regulation; and provided, further, that this provision does not apply to any class of shares described in clause (i) or (ii) if demands for payment are filed with respect to 5 percent or more of the outstanding shares of that class.

(2) Which were held of record on the date for the determination of shareholders entitled to vote on the reorganization and (i) were not voted in favor of the reorganization or, (ii) if described in clause (1) (without regard to the provisos in that clause), were voted against the reorganization, or which were held of record on the effective date of a short-form merger; provided, however, that clause (i) rather than clause (ii) applies in any case where the approval required by Section 1201 is sought by written consent rather than at a meeting.

(3) Which the holder has demanded that the corporation purchase at their fair market value, in accordance with Section 1301.

(4) Which the holder has submitted for endorsement, in accordance with Section 1302.

(c) As used in this chapter, "dissenting shareholder" means the recordholder of dissenting shares and includes a transferee of record.

1301. (a) If, in the case of a reorganization, any shareholders of a corporation have a right under Section 1300 to require the corporation to purchase their shares for cash, such corporation shall mail to each such shareholder a notice of the approval of the reorganization by its outstanding shares (Section 152) within 10 days after the date of such approval, accompanied by a copy of Sections 1300, 1302, 1303, 1304 and this section, a statement of the price determined by the corporation to represent the fair market value of the dissenting shares, and a brief description of the procedure to be followed if the shareholder desires to exercise the shareholder's right under such sections.

(b) Any shareholder who has a right to require the corporation to purchase the shareholder's shares for cash under Section 1300 and

who desires the corporation to purchase such shares shall make written demand upon the corporation for the purchase of such shares and payment to the shareholder in cash of their fair market value. The demand is not effective for any purpose unless it is received by the corporation or any transfer agent thereof (1) in the case of shares described in clause (1) of subdivision (b) of Section 1300 (without regard to the provisos in that clause), not later than the date of the shareholders' meeting to vote upon the reorganization, or (2) in any other case within 30 days after the date on which the notice of the approval by the outstanding shares pursuant to subdivision (a) or the notice pursuant to subdivision (i) of Section 1110 was mailed to the shareholder.

(c) The demand shall state the number and class of the shares held of record by the shareholder which the shareholder demands that the corporation purchase and shall contain a statement of what such shareholder claims to be the fair market value of those shares as of the day before the announcement of the proposed reorganization or short-form merger.

1302. Within 30 days after the date on which notice of the approval by the outstanding shares or the notice pursuant to subdivision (i) of Section 1110 was mailed to the shareholder, the shareholder shall submit to the corporation at its principal office or at the office of any transfer agent thereof the shareholder's certificates representing any shares which the shareholder demands that the corporation purchase, to be stamped or endorsed with a statement that the shares are dissenting shares or to be exchanged for certificates of appropriate denomination so stamped or endorsed. Upon subsequent transfers of the dissenting shares on the books of the corporation the new certificates issued therefor shall bear a like statement, together with the name of the original dissenting holder of the shares.

1303. (a) If the corporation and the shareholder agree that the shares are dissenting shares and agree upon the price of the shares, the dissenting shareholder is entitled to the agreed price with interest thereon at the legal rate on judgments from the date of the agreement. Any agreements fixing the fair market value of any dissenting shares as between the corporation and the holders thereof shall be filed with the secretary of the corporation.

(b) Subject to the provisions of Section 1306, payment of the fair market value of dissenting shares shall be made within 30 days after the amount thereof has been agreed, upon surrender of the certificates therefor, unless provided otherwise by agreement.

1304. (a) If the corporation denies that the shares are dissenting shares, or the corporation and the shareholder fail to agree upon the fair market value of the shares, then the shareholder demanding purchase of such shares as dissenting shares or any interested corporation, within six months after the date on which notice of the approval by the outstanding shares (Section 152) or notice pursuant to subdivision (i) of Section 1110 was mailed to the shareholder, but

not thereafter, may file a complaint in the superior court of the proper county praying the court to determine whether the shares are dissenting shares or the fair market value of the dissenting shares or both or may intervene in any action pending on such a complaint.

(b) Two or more dissenting shareholders may join as plaintiffs or be joined as defendants in any such action and two or more such actions may be consolidated.

(c) On the trial of the action, the court shall determine the issues. If the status of the shares as dissenting shares is in issue, the court shall first determine that issue. If the fair market value of the dissenting shares is in issue, the court shall determine, or shall appoint one or more impartial appraisers to determine, the fair market value of the shares.

1305. (a) If the court appoints an appraiser or appraisers, they shall proceed forthwith to determine the fair market value per share. Within the time fixed by the court, the appraisers, or a majority of them, shall make and file a report in the office of the clerk of the court. Thereupon, on the motion of any party, the report shall be submitted to the court and considered on such evidence as the court considers relevant. If the court finds the report reasonable, the court may confirm it.

(b) If a majority of the appraisers appointed fail to make and file a report within 10 days from the date of their appointment or within such further time as may be allowed by the court or the report is not confirmed by the court, the court shall determine the fair market value of the dissenting shares.

(c) Subject to the provisions of Section 1306, judgment shall be rendered against the corporation for payment of an amount equal to the fair market value of each dissenting share multiplied by the number of dissenting shares which any dissenting shareholder who is a party, or who has intervened, is entitled to require the corporation to purchase, with interest thereon at the legal rate from the date on which judgment was entered.

(d) Any such judgment shall be payable only upon the endorsement and delivery to the corporation of the certificates for the shares described in the judgment. Any party may appeal from the judgment.

(e) The costs of the action, including reasonable compensation to the appraisers to be fixed by the court, shall be assessed or apportioned as the court considers equitable, but, if the appraisal exceeds the price offered by the corporation, the corporation shall pay the costs (including in the discretion of the court attorneys' fees, fees of expert witnesses and interest at the legal rate on judgments from the date of compliance with Sections 1300, 1301 and 1302 if the value awarded by the court for the shares is more than 125 percent of the price offered by the corporation under subdivision (a) of Section 1303).

1306. To the extent that the provisions of Chapter 5 prevent the payment to any holders of dissenting shares of their fair market

value, they shall become creditors of the corporation for the amount thereof together with interest at the legal rate on judgments until the date of payment, but subordinate to all other creditors in any liquidation proceeding, such debt to be payable when permissible under the provisions of Chapter 5.

1307. Cash dividends declared and paid by the corporation upon the dissenting shares after the date of approval of the reorganization by the outstanding shares (Section 152) and prior to payment for the shares by the corporation shall be credited against the total amount to be paid by the corporation therefor.

1308. Except as expressly limited in this chapter, holders of dissenting shares continue to have all the rights and privileges incident to their shares, until the fair market value of their shares is agreed upon or determined. A dissenting shareholder may not withdraw a demand for payment unless the corporation consents thereto.

1309. Dissenting shares lose their status as dissenting shares and the holders thereof cease to be dissenting shareholders and cease to be entitled to require the corporation to purchase their shares upon the happening of any of the following:

(a) The corporation abandons the reorganization. Upon abandonment of the reorganization, the corporation shall pay on demand to any dissenting shareholder who has initiated proceedings in good faith under this chapter all necessary expenses incurred in such proceedings and reasonable attorneys' fees.

(b) The shares are transferred prior to their submission for endorsement in accordance with Section 1302 or are surrendered for conversion into shares of another class in accordance with the articles.

(c) The dissenting shareholder and the corporation do not agree upon the status of the shares as dissenting shares or upon the purchase price of the shares, and neither files a complaint or intervenes in a pending action as provided in Section 1304, within six months after the date on which notice of the approval by the outstanding shares or notice pursuant to subdivision (i) of Section 1110 was mailed to the shareholder.

(d) The dissenting shareholder, with the consent of the corporation, withdraws the shareholder's demand for purchase of the dissenting shares.

1310. If litigation is instituted to test the sufficiency or regularity of the votes of the shareholders in authorizing a reorganization, any proceedings under Sections 1304 and 1305 shall be suspended until final determination of such litigation.

1311. This chapter does not apply to classes of shares whose terms and provisions specifically set forth the amount to be paid in respect to such shares in the event of a reorganization or merger.

1312. (a) No shareholder of a corporation who has a right under this chapter to demand payment of cash for the shares held by the shareholder shall have any right at law or in equity to attack the

validity of the reorganization or merger, or to have the reorganization or merger set aside or rescinded, except in an action to test whether the number of shares required to authorize or approve the reorganization have been legally voted in favor thereof; but any holder of shares of a class whose terms and provisions specifically set forth the amount to be paid in respect to them in the event of a reorganization or merger is entitled to payment in accordance with those terms and provisions.

(b) If one of the parties to a reorganization or merger is directly or indirectly controlled by, or under common control with, another party to the reorganization or merger, subdivision (a) shall not apply to any shareholder of such party who has not demanded payment of cash for such shareholder's shares pursuant to this chapter; but if the shareholder institutes any action to attack the validity of the reorganization or merger or to have the reorganization or merger set aside or rescinded, the shareholder shall not thereafter have any right to demand payment of cash for the shareholder's shares pursuant to this chapter. The court in any action attacking the validity of the reorganization or merger or to have the reorganization or merger set aside or rescinded shall not restrain or enjoin the consummation of the transaction except upon 10 days prior notice to the corporation and upon a determination by the court that clearly no other remedy will adequately protect the complaining shareholder or the class of shareholders of which such shareholder is a member.

CHAPTER 14. BANKRUPTCY REORGANIZATIONS AND ARRANGEMENTS

1400. (a) Any domestic corporation with respect to which a proceeding has been initiated under any applicable statute of the United States, as now existing or hereafter enacted, relating to reorganizations or arrangements of corporations, has full power and authority to put into effect and carry out any plan of reorganization or arrangement and the orders of the court or judge entered in such proceeding and may take any proceeding and do any act provided in the plan or directed by such orders, without further action by its board or shareholders. Such power and authority may be exercised and such proceedings and acts may be taken, as may be directed by such orders, by the trustee or trustees of such corporation appointed in the reorganization or arrangement proceeding (or a majority thereof), or if none is appointed and acting, by officers of the corporation designated or a master or other representative appointed by the court or judge, with like effect as if exercised and taken by unanimous action of the board and shareholders of the corporation.

(b) Such corporation may, in the manner provided in subdivision (a), but without limiting the generality or effect of subdivision (a), alter, amend or repeal its bylaws; constitute or reconstitute its board

and name, constitute or appoint directors and officers in place of or in addition to all or some of the directors or officers then in office; amend its articles; make any change in its capital stock; make any other amendment, change, alteration or provision authorized by this division; be dissolved, transfer all or part of its assets or merge as permitted by this division, in which case, however, no shareholder shall have any statutory dissenter's rights; change the location of its principal executive office or remove or appoint an agent to receive service of process; authorize and fix the terms, manner and conditions of the issuance of bonds, debentures or other obligations, whether or not convertible into shares of any class or bearing warrants or rights to purchase or subscribe to shares of any class; or lease its property and franchises to any corporation, if permitted by law.

1401. (a) A certificate of any amendment, change or alteration or of dissolution or any agreement of merger made by such corporation pursuant to Section 1400 and executed as provided in subdivision (b), shall be filed and shall thereupon become effective in accordance with its terms and the provisions of this chapter.

(b) Such certificate, agreement of merger or other instrument shall be signed and verified, as may be directed by such orders of the court or judge, by the trustee or trustees appointed in the reorganization or arrangement proceeding (or a majority thereof) or, if none is appointed and acting, by officers of the corporation designated or by a master or other representative appointed by the court or judge, and shall state that provision for the making of such certificate, agreement or instrument is contained in an order, identifying the same, of a court or judge having jurisdiction of a proceeding under a statute of the United States for the reorganization or arrangement of such corporation.

1402. The provisions of this chapter shall cease to apply to a corporation upon the entry of a final decree in the reorganization or arrangement proceeding closing the case and discharging the trustee or trustees, if any, whether or not jurisdiction may be retained thereafter by the court for limited purposes which do not relate to the consummation of the plan.

1403. For filing any certificate, agreement or other paper pursuant to this chapter there shall be paid to the Secretary of State the same fees as are payable by corporations not in reorganization or arrangement proceedings upon the filing of like certificates, agreements or other papers.

CHAPTER 15. RECORDS AND REPORTS

1500. Each corporation shall keep adequate and correct books and records of account and shall keep minutes of the proceedings of its shareholders, board and committees of the board and shall keep at its principal executive office, or at the office of its transfer agent or registrar, a record of its shareholders, giving the names and

addresses of all shareholders and the number and class of shares held by each. Such minutes shall be kept in written form. Such other books and records shall be kept either in written form or in any other form capable of being converted into written form.

1501. (a) The board shall cause an annual report to be sent to the shareholders not later than 120 days after the close of the fiscal year, unless in the case of a corporation with less than 100 holders of record of its shares (determined as provided in Section 605) this requirement is expressly waived in the bylaws. Such report shall contain a balance sheet as of the end of such fiscal year and an income statement and statement of changes in financial position for such fiscal year, accompanied by any report thereon of independent accountants or, if there is no such report, the certificate of an authorized officer of the corporation that such statements were prepared without audit from the books and records of the corporation.

(b) In addition to the financial statements required by subdivision (a), the annual report of any corporation having 100 or more holders of record of its shares (determined as provided in Section 605) and having no class of securities registered under Section 12 of the Securities Exchange Act of 1934, or exempted from such registration by Section 12(g)(2) of that act, shall also describe briefly:

(1) Any transaction (excluding compensation of officers and directors) during the previous fiscal year involving an amount in excess of forty thousand dollars ($40,000) (other than contracts let at competitive bid or services rendered at prices regulated by law) to which the corporation or its parent or subsidiary was a party and in which any director or officer of the corporation or of a subsidiary or any holder of more than 10 percent of the outstanding voting shares of the corporation had a direct or indirect material interest, naming such person and stating such person's relationship to the corporation, the nature of such person's interest in the transaction and, where practicable, the amount of such interest; provided, that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated; and provided, further that no such report need be made in the case of transactions approved by the shareholders (Section 153) under subdivision (a) of Section 310.

(2) The amount and circumstances of any indemnification or advances aggregating more than ten thousand dollars ($10,000) paid during the fiscal year to any officer or director of the corporation pursuant to Section 317; provided, that no such report need be made in the case of indemnification approved by the shareholders (Section 153) under subdivision (e)(2) of Section 317.

(c) A shareholder or shareholders holding at least five percent of the outstanding shares of any class of a corporation may make a written request to the corporation for an income statement of the corporation for the three-month, six-month or nine-month period of the current fiscal year ended more than 30 days prior to the date of

the request and a balance sheet of the corporation as of the end of such period and, in addition, if no annual report for the last fiscal year has been sent to shareholders, the statements required by subdivision (a) for the last fiscal year. The statement shall be delivered or mailed to the person making the request within 30 days thereafter. A copy of the statements shall be kept on file in the principal office of the corporation for 12 months and they shall be exhibited at all reasonable times to any shareholder demanding an examination of them or a copy shall be mailed to such shareholder.

(d) A corporation shall, upon the written request of any shareholder, mail to the shareholder a copy of the last annual, semiannual or quarterly income statement which it has prepared and a balance sheet as of the end of the period.

(e) The quarterly income statements and balance sheets referred to in this section shall be accompanied by the report thereon, if any, of any independent accountants engaged by the corporation or the certificate of an authorized officer of the corporation that such financial statements were prepared without audit from the books and records of the corporation.

(f) In addition to the penalties provided for in Section 2200, the superior court of the proper county shall enforce the duty of making and mailing or delivering the information and financial statements required by this section and, for good cause shown, may extend the time therefor.

(g) In any action or proceeding under this section, if the court finds the failure of the corporation to comply with the requirements of this section to have been without justification, the court may award an amount sufficient to reimburse the shareholder for the reasonable expenses incurred by the shareholder, including attorneys' fees, in connection with such action or proceeding.

(h) This section applies to any domestic corporation and also to a foreign corporation having its principal executive office in this state or customarily holding meetings of its board in this state.

1502. (a) Every corporation shall, within 90 days after the filing of its original articles and annually thereafter during the applicable filing period in each year, file, on a form prescribed by the Secretary of State, a statement containing: (1) the presently authorized number of its directors; (2) the names and complete business or residence addresses of its incumbent directors; (3) the names and complete business or residence addresses of its chief executive officer, secretary and chief financial officer; (4) the street address of its principal executive office; (5) if the address of its principal executive office is not in this state, the street address of its principal business office in this state, if any; and (6) a statement of the general type of business which constitutes the principal business activity of the corporation (for example, manufacturer of aircraft; wholesale liquor distributor; retail department store).

(b) The statement required by subdivision (a) shall also designate, as the agent of such corporation for the purpose of service

of process, a natural person residing in this state or a corporation which has complied with Section 1505 and whose capacity to act as such agent has not terminated If a natural person is designated, the statement shall set forth such person's complete business or residence address. If a corporate agent is designated, no address for it shall be set forth.

(c) For the purposes of this section, the applicable filing period for a corporation shall be the calendar quarter during which its original articles were filed and the immediately preceding calendar quarter. The Secretary of State shall mail a form for compliance with this section to each corporation approximately three months prior to the close of the applicable filing period. The form shall state the due date thereof and shall be mailed to the last address of the corporation according to the records of the Secretary of State. Neither the failure of the Secretary of State to mail the form nor the failure of the corporation to receive it is an excuse for failure to comply with this section.

(d) Whenever any of the information required by subdivision (a) is changed, the corporation may file a current statement containing all the information required by subdivisions (a) and (b). In order to change its agent for service of process or the address of the agent, the corporation must file a current statement containing all the information required by subdivisions (a) and (b). Whenever any statement is filed pursuant to this section, it supersedes any previously filed statement and the statement in the articles as to the agent for service of process and the address of the agent.

(e) The Secretary of State may destroy or otherwise dispose of any statement filed pursuant to this section after it has been superseded by the filing of a new statement.

(f) This section shall not be construed to place any person dealing with the corporation on notice of, or under any duty to inquire about, the existence or content of a statement filed pursuant to this section.

1503. An agent designated for service of process pursuant to Section 1502 or 2105 or 2107 may file a signed and acknowledged written statement of resignation as such agent. Thereupon the authority of the agent to act in such capacity shall cease and the Secretary of State forthwith shall give written notice of the filing of the statement of resignation by mail to the corporation addressed to its principal executive office.

1504. If a natural person who has been designated agent for service of process pursuant to Section 1502 or 2105 or 2107 dies or resigns or no longer resides in the state or if the corporate agent for such purpose resigns, dissolves, withdraws from the state, forfeits its right to transact intrastate business, has its corporate rights, powers and privileges suspended or ceases to exist, the corporation shall forthwith file a designation of a new agent conforming to the requirements of Section 1502 or 2107.

1505. (a) Any corporation, before it may be designated as the agent for the purpose of service of process of any corporation

pursuant to Section 1502 or 2105 or 2107, shall file a certificate executed in the name of the corporation by an officer thereof stating:

(1) The complete address of its office or offices in this state, wherein any corporation designating it as such agent may be served with process.

(2) The name of each person employed by it at each such office to whom it authorizes the delivery of a copy of any such process.

(3) Its consent that delivery thereof to any such person at the office where such person is employed shall constitute delivery of any such copy to it, as such agent.

(b) Any corporation which has filed the certificate provided for in subdivision (a) may file any number of supplemental certificates containing all the statements provided for in subdivision (a), which, upon the filing thereof, shall supersede the statements contained in the original or in any supplemental certificate previously filed.

(c) No domestic or foreign corporation may file a certificate pursuant to this section unless it is currently authorized to engage in business in this state and is in good standing on the records of the Secretary of State.

1506. Upon request of an assessor, a domestic or foreign corporation owning, claiming, possessing or controlling property in this state subject to local assessment shall make available at the corporation's principal office in California or at a place mutually acceptable to the assessor and the corporation a true copy of business records relevant to the amount, cost and value of all property that it owns, claims, possesses or controls within the county.

1507. Any officers, directors, employees or agents of a corporation who do any of the following are liable jointly and severally for all the damages resulting therefrom to the corporation or any person injured thereby who relied thereon or to both:

(a) Make, issue, deliver or publish any prospectus, report, circular, certificate, financial statement, balance sheet, public notice or document respecting the corporation or its shares, assets, liabilities, capital, dividends, business, earnings or accounts which is false in any material respect, knowing it to be false, or participate in the making, issuance, delivery or publication thereof with knowledge that the same is false in a material respect.

(b) Make or cause to be made in the books, minutes, records or accounts of a corporation any entry which is false in any material particular knowing such entry is false.

(c) Remove, erase, alter or cancel any entry in any books or records of the corporation, with intent to deceive.

1508. The Attorney General, upon complaint that a corporation is failing to comply with the provisions of this chapter or Chapter 6, 7 or 16, may in the name of the people of the State of California send to the principal executive office of such corporation notice of the complaint. If the answer is not satisfactory, the Attorney General may institute, maintain or intervene in such suits, actions or proceedings of any type in any court or tribunal of competent

jurisdiction or before any administrative agency for such relief by way of injunction, the dissolution of entities, the appointment of receivers or any other temporary, preliminary, provisional or final remedies as may be appropriate to protect the rights of shareholders or to undo the consequences of failure to comply with such requirements. In any such action, suit or proceeding there may be joined as parties all persons and entities responsible for or affected by such activity.

CHAPTER 16. RIGHTS OF INSPECTION

1600. (a) A shareholder or shareholders holding at least 5 percent in the aggregate of the outstanding voting shares of a corporation or who hold at least 1 percent of such voting shares and have filed a Schedule 14B with the United States Securities and Exchange Commission relating to the election of directors of the corporation shall have an absolute right to do either or both of the following: (1) inspect and copy the record of shareholders' names and addresses and shareholdings during usual business hours upon five business days' prior written demand upon the corporation, or (2) obtain from the transfer agent for the corporation, upon five business days' prior written demand and upon the tender of its usual charges for such a list (the amount of which charges shall be stated to the shareholder by the transfer agent upon request), a list of the shareholders' names and addresses, who are entitled to vote for the election of directors, and their shareholdings, as of the most recent record date for which it has been compiled or as of a date specified by the shareholder subsequent to the date of demand. A corporation shall have the responsibility to cause its transfer agent to comply with the preceding sentence.

(b) Any delay by the corporation or the transfer agent in complying with a demand under subdivision (a) beyond the time limits specified therein shall give the shareholder or shareholders properly making the demand a right to obtain from the superior court, upon the filing of a verified complaint in the proper county and after a hearing, notice of which shall be given to such persons and in such manner as the court may direct, an order postponing any shareholders' meeting previously noticed for a period equal to the period of such delay. Such right shall be in addition to any other legal or equitable remedies to which the shareholder may be entitled.

(c) The record of shareholders shall also be open to inspection and copying by any shareholder or holder of a voting trust certificate at any time during usual business hours upon written demand on the corporation, for a purpose reasonably related to such holder's interests as a shareholder or holder of a voting trust certificate.

(d) Any inspection and copying under this section may be made in person or by agent or attorney. The rights provided in this section may not be limited by the articles or bylaws. This section applies to any domestic corporation and to any foreign corporation keeping its

record of shareholders or a duplicate thereof in this state or having its principal executive office in this state.

1601. (a) The accounting books and records and minutes of proceedings of the shareholders and the board and committees of the board of any domestic corporation, and of any foreign corporation keeping any such records in this state or having its principal executive office in this state, shall be open to inspection upon the written demand on the corporation of any shareholder or holder of a voting trust certificate at any reasonable time during usual business hours, for a purpose reasonably related to such holder's interests as a shareholder or as the holder of such voting trust certificate. The right of inspection created by this subdivision shall extend to the records of each subsidiary of a corporation subject to this subdivision.

(b) Such inspection by a shareholder or holder of a voting trust certificate may be made in person or by agent or attorney, and the right of inspection includes the right to copy and make extracts. The right of the shareholders to inspect the corporate records may not be limited by the articles or bylaws.

1602. Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation, domestic or foreign, of which such person is a director and also of its subsidiary corporations, domestic or foreign. Such inspection by a director may be made in person or by agent or attorney and the right of inspection includes the right to copy and make extracts. In the case of a foreign corporation this right extends only to such books, records, documents and properties of such corporation as are actually or customarily located in this state.

1603. (a) Upon refusal of a lawful demand for inspection, the superior court of the proper county, or in the case of a foreign corporation the superior court of the county in which the records are located, may enforce the right of inspection with just and proper conditions or may, for good cause shown, appoint one or more competent inspectors or accountants to audit the books and records kept in this state and investigate the property, funds and affairs of any domestic corporation or any foreign corporation keeping records in this state and of any subsidiary corporation thereof, domestic or foreign, keeping records in this state and to report thereon in such manner as the court may direct.

(b) All officers and agents of the corporation shall produce to the inspectors or accountants so appointed all books and documents in their custody or power, under penalty of punishment for contempt of court.

(c) All expenses of the investigation or audit shall be defrayed by the applicant unless the court orders them to be paid or shared by the corporation.

1604. In any action or proceeding under Section 1600 or Section 1601, if the court finds the failure of the corporation to comply with a proper demand thereunder was without justification, the court

may award an amount sufficient to reimburse the shareholder or holder of a voting trust certificate for the reasonable expenses incurred by such holder, including attorneys' fees, in connection with such action or proceeding.

1605. If any record subject to inspection pursuant to this chapter is not maintained in written form, a request for inspection is not complied with unless and until the corporation at its expense makes such record available in written form.

CHAPTER 17. SERVICE OF PROCESS

1700. In addition to the provisions of Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, process may be served upon domestic corporations as provided in this chapter.

1701. Delivery by hand of a copy of any process against the corporation (a) to any natural person designated by it as agent or (b), if a corporate agent has been designated, to any person named in the latest certificate of the corporate agent filed pursuant to Section 1505 at the office of such corporate agent shall constitute valid service on the corporation.

1702. (a) If an agent for the purpose of service of process has resigned and has not been replaced or if the agent designated cannot with reasonable diligence be found at the address designated for delivery by hand of the process, and it is shown by affidavit to the satisfaction of the court that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand in the manner provided in Section 415.10, subdivision (a) of Section 415.20 or subdivision (a) of Section 415.30 of the Code of Civil Procedure or upon the corporation in the manner provided in subdivision (a), (b) or (c) of Section 416.10 or subdivision (a) of Section 416.20 of the Code of Civil Procedure, the court may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service. Service in this manner is deemed complete on the 10th day after delivery of the process to the Secretary of State.

(b) Upon the receipt of any such copy of process, the Secretary of State shall give notice of the service of the process to the corporation at its principal executive office, by forwarding to such office, by registered mail with request for return receipt, the copy of the process or, if the records of the Secretary of State do not disclose an address for its principal executive office, by forwarding such copy in the same manner to the last designated agent for service of process who has not resigned. If the agent for service of process has resigned and has not been replaced and the records of the Secretary of State do not disclose an address for its principal executive office, no action

need be taken by the Secretary of State. The defendant shall appear within 30 days after delivery of the process to the Secretary of State.

(c) The Secretary of State shall keep a record of all process served upon the Secretary of State under this chapter and shall record therein the time of service and the Secretary of State's action with reference thereto.

CHAPTER 18. INVOLUNTARY DISSOLUTION

1800. (a) A verified complaint for involuntary dissolution of a corporation on any one or more of the grounds specified in subdivision (b) may be filed in the superior court of the proper county by any of the following persons:

(1) One-half or more of the directors in office.

(2) A shareholder or shareholders who hold shares representing not less than 33⅓ percent of (i) the total number of outstanding shares (assuming conversion of any preferred shares convertible into common shares) or (ii) the outstanding common shares or (iii) the equity of the corporation, exclusive in each case of shares owned by persons who have personally participated in any of the transactions enumerated in clause (4) of subdivision (b), or any shareholder or shareholders of a close corporation.

(3) Any shareholder if the ground for dissolution is that the period for which the corporation was formed has terminated without extension thereof.

(4) Any other person expressly authorized to do so in the articles.

(b) The grounds for involuntary dissolution are that:

(1) The corporation has abandoned its business for more than one year.

(2) The corporation has an even number of directors who are equally divided and cannot agree as to the management of its affairs, so that its business can no longer be conducted to advantage or so that there is danger that its property and business will be impaired or lost, and the holders of the voting shares of the corporation are so divided into factions that they cannot elect a board consisting of an uneven number or the shareholders have failed, for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon election of their successors.

(3) There is internal dissention and two or more factions of shareholders in the corporation are so deadlocked that its business can no longer be conducted with advantage to its shareholders.

(4) Those in control of the corporation have been guilty of or have knowingly countenanced persistent and pervasive fraud, mismanagement or abuse of authority or persistent unfairness toward any shareholders or its property is being misapplied or wasted by its directors or officers.

(5) In the case of any corporation with 35 or fewer shareholders (determined as provided in Section 605), liquidation is reasonably

necessary for the protection of the rights or interests of the complaining shareholder or shareholders.

(6) The period for which the corporation was formed has terminated without extension of such period.

(c) At any time prior to the trial of the action any shareholder or creditor may intervene therein.

(d) This section does not apply to any corporation subject to the Bank Act, the Public Utilities Act, the Savings and Loan Association Act or Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(e) For the purposes of this section, "shareholder" includes a beneficial owner of shares who has entered into an agreement under Section 300 or 706.

1801. (a) The Attorney General may bring an action against any domestic corporation or purported domestic corporation in the name of the people of this state, upon the Attorney General's own information or upon complaint of a private party, to procure a judgment dissolving the corporation and annulling, vacating or forfeiting its corporate existence upon any of the following grounds:

(1) The corporation has seriously offended against any provision of the statutes regulating corporations.

(2) The corporation has fraudulently abused or usurped corporate privileges or powers.

(3) The corporation has violated any provision of law by any act or default which under the law is a ground for forfeiture of corporate existence.

(4) The corporation has failed to pay to the Franchise Tax Board for a period of five years any tax imposed upon it by the Bank and Corporation Tax Law.

(b) If the ground of the action is a matter or act which the corporation has done or omitted to do that can be corrected by amendment of its articles or by other corporate action, such suit shall not be maintained unless (1) the Attorney General, at least 30 days prior to the institution of suit, has given the corporation written notice of the matter or act done or omitted to be done and (2) the corporation has failed to institute proceedings to correct it within the 30-day period or thereafter fails to prosecute such proceedings.

(c) In any such action the court may order dissolution or such other or partial relief as it deems just and expedient. The court also may appoint a receiver for winding up the affairs of the corporation or may order that the corporation be wound up by its board subject to the supervision of the court.

(d) Service of process on the corporation may be made pursuant to Chapter 17 or by written notice to the president or secretary of the corporation at the address indicated in the corporation's last tax return filed pursuant to the Bank and Corporation Tax Law. The Attorney General shall also publish one time in a newspaper of general circulation in the proper county a notice to the shareholders of the corporation.

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1802. If the ground for the complaint for involuntary dissolution of the corporation is a deadlock in the board as set forth in subdivision (b) (2) of Section 1800, the court may appoint a provisional director. The provisions of subdivision (b) of Section 308 apply to any such provisional director so appointed.

1803. If, at the time of the filing of a complaint for involuntary dissolution or at any time thereafter, the court has reasonable grounds to believe that unless a receiver of the corporation is appointed the interests of the corporation and its shareholders will suffer pending the hearing and determination of the complaint, upon the application of the plaintiff, and after a hearing upon such notice to the corporation as the court may direct and upon the giving of security pursuant to Sections 566 and 567 of the Code of Civil Procedure, the court may appoint a receiver to take over and manage the business and affairs of the corporation and to preserve its property pending the hearing and determination of the complaint for dissolution.

1804. After hearing the court may decree a winding up and dissolution of the corporation if cause therefor is shown or, with or without winding up and dissolution, may make such orders and decrees and issue such injunctions in the case as justice and equity require.

1805. (a) Involuntary proceedings for winding up a corporation commence when the order for winding up is entered under Section 1804.

(b) When an involuntary proceeding for winding up has commenced, the board shall conduct the winding up of the affairs of the corporation, subject to the supervision of the court, unless other persons are appointed by the court, on good cause shown, to conduct the winding up. The directors or such other persons may, subject to any restrictions imposed by the court, exercise all their powers through the executive officers without any order of court.

(c) When an involuntary proceeding for winding up has commenced, the corporation shall cease to carry on business except to the extent necessary for the beneficial winding up thereof and except during such period as the board may deem necessary to preserve the corporation's goodwill or going-concern value pending a sale of its business or assets, or both, in whole or in part. The directors shall cause written notice of the commencement of the proceeding for involuntary winding up to be given by mail to all shareholders and to all known creditors and claimants whose addresses appear on the records of the corporation, unless the order for winding up has been stayed by appeal therefrom or otherwise or the proceeding or the execution of the order has been enjoined.

1806. When an involuntary proceeding for winding up has been commenced, the jurisdiction of the court includes:

(a) The requirement of the proof of all claims and demands against the corporation, whether due or not yet due, contingent, unliquidated or sounding only in damages, and the barring from

participation of creditors and claimants failing to make and present claims and proof as required by any order.

(b) The determination or compromise of all claims of every nature against the corporation or any of its property, and the determination of the amount of money or assets required to be retained to pay or provide for the payment of claims.

(c) The determination of the rights of shareholders and of all classes of shareholders in and to the assets of the corporation.

(d) The presentation and filing of intermediate and final accounts of the directors or other persons appointed to conduct the winding up and hearing thereon, the allowance, disallowance or settlement thereof and the discharge of the directors or such other persons from their duties and liabilities.

(e) The appointment of a commissioner to hear and determine any or all matters, with such power or authority as the court may deem proper.

(f) The filling of any vacancies on the board which the directors or shareholders are unable to fill.

(g) The removal of any director if it appears that the director has been guilty of dishonesty, misconduct, neglect or abuse of trust in conducting the winding up or if the director is unable to act. The court may order an election to fill the vacancy so caused, and may enjoin, for such time as it considers proper, the reelection of the director so removed; or the court, in lieu of ordering an election, may appoint a director to fill the vacancy caused by such removal. Any director so appointed by the court shall serve until the next annual meeting of shareholders or until a successor is elected or appointed.

(h) Staying the prosecution of any suit, proceeding or action against the corporation and requiring the parties to present and prove their claims in the manner required of other creditors.

(i) The determination of whether adequate provision has been made for payment or satisfaction of all debts and liabilities not actually paid.

(j) The making of orders for the withdrawal or termination of proceedings to wind up and dissolve, subject to conditions for the protection of shareholders and creditors.

(k) The making of an order, upon the allowance or settlement of the final accounts of the directors or such other persons, that the corporation has been duly wound up and is dissolved. Upon the making of such order, the corporate existence shall cease except for purposes of further winding up if needed.

(*l*) The making of orders for the bringing in of new parties as the court deems proper for the determination of all questions and matters.

1807. (a) All creditors and claimants may be barred from participation in any distribution of the general assets if they fail to make and present claims and proofs within such time as the court may direct, which shall not be less than four nor more than six months after the first publication of notice to creditors unless it

appears by affidavit that there are no claims, in which case the time limit may be three months. If it is shown that a claimant did not receive notice because of absence from the state or other cause, the court may allow a claim to be filed or presented at any time before distribution is completed.

(b) Such notice to creditors shall be published not less than once a week for three consecutive weeks in a newspaper of general circulation published in the county in which the proceeding is pending or, if there is no such newspaper published in that county, in such newspaper as may be designated by the court, directing creditors and claimants to make and present claims and proofs to the person, at the place and within the time specified in the notice. A copy of the notice shall be mailed to each person shown as a creditor or claimant on the books of the corporation, at such person's last known address.

(c) Holders of secured claims may prove for the whole debt in order to realize any deficiency. If such creditors fail to present their claims they shall be barred only as to any right to claim against the general assets for any deficiency in the amount realized on their security.

(d) Before any distribution is made the amount of any unmatured, contingent or disputed claim against the corporation which has been presented and has not been disallowed, or such part of any such claim as the holder would be entitled to if the claim were due, established or absolute, shall be paid into court and there remain to be paid over to the party when the party becomes entitled thereto or, if the party fails to establish a claim, to be paid over or distributed with the other assets of the corporation to those entitled thereto; or such other provision for the full payment of such claim, if and when established, shall be made as the court may deem adequate. A creditor whose claim has been allowed but is not yet due shall be entitled to its present value upon distribution.

(e) Suits against the corporation on claims which have been rejected shall be commenced within 30 days after written notice of rejection thereof is given to the claimant.

1808. (a) Upon the final settlement of the accounts of the directors or other persons appointed pursuant to Section 1805 and the determination that the corporation's affairs are in condition for it to be dissolved, the court may make an order declaring the corporation duly wound up and dissolved. The order shall declare:

(1) That the corporation has been duly wound up, that any tax or penalty due under the Bank and Corporation Tax Law has been paid or secured and that its other known debts and liabilities have been paid or adequately provided for, or that such taxes, penalties, debts and liabilities have been paid as far as its assets permitted, as the case may be. If there are known debts or liabilities for payment of which adequate provision has been made, the order shall state what provision has been made, setting forth the name and address of the corporation, person or governmental agency

that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(2) That all known assets have been distributed to shareholders or wholly applied on account of the corporation's debts and liabilities.

(3) That the accounts of directors or such other persons have been settled and that they are discharged from their duties and liabilities to creditors and shareholders.

(4) That the corporation is dissolved.

The court may make such additional orders and grant such further relief as it deems proper upon the evidence submitted.

(b) Upon the making of the order declaring the corporation dissolved, corporate existence shall cease except for the purposes of further winding up if needed; and the directors or such other persons shall be discharged from their duties and liabilities, except in respect to completion of the winding up.

1809. Whenever a corporation is dissolved or its existence forfeited by order, decree or judgment of a court, a copy of the order, decree or judgment, certified by the clerk of court, shall forthwith be filed in the office of the Secretary of State. Notwithstanding Section 23334 of the Revenue and Taxation Code, when the order is based on an action for involuntary dissolution brought by the Attorney General pursuant to Section 1801, there need not be filed in the office of the Secretary of State the certificate of satisfaction of the Franchise Tax Board that all taxes have been paid or secured.

CHAPTER 19. VOLUNTARY DISSOLUTION

1900. (a) Any corporation may elect voluntarily to wind up and dissolve by the vote of shareholders holding shares representing 50 percent or more of the votes entitled to be cast in the election of directors.

(b) Any corporation which comes within one of the following descriptions may elect by approval by the board to wind up and dissolve:

(1) A corporation which has not begun business and which has issued no shares.

(2) A corporation which has been adjudicated a bankrupt.

(3) A corporation which has disposed of all of its assets and has not conducted any business for a period of five years immediately preceding the adoption of the resolution electing to dissolve the corporation.

(4) A corporation which has issued no shares and is not obligated to issue any shares.

1901. (a) Whenever a corporation has elected to wind up and dissolve a certificate evidencing such election shall forthwith be filed.

(b) The certificate shall be an officers' certificate or shall be signed and verified by at least a majority of the directors then in office or by one or more shareholders authorized to do so by shareholders holding shares representing 50 percent or more of the votes entitled to be cast in the election of directors and shall set forth:

(1) That the corporation has elected to wind up and dissolve.

(2) If the election was made by the vote of shareholders, the number of shares voting for the election and that the election was made by shareholders representing at least 50 percent of the votes entitled to be cast in the election of directors.

(3) If the certificate is executed by a shareholder or shareholders, that the subscribing shareholder or shareholders were authorized to execute the certificate by shareholders holding shares representing at least 50 percent of the votes entitled to be cast in the election of directors.

(4) If the election was made by the board pursuant to subdivision (b) of Section 1900, the certificate shall also set forth the circumstances showing the corporation to be within one of the categories described in said subdivision.

1902. (a) A voluntary election to wind up and dissolve may be revoked prior to distribution of any assets by the vote of shareholders holding shares representing a majority of the votes entitled to be cast in the election of directors, or by approval by the board if the election was by the board pursuant to subdivision (b) of Section 1900. Thereupon a certificate evidencing the revocation shall be signed, verified and filed in the manner prescribed by Section 1901.

(b) The certificate shall set forth:

(1) That the corporation has revoked its election to wind up and dissolve.

(2) That no assets have been distributed pursuant to the election.

(3) If the revocation was made by the vote of shareholders, the number of shares voting for the revocation and the total number of outstanding shares the holders of which were entitled to vote on the revocation.

(4) If the election and revocation was by the board, that shall be stated.

1903. (a) Voluntary proceedings for winding up the corporation commence upon the adoption of the resolution of shareholders or directors of the corporation electing to wind up and dissolve, or upon the filing with the corporation of a written consent of shareholders thereto.

(b) When a voluntary proceeding for winding up has commenced, the board shall continue to act as a board and shall have full powers to wind up and settle its affairs, both before and after the filing of the certificate of dissolution.

(c) When a voluntary proceeding for winding up has commenced, the corporation shall cease to carry on business except to the extent necessary for the beneficial winding up thereof and except during

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such period as the board may deem necessary to preserve the corporation's goodwill or going-concern value pending a sale of its business or assets, or both, in whole or in part. The board shall cause written notice of the commencement of the proceeding for voluntary winding up to be given by mail to all shareholders (except no notice need be given to the shareholders who voted in favor of winding up and dissolving the corporation) and to all known creditors and claimants whose addresses appear on the records of the corporation.

1904. If a corporation is in the process of voluntary winding up, the superior court of the proper county, upon the petition of (a) the corporation, or (b) the holders of shares entitled to file an involuntary proceeding under subdivision (a) (2) of Section 1800, or (c) three or more creditors, and upon such notice to the corporation and to other persons interested in the corporation as shareholders and creditors as the court may order, may take jurisdiction over such voluntary winding up proceeding if that appears necessary for the protection of any parties in interest. The court, if it assumes jurisdiction, may make such orders as to any and all matters concerning the winding up of the affairs of the corporation and for the protection of its shareholders and creditors as justice and equity may require. The provisions of Chapter 18 (except Sections 1800 and 1801) shall apply to such court proceedings.

1905. (a) When a corporation has been completely wound up without court proceedings therefor, a majority of the directors then in office shall sign and verify a certificate of dissolution stating:

(1) That the corporation has been completely wound up.

(2) That its known debts and liabilities have been actually paid, or adequately provided for, or paid or adequately provided for as far as its assets permitted, or that it has incurred no known debts or liabilities, as the case may be. If there are known debts or liabilities for payment of which adequate provision has been made, the certificate shall state what provision has been made, setting forth the name and address of the corporation, person or governmental agency that has assumed or guaranteed the payment, or the name and address of the depositary with which deposit has been made or such other information as may be necessary to enable the creditor or other person to whom payment is to be made to appear and claim payment of the debt or liability.

(3) That its known assets have been distributed to shareholders, or wholly applied or deposited on account of its debts and liabilities or that it acquired no known assets, as the case may be.

(4) That the corporation is dissolved.

(b) The certificate of dissolution shall be filed and thereupon the corporate existence shall cease, except for the purpose of further winding up if needed. However, before any corporation taxed under the Bank and Corporation Tax Law may file a certificate of dissolution it shall file or cause to be filed the certificate of satisfaction of the Franchise Tax Board that all taxes imposed under the Bank

and Corporation Tax Law have been paid or secured.

1906. Except as otherwise provided by law, if the term of existence for which any corporation was organized expires without renewal or extension thereof, the board shall terminate its business and wind up its affairs; and when the business and affairs of the corporation have been wound up a majority of the directors shall execute and file a certificate conforming to the requirements of Section 1905.

1907. (a) The board, in lieu of filing the certificate of dissolution, may petition the superior court of the proper county for an order declaring the corporation duly wound up and dissolved. Such petition shall be filed in the name of the corporation.

(b) Upon the filing of the petition, the court shall make an order requiring all persons interested to show cause why an order should not be made declaring the corporation duly wound up and dissolved and shall direct that the order be served by notice to all creditors, claimants and shareholders in the same manner as the notice given under subdivision (b) of Section 1807.

(c) Any person claiming to be interested as shareholder, creditor or otherwise may appear in the proceeding at any time before the expiration of 30 days from the completion of publication of the order to show cause and contest the petition, and upon failure to appear such person's claim shall be barred.

(d) Thereafter an order shall be entered and filed and have the effect as prescribed in Sections 1808 and 1809.

CHAPTER 20. GENERAL PROVISIONS RELATING TO DISSOLUTION

2000. (a) Subject to any contrary provision in the articles, in any suit for involuntary dissolution, or in any proceeding for voluntary dissolution initiated by the vote of shareholders representing only 50 percent of the voting power, the corporation or, if it does not elect to purchase, the holders of 50 percent or more of the outstanding voting shares of the corporation (the "purchasing parties") may avoid the dissolution of the corporation and the appointment of any receiver by purchasing for cash the shares owned by the plaintiffs or by the shareholders so initiating the proceeding (the "moving parties") at their fair value. The fair value shall be determined on the basis of the liquidation value but taking into account the possibility, if any, of sale of the entire business as a going concern in a liquidation. In fixing the value, the amount of any damages resulting if the initiation of the dissolution is a breach by any moving party or parties of an agreement with the purchasing party or parties may be deducted from the amount payable to such moving party or parties, unless the ground for dissolution is that specified in clause (4) of subdivision (b) of Section 1800. The election of the corporation to purchase may be made by the approval of the outstanding shares (Section 152) excluding shares held by the moving parties.

(b) If the purchasing parties (1) elect to purchase the shares

owned by the moving parties, and (2) are unable to agree with the moving parties upon the fair value of such shares, and (3) give bond with sufficient security to pay the expenses (including attorneys' fees) of the moving parties if such expenses are recoverable under subdivision (c), the court upon application of the purchasing parties, either in the pending action or in a proceeding initiated in the superior court of the proper county by the purchasing parties in the case of a voluntary election to wind up and dissolve, shall stay the winding up and dissolution proceeding and shall proceed to ascertain and fix the fair value of the shares owned by the moving parties.

(c) The court shall appoint three disinterested appraisers to appraise the fair value of the shares owned by the moving parties, and shall make an order referring the matter to the appraisers so appointed for the purpose of ascertaining such value. The order shall prescribe the time and manner of producing evidence, if evidence is required. The award of the appraisers or of a majority of them, when confirmed by the court, shall be final and conclusive upon all parties. The court shall enter a decree which shall provide in the alternative for winding up and dissolution of the corporation unless payment is made for the shares within the time specified by the decree. If the purchasing parties do not make payment for the shares within the time specified, judgment shall be entered against them and the surety or sureties on the bond for the amount of the expenses (including attorneys' fees) of the moving parties. Any shareholder aggrieved by the action of the court may appeal therefrom.

(d) If the purchasing parties desire to prevent the winding up and dissolution, they shall pay to the moving parties the value of their shares ascertained and decreed within the time specified pursuant to this section, or, in case of an appeal, as fixed on appeal. On receiving such payment or the tender thereof, the moving parties shall transfer their shares to the purchasing parties.

(e) For the purposes of this section, "shareholder" includes a beneficial owner of shares who has entered into an agreement under Section 300 or 706.

2001. The powers and duties of the directors (or other persons appointed by the court pursuant to Section 1805) and officers after commencement of a dissolution proceeding include, but are not limited to, the following acts in the name and on behalf of the corporation:

(a) To elect officers and to employ agents and attorneys to liquidate or wind up its affairs.

(b) To continue the conduct of the business insofar as necessary for the disposal or winding up thereof.

(c) To carry out contracts and collect, pay, compromise and settle debts and claims for or against the corporation.

(d) To defend suits brought against the corporation.

(e) To sue, in the name of the corporation, for all sums due or owing to the corporation or to recover any of its property.

(f) To collect any amounts remaining unpaid on subscriptions to

shares or to recover unlawful distributions.

(g) To sell at public or private sale, exchange, convey or otherwise dispose of all or any part of the assets of the corporation for cash in an amount deemed reasonable by the board without compliance with the provisions of Section 1001, or (subject to compliance with the provisions of Sections 1001, 1200 and 1201, but Chapter 13 shall not be applicable thereto) upon such other terms and conditions and for such other considerations as the board deems reasonable or expedient; and to execute bills of sale and deeds of conveyance in the name of the corporation.

(h) In general, to make contracts and to do any and all things in the name of the corporation which may be proper or convenient for the purposes of winding up, settling and liquidating the affairs of the corporation.

2002. A vacancy on the board may be filled during a winding up proceeding in the manner provided in Section 305.

2003. When the identity of the directors or their right to hold office is in doubt, or if they are dead or unable to act, or they fail or refuse to act or their whereabouts cannot be ascertained, any interested person may petition the superior court of the proper county to determine the identity of the directors or, if there are no directors, to appoint directors to wind up the affairs of the corporation, after hearing upon such notice to such persons as the court may direct.

2004. After determining that all the known debts and liabilities of a corporation in the process of winding up have been paid or adequately provided for, the board shall distribute all the remaining corporate assets among the shareholders according to their respective rights and preferences. If the winding up is by court proceeding or subject to court supervision, the distribution shall not be made until after the expiration of any period for the presentation of claims which has been prescribed by order of the court.

2005. The payment of a debt or liability, whether the whereabouts of the creditor is known or unknown, has been adequately provided for if the payment has been provided for by either of the following means:

(a) Payment thereof has been assumed or guaranteed in good faith by one or more financially responsible corporations or other persons or by the United States government or any agency thereof, and the provision (including the financial responsibility of such corporations or other persons) was determined in good faith and with reasonable care by the board to be adequate at the time of any distribution of the assets by the board pursuant to this chapter.

(b) The amount of the debt or liability has been deposited as provided in Section 2008.

This section does not prescribe the exclusive means of making adequate provision for debts and liabilities.

2006. Distribution may be made either in money or in property or securities and either in installments from time to time or as a

whole, if this can be done fairly and ratably and in conformity with the provisions of the articles and the rights of the shareholders, and shall be made as soon as reasonably consistent with the beneficial liquidation of the corporate assets.

2007. (a) If the corporation in process of winding up has both preferred and common shares outstanding, a plan of distribution of the shares, obligations or securities of any other corporation, domestic or foreign, or assets other than money which is not in accordance with the liquidation rights of the preferred shares as specified in the articles may nevertheless be adopted if approved by (a) the board and (b) by approval of the outstanding shares (Section 152) of each class regardless of any limitation or restriction upon voting rights. The plan may provide that such distribution is in complete or partial satisfaction of the rights of any of such shareholders upon distribution and liquidation of the assets.

(b) A plan of distribution so approved shall be binding upon all the shareholders except as provided in subdivision (c). The board shall cause notice of the adoption of the plan to be given by mail within 20 days after its adoption to all holders of shares having a liquidation preference.

(c) Shareholders having a liquidation preference who dissent from the plan of distribution are entitled to be paid the amount of their liquidation preference in cash if they file written demand for payment with the corporation within 30 days after the date of mailing of the notice of the adoption of the plan of distribution, unless the plan of distribution is abandoned. The demand shall state the number and class of the shares held of record by the shareholder in respect of which the shareholder claims payment.

(d) If any such demand for cash payment is filed, the board in its discretion may abandon the plan without further approval by the outstanding shares (Section 152), and all shareholders shall then be entitled to distribution according to their rights and liquidation preferences in the process of winding up.

2008. (a) If any shareholders or creditors are unknown or fail or refuse to accept their payment, dividend or distribution in cash or property or their whereabouts cannot be ascertained after diligent inquiry, or the existence or amount of a claim of a creditor or shareholder is contingent, contested or not determined, or if the ownership of any shares of stock is in dispute, the corporation may deposit any such payment, dividend, distribution or the maximum amount of such claim with the State Treasurer or with a bank or trust company in this state in trust for the benefit of those lawfully entitled thereto. Such payment, dividend or distribution shall be paid over by the depositary to the lawful owners, their representatives or assigns, upon satisfactory proof of title.

(b) For the purpose of providing for the transmittal, receipt, accounting for, claiming, management and investment of all money or other property deposited in the State Treasury under the provisions of subdivision (a), such money or other property shall be

deemed to be paid or delivered for deposit in the State Treasury under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and may be recovered in the manner prescribed therein.

2009. (a) Whenever in the process of winding up a corporation any distribution of assets has been made, otherwise than under an order of court, without prior payment or adequate provision for payment of any of the debts and liabilities of the corporation, any amount so improperly distributed to any shareholder may be recovered by the corporation. Any of such shareholders may be joined as defendants in the same action or brought in on the motion of any other defendant.

(b) Suit may be brought in the name of the corporation to enforce the liability under subdivision (a) against any or all shareholders receiving the distribution by any one or more creditors of the corporation, whether or not they have reduced their claims to judgment.

(c) Shareholders who satisfy any liability under this section shall have the right of ratable contribution from other distributees similarly liable. Any shareholder who has been compelled to return to the corporation more than the shareholder's ratable share of the amount needed to pay the debts and liabilities of the corporation may require that the corporation recover from any or all of the other distributees such proportion of the amounts received by them upon the improper distribution as to give contribution to those held liable under this section and make the distribution of the assets fair and ratable, according to the respective rights and preferences of the shares, after payment or adequate provision for payment of all the debts and liabilities of the corporation.

(d) As used in this section, "process of winding up" includes proceedings under Chapters 18 and 19 and also any other distribution of assets to shareholders made in contemplation of termination or abandonment of the corporate business.

2010. (a) A corporation which is dissolved nevertheless continues to exist for the purpose of winding up its affairs, prosecuting and defending actions by or against it and enabling it to collect and discharge obligations, dispose of and convey its property and collect and divide its assets, but not for the purpose of continuing business except so far as necessary for the winding up thereof.

(b) No action or proceeding to which a corporation is a party abates by the dissolution of the corporation or by reason of proceedings for winding up and dissolution thereof.

(c) Any assets inadvertently or otherwise omitted from the winding up continue in the dissolved corporation for the benefit of the persons entitled thereto upon dissolution of the corporation and on realization shall be distributed accordingly.

2011. (a) In all cases where a corporation has been dissolved, the shareholders may be sued in the corporate name of such corporation upon any cause of action against the corporation arising prior to its

dissolution. This section is procedural in nature and is not intended to determine liability.

(b) Summons or other process against such a corporation may be served by delivering a copy thereof to an officer, director or person having charge of its assets or, if no such person can be found, to any agent upon whom process might be served at the time of dissolution. If none of such persons can be found with due diligence and it is so shown by affidavit to the satisfaction of the court, then the court may make an order that summons or other process be served upon the dissolved corporation by delivering a copy thereof, together with a copy of the order, to the Secretary of State or an assistant or deputy secretary of state.

(c) Every such corporation shall survive and continue to exist indefinitely for the purpose of being sued in any quiet title action. Any judgment rendered in any such action shall bind each and all of its shareholders or other persons having any equity or other interest in such corporation, to the extent of their interest therein, and such action shall have the same force and effect as an action brought under the provisions of Sections 410.50 and 410.60 of the Code of Civil Procedure. Service of summons or other process in any such action may be made as provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure or as provided in subdivision (b).

(d) Upon receipt of such process and the fee therefor prescribed in the Government Code, the Secretary of State forthwith shall give notice to the corporation as provided in Section 1702. The defendant shall appear within 30 days after delivery of the process to the Secretary of State.

CHAPTER 21. FOREIGN CORPORATIONS

2100. This chapter applies only to foreign corporations transacting intrastate business, except as otherwise expressly provided.

2101. (a) Any foreign corporation (other than a foreign association) not transacting intrastate business may register its corporate name with the Secretary of State, provided its corporate name would be available pursuant to Section 201 to a new corporation organized under this division at the time of such registration.

(b) Such registration may be made by filing (1) an application for registration signed by a corporate officer stating the name of the corporation, the state or place under the laws of which it is incorporated, the date of its incorporation, and that it desires to register its name under this section; and (2) a certificate of an authorized public official of the state or place in which it is organized stating that such corporation is in good standing under those laws. Such registration shall be effective until the close of the calendar year in which the application for registration is filed.

(c) A corporation which has in effect a registration of its corporate name may renew such registration from year to year by annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration between the first day of October and the 31st day of December in each year. Such renewal application shall extend the registration for the following calendar year.

2102. A foreign corporation which has filed a designation of an agent for the service of process, pursuant to the requirements of any law relating to the qualification of foreign corporations in force at the time of the filing, need not file the statement provided for in Section 2105, but shall file an amended statement and designation when required by Section 2107.

2103. Nothing in this chapter repeals, alters or amends the provisions of Sections 1600 to 1607, inclusive, of the Insurance Code or prevents any foreign insurance company from carrying out contracts made before the surrender of its right to engage in intrastate business or contracts made with citizens of other states who subsequently become citizens of or residents in this state.

2104. Any foreign lending institution which has not qualified to do business in this state and which engages in any of the activities set forth in subdivision (d) of Section 191 shall be considered by such activities to have appointed the Secretary of State as its agent for service of process for any action arising out of any such activities, and, on or before June 30th of each year, shall file a statement showing the address to which any notice or process may be sent in the manner and with the effect provided in Section 2111.

2105. (a) A foreign corporation shall not transact intrastate business without having first obtained from the Secretary of State a certificate of qualification. To obtain such certificate it shall file, on a form prescribed by the Secretary of State, a statement and designation signed by a corporate officer stating:

(1) Its name and the state or place of its incorporation or organization.

(2) The address of its principal executive office.

(3) The address of its principal office within this state.

(4) The name of an agent upon whom process directed to the corporation may be served within this state. Such designation shall comply with the provisions of subdivision (b) of Section 1502.

(5) Its irrevocable consent to service of process directed to it upon the agent designated and to service of process on the Secretary of State if the agent so designated or the agent's successor is no longer authorized to act or cannot be found at the address given.

(b) Annexed to such statement and designation shall be a certificate by an authorized public official of the state or place of incorporation of the corporation to the effect that such corporation is an existing corporation in good standing in that state or place or, in the case of an association, an officers' certificate stating that it is

a validly organized and existing business association under the laws of a specified foreign jurisdiction.

(c) Before it may be designated by any foreign corporation as its agent for service of process, any corporate agent must comply with Section 1505.

2106. (a) Subject to the provisions of subdivision (b), upon payment of the fees required by law the Secretary of State shall file the statement and designation prescribed in Section 2105 and shall issue to the corporation a certificate of qualification stating the date of filing of said statement and designation and that the corporation is qualified to transact intrastate business, subject, however, to any licensing requirements otherwise imposed by the laws of this state.

(b) No foreign corporation having a name which would not be available pursuant to Section 201 to a new corporation organized under this division shall transact intrastate business in this state or qualify to do so under this chapter or file an amended statement and designation containing such name unless either: (i) it obtains and files an order from a court of competent jurisdiction permanently enjoining the other corporation having a conflicting name from doing business in this state under that name; or (ii) the Secretary of State finds, upon proof by affidavit or otherwise as the Secretary of State may determine, that the business to be conducted in this state by the foreign corporation is not the same as or similar to the business being conducted by the corporation (or to be conducted by the proposed corporation) with whose name it may conflict and that the public is not likely to be deceived, and the foreign corporation agrees that it will transact business in this state under an assumed name disclosed to the Secretary of State and that it will use such assumed name in all of its dealings with the Secretary of State and in the conduct of its affairs in this state. Such assumed name may be its name with the addition of some distinguishing word or words acceptable to the Secretary of State or a name available for the name of a domestic corporation pursuant to Section 201. A corporation which has made such an agreement with the Secretary of State shall not do business in this state except under the name agreed upon, so long as the agreement remains in effect.

2107. (a) If any foreign corporation qualified to transact intrastate business shall change its name, the address of its principal office in this state, the address of its principal executive office or its agent for the service of process, or if the stated address of any natural person designated as agent is changed, it shall file, on a form prescribed by the Secretary of State, an amended statement and designation signed by a corporate officer setting forth the change or changes made. In the case of a change of name, the amended statement and designation shall set forth the name relinquished as well as the new name assumed and there shall be annexed to the amended statement and designation a certificate of an authorized public official of its state or place of incorporation that such change of name was made in accordance with the laws of that state or place

or, in the case of an association, an officers' certificate stating that such change of name was made in accordance with its declaration of trust.

(b) If the change includes a change of name, or a change affecting a fictitious name pursuant to Section 2106, upon the filing of the amended statement and designation the Secretary of State shall issue a new certificate of qualification.

2108. (a) Each foreign corporation (other than a foreign association) qualified to transact intrastate business and each foreign parent corporation subject to Section 2115 shall file annually within three months and 15 days after the close of its taxable year or within 30 days after the filing of its franchise tax return with the Franchise Tax Board if an extension of time for filing the return was granted, an officers' certificate setting forth:

(1) The percentage of its outstanding voting securities held of record, as of the last record date for a shareholder's meeting, by persons having addresses in this state, calculated as provided in Section 2115 and either

(2) That all the income of the corporation was taxable for California franchise tax purposes or that such income would have been so taxable if the corporation had had sufficient income to be subject to more than the minimum franchise tax; or

(3) Its property factor, payroll factor and sales factor computed as provided in Section 2115.

(b) The Secretary of State shall mail a form for compliance with this section to each foreign corporation qualified to transact intrastate business in reasonably sufficient time for such compliance. The form shall state the due date thereof and shall be mailed to the last address of the corporation according to the records of the Secretary of State. Neither the failure of the Secretary of State to mail the form nor the failure of the corporation to receive it is an excuse for failure to comply with this section.

(c) The Secretary of State need not mail a form to a foreign corporation whose right to exercise its corporate powers, rights and privileges in this state were forfeited by the Franchise Tax Board pursuant to Sections 23301 or 23301.5 of the Revenue and Taxation Code more than six months prior to the date the Secretary of State would otherwise have mailed the form pursuant to subdivision (b) and which right has not been revived on or prior to such date of mailing.

(d) The Secretary of State shall forfeit the right of any foreign corporation to transact intrastate business if it fails to file the statement required by this section for a period of six months after notice given to it by the Secretary of State that such filing is delinquent and that it will have its right to transact intrastate business forfeited unless it complies with this section.

(e) Neither the report required by this section nor the computation provided by Section 2115 shall have any effect with respect to the basis upon which the corporation reports its income

for franchise tax purposes.

2109. Any foreign corporation may designate a new agent for the service of process by filing an amended statement and designation, pursuant to Section 2107.

2110. Delivery by hand of a copy of any process against a foreign corporation (a) to any officer of the corporation or its general manager in this state, or if the corporation is a bank to a cashier or an assistant cashier, (b) to any natural person designated by it as agent for the service of process, or (c), if the corporation has designated a corporate agent, to any person named in the latest certificate of such corporate agent filed pursuant to Section 1505 shall constitute valid service on the corporation. A copy of the statement and designation, certified by the Secretary of State, is sufficient evidence of the appointment of an agent for the service of process.

2111. (a) If the agent designated for the service of process is a natural person and cannot be found with due diligence at the address stated in the designation or if such agent is a corporation and no person can be found with due diligence to whom the delivery authorized by Section 2110 may be made for the purpose of delivery to such corporate agent, or if the agent designated is no longer authorized to act, or if no agent has been designated and if no one of the officers or agents of the corporation specified in Section 2110 can be found after diligent search and it is so shown by affidavit to the satisfaction of the court, then the court may make an order that service be made by personal delivery to the Secretary of State or to an assistant or deputy secretary of state of two copies of the process together with two copies of the order, except that if the corporation to be served has not filed the statement required to be filed by Section 2105 then only one copy of the process and order need be delivered but the order shall include and set forth an address to which such process shall be sent by the Secretary of State.

(b) Upon receipt of the process and order and the fee therefor the Secretary of State forthwith shall give notice to the corporation of the service of the process by forwarding by registered mail, with request for return receipt, a copy of the process and order to the address specified in the order if the corporation has not filed the statement required by Section 2105 or to the two offices of the corporation the addresses of which are set forth in the latest such statement filed.

(c) The corporation shall appear within 30 days after delivery of the process to the Secretary of State. The Secretary of State shall keep a record of all process served upon the Secretary of State and shall record therein the time of service and the Secretary of State's action with respect thereto. The certificate of the Secretary of State, under the Secretary of State's official seal, certifying to the receipt of process, the giving of notice thereof to the corporation and the forwarding of such process pursuant to this section, shall be competent and prima facie evidence of the matters stated therein.

2112. Subject to Section 2113, a foreign corporation which has qualified to transact intrastate business may surrender its right to

engage in such business within this state by filing a certificate of surrender signed by a corporate officer stating:

(a) The name of the corporation as shown on the records of the Secretary of State, and the state or place of incorporation or organization.

(b) That it revokes its designation of agent for service of process.

(c) That it surrenders its authority to transact intrastate business.

(d) That it consents that process against it in any action upon any liability or obligation incurred within this state prior to the filing of the certificate of withdrawal may be served upon the Secretary of State.

(e) A post office address to which the Secretary of State may mail a copy of any process against the corporation that is served upon the Secretary of State, which address or the name to which the process should be sent may be changed from time to time by filing a statement signed by a corporate officer stating the new address or name or both.

2113. The filing by the Secretary of State of an agreement of merger of a foreign disappearing corporation qualified to transact intrastate business in this state pursuant to Section 1103 or the filing of a certificate of ownership as to a foreign subsidiary corporation qualified to transact intrastate business in this state pursuant to Section 1110 constitutes the surrender by the foreign corporation of its right to engage in such business within this state.

2114. (a) A foreign corporation which has transacted intrastate business and has thereafter withdrawn from business in this state may be served with process in the manner provided in this chapter in any action brought in this state arising out of such business, whether or not it has ever complied with the requirements of this chapter.

(b) A foreign corporation which has surrendered its right to transact intrastate business pursuant to Section 2112 or Section 2113 may be served with process in any action upon a liability or obligation incurred within this state prior to such surrender by delivery of the process to the Secretary of State, or an assistant or a deputy to the Secretary of State pursuant to this chapter and no court order authorizing such service shall be required. The process shall be mailed in the manner prescribed in this chapter except that it shall be sent to the address to which process is authorized to be sent in the certificate of surrender or to the address of the surviving domestic corporation in the case of a surrender under Section 2113.

(c) If a foreign corporation which is qualified to transact intrastate business has its right to transact such business forfeited by the Franchise Tax Board pursuant to the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of the Revenue and Taxation Code, or by the Secretary of State pursuant to Section 2108, service of process on such corporation may be effected in the manner set forth in Sections 2110 and 2111, as if the right to transact intrastate business had not been forfeited by the Franchise Tax Board.

(d) The fact that a corporation ceases to transact intrastate business without filing a certificate of surrender does not revoke the appointment of any agent for the service of process.

2115. (a) A foreign corporation (other than a foreign association but including a foreign parent corporation even though it does not itself transact intrastate business) is subject to this section if the average of the property factor, the payroll factor and the sales factor (as defined in Sections 25129, 25132 and 25134 of the Revenue and Taxation Code) with respect to it is more than 50 percent during its latest full taxable year and if more than one-half of its outstanding voting securities are held of record by persons having addresses in this state. The property factor, payroll factor and sales factor shall be those used in computing the portion of its income allocable to this state in its franchise tax return or, with respect to corporations the allocation of whose income is governed by special formulas or which are not required to file separate tax returns, which would have been so used if they were governed by such three-factor formula. The determination of these factors with respect to any parent corporation shall be made on a consolidated basis, including in a unitary computation (after elimination of intercompany transactions) the property, payroll and sales of the parent and all of its subsidiaries in which it owns directly or indirectly more than 50 percent of the outstanding shares entitled to vote for the election of directors, but deducting a percentage of such property, payroll and sales of any subsidiary equal to the percentage minority ownership, if any, in such subsidiary. For the purpose of this subdivision, any securities held to the knowledge of the issuer in the names of broker-dealers or nominees for broker-dealers shall not be considered outstanding.

(b) The following chapters and sections of this division shall apply to a foreign corporation subject to this section (to the exclusion of the law of the jurisdiction in which it is incorporated):

Chapter 1 (general provisions and definitions), to the extent applicable to the following provisions;

Section 301 (annual election of directors);

Section 303 (removal of directors without cause);

Section 304 (removal of directors by court proceedings);

Section 305, subdivision (c) (filling of director vacancies where less than a majority in office elected by shareholders);

Section 309 (directors' standard of care);

Section 316 (excluding subdivisions (a) (3) and (f) (3)) (liability of directors for unlawful distributions);

Section 317 (indemnification of directors, officers and others);

Sections 500 through 505 (limitations on corporate distributions in cash or property);

Section 506 (liability of shareholder who receives unlawful distribution);

Section 600, subdivisions (b) and (c) (requirement for annual shareholders' meeting and remedy if same not timely held);

Section 708, subdivisions (a), (b) and (c) (shareholder's right to

cumulate votes at any election of directors);
Chapter 12 (reorganizations);
Chapter 13 (dissenters' rights);
Sections 1500 and 1501 (records and reports);
Chapter 16 (rights of inspection).

(c) Subdivision (a) shall become applicable to any foreign corporation only upon the first day of the first fiscal year of the corporation commencing on or after the 30th day after the filing by it of the report pursuant to Section 2108 showing that the tests referred to in subdivision (a) have been met or upon the entry of an order by a court of competent jurisdiction declaring that such tests have been met.

(d) Subdivision (a) shall cease to be applicable at the end of any fiscal year during which a report pursuant to Section 2108 shall have been filed showing that at least one of the tests referred to in subdivision (a) is not met or an order shall have been entered by a court of competent jurisdiction declaring that one of such tests is not met, provided that such filing or order shall be ineffective if a contrary report or order shall be made or entered before the end of such fiscal year.

(e) This section does not apply to any corporation with outstanding securities listed on any national securities exchange certified by the Commissioner of Corporations under Section 25100(o).

2116. The directors of a foreign corporation transacting intrastate business are liable to the corporation, its shareholders, creditors, receiver, liquidator or trustee in bankruptcy for the making of unauthorized dividends, purchase of shares or distribution of assets or false certificates, reports or public notices or other violation of official duty according to any applicable laws of the state or place of incorporation or organization, whether committed or done in this state or elsewhere. Such liability may be enforced in the courts of this state.

CHAPTER 22. CRIMES AND PENALTIES

2200. Every corporation which neglects, fails or refuses: (a) to keep or cause to be kept or maintained the record of shareholders or books of account required by this division to be kept or maintained; or (b) to prepare or cause to be prepared or submitted the financial statements required by this division to be prepared or submitted, is subject to penalty as provided in this section.

The penalty shall be twenty-five dollars ($25) for each day that such failure or refusal continues, beginning 30 days after receipt of written request that the duty be performed from one entitled to make the request, up to a maximum of one thousand five hundred dollars ($1,500).

The penalty shall be paid to the shareholder or shareholders jointly making the request for performance of the duty and damaged by the

neglect, failure or refusal, if suit therefor is commenced within 90 days after the written request is made; but the maximum daily penalty because of failure to comply with any number of separate requests made on any one day or for the same act shall be two hundred fifty dollars ($250).

2201. Any officer of a corporation charged with the duty of entering a transfer of shares upon the books of the corporation and issuing a share certificate who unreasonably neglects, fails or refuses to perform such duty after written request by any person entitled thereto is subject to a penalty of one hundred dollars ($100) and the further penalty of ten dollars ($10) for each day that such default continues, beginning five days after receipt of the request, up to a maximum of five hundred dollars ($500). The penalty shall be paid to each person aggrieved. It may be enforced by action and shall be in addition to all other remedies.

Every director or other officer unreasonably causing such neglect, failure or refusal to make such entries upon the books of the corporation or to issue a certificate for shares to a person entitled thereto is subject to a like penalty.

2202. Any penalty prescribed by Section 2200 or Section 2201 shall be in addition to any remedy by injunction or action for damages or by writ of mandate for the nonperformance of acts and duties enjoined by law upon the corporation or its directors or officers.

The court in which an action for any such penalty is brought may reduce, remit or suspend the penalty on such terms and conditions as it may deem reasonable when it is made to appear that the neglect, failure or refusal was inadvertent or excusable.

2203. (a) Any foreign corporation which transacts intrastate business and which does not hold a valid certificate from the Secretary of State may be subject to a penalty of twenty dollars ($20) for each day that such unauthorized intrastate business is transacted; and such foreign corporation, by transacting unauthorized intrastate business, shall be deemed to consent to the jurisdiction of the courts of California in any civil action arising in this state wherein such corporation is named a party defendant and shall be deemed to have designated the Secretary of State as the agent upon whom process directed to the corporation may be served within this state.

(b) The penalty established by subdivision (a) of this section shall be assessed according to the number of days it is found that the corporation has been willfully doing unauthorized intrastate business. Prosecution under this section may be brought, and the money penalty recovered thereby shall be paid, in the manner provided by Section 2258 for a prosecution brought under that section.

(c) A foreign corporation subject to the provisions of Chapter 21 which transacts intrastate business without complying therewith shall not maintain any action or proceeding upon any intrastate business so transacted in any court of this state, commenced prior to

compliance with Chapter 21, until it has complied with the provisions thereof and has paid to the Secretary of State a penalty of two hundred fifty dollars ($250) in additon to the fees due for filing the statement and designation required by Section 2105 and has filed with the clerk of the court in which the action is pending receipts showing the payment of said fees and penalty and all franchise taxes and any other taxes on business or property in this state that should have been paid for the period during which it transacted intrastate business.

2204. (a) Upon the failure of a corporation to file the statement required by Section 1502, the Secretary of State shall mail a notice of such delinquency to the corporation. The notice shall also contain information concerning the application of this section, and advise the corporation of the penalty imposed by Section 25936 of the Revenue and Taxation Code for failure to timely file the required statement after notice of delinquency has been mailed by the Secretary of State. If, within 60 days after the mailing of the notice of delinquency, a statement pursuant to Section 1502 has not been filed by the corporation, the Secretary of State shall certify the name of such corporation to the Franchise Tax Board.

(b) Upon certification pursuant to subdivision (a), the Franchise Tax Board shall assess against the corporation a penalty of two hundred fifty dollars ($250) pursuant to Section 25936 of the Revenue and Taxation Code.

(c) The penalty herein provided shall not apply to a corporation which on or prior to the date of certification pursuant to subdivision (a) has dissolved or has been merged into another corporation.

(d) The penalty herein provided shall not apply to any corporation the corporate powers, rights and privileges of which have been suspended by the Franchise Tax Board pursuant to Sections 23301 or 23301.5 of the Revenue and Taxation Code more than six months prior to the last day of the filing period pursuant to Section 1502 and which corporate powers, rights and privileges have not been revived on or prior to the last day of the filing period. The Secretary of State need not mail a form pursuant to Section 1502 nor a notice of delinquency pursuant to this section to a corporation whose corporate powers, rights and privileges have been suspended more than six months prior to the last day of the filing period and which corporate powers, rights and privileges have not been revived on or prior to such last day of the filing period.

(e) If, after certification pursuant to subdivision (a) the Secretary of State finds the required statement was filed before the expiration of the 60-day period after mailing of the notice of delinquency, the Secretary of State shall promptly decertify the name of the corporation to the Franchise Tax Board. The Franchise Tax Board shall then promptly abate any penalty assessed against the corporation pursuant to Section 25936 of the Revenue and Taxation Code.

2251. Any promoter, director or officer of a corporation who

knowingly and willfully issues or consents to the issuance of shares or certificates for shares in violation of this division with intent to defraud present or future shareholders, subscribers, purchasers of shares or creditors is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year or both.

2252. Every person (a) who signs the name of a fictitious person to any subscription for or agreement to take stock in any domestic or foreign corporation, existing or proposed, or (b) who signs to any subscription or agreement the name of any person, knowing that the person has no means or does not intend in good faith to comply with all the terms thereof or that there is any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.

2253. Any director of a stock corporation, domestic or foreign, who concurs in any vote or act of the directors of the corporation or any of them, knowingly and with dishonest or fraudulent purpose, to make any dividend or distribution of assets except in the cases and in the manner allowed by law, either with the design of defrauding creditors or shareholders or of giving a false appearance to the value of the stock and thereby defrauding subscribers or purchasers, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year or both.

2254. Every director, officer or agent of any corporation, domestic or foreign, is guilty of a felony (a) who knowingly concurs in making, publishing or posting either generally or privately to the shareholders or other persons (1) any written report, exhibit, statement of its affairs or pecuniary condition or notice containing any material statement which is false, or (2) any untrue or willfully or fraudulently exaggerated report, prospectus, account, statement of operations, values, business, profits, expenditures or prospects, or (3) any other paper or document intended to produce or give, or having a tendency to produce or give, the shares of stock in such corporation a greater value or a less apparent or market value than they really possess, or (b) who refuses to make any book entry or post any notice required by law in the manner required by law.

2255. (a) Every director, officer or agent of any corporation, domestic or foreign, who knowingly receives or acquires possession of any property of the corporation, otherwise than in payment of a just demand, and, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of the corporation is guilty of a public offense.

(b) Every director, officer, agent or shareholder of any corporation, domestic or foreign, who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to the corporation or makes or concurs in omitting to make any material entry in any book of accounts or other record or document kept by the corporation is

guilty of a public offense.

(c) Each public offense specified in this section is punishable by imprisonment in a state prison for not more than 10 years or by imprisonment in a county jail for not exceeding one year or a fine not exceeding five hundred dollars ($500) or by both such fine and imprisonment.

2256. Every officer, agent or clerk of any corporation, domestic or foreign, or any person proposing to organize such a corporation or to increase the capital stock of any such corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation or to investigate its affairs or to allow an increase of its capital, with intent to deceive such officer or board in respect thereto, is punishable by imprisonment in a state prison for not more than 10 years or by imprisonment in a county jail for not exceeding one year.

2257. Every person who, without being authorized so to do, subscribes the name of another to or inserts the name of another in any prospectus, circular or other advertisement or announcement of any corporation, domestic or foreign, whether existing or intended to be formed, with intent to permit the document to be published and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, shareholder or promoter of such corporation, when in fact no such relationship exists to the knowledge of such person, is guilty of a misdemeanor.

2258. Any foreign corporation subject to the provisions of Chapter 21 which transacts intrastate business without complying therewith is guilty of a misdemeanor, punishable by fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), to be recovered in any court of competent jurisdiction.

Prosecution under this section may be brought by the Attorney General or by any district attorney. If brought by the latter, one-half of the fine collected shall be paid to the treasurer of the county in which the conviction was had and one-half to the State Treasurer. If brought by the Attorney General the entire amount of fine collected shall be paid to the State Treasurer to the credit of the General Fund of the state.

2259. Any person who transacts intrastate business on behalf of a foreign corporation which is not authorized to transact such business in this state, knowing that it is not so authorized, is guilty of a misdemeanor punishable by fine of not less than twenty-five dollars ($25) nor more than three hundred dollars ($300).

2260. In a prosecution for a violation of Section 2250, 2252, 2253, 2254, 2255, 2256 or 2257, the fact that the corporation was a foreign corporation is not a defense, if it was carrying on business or keeping an office therefor within this state.

CHAPTER 23. TRANSITION PROVISIONS

2300. As used in this chapter, the term "new law" means this division of the Corporations Code as amended by act of the California Legislature, 1975–76 Regular Session, effective January 1, 1977, and as in effect on that date; the term "prior law" means the applicable law as in effect prior to January 1, 1977; and the term "effective date" means January 1, 1977.

2301. (a) Except as otherwise expressly provided in this chapter, the provisions of the new law apply on and after the effective date to all corporations referred to in Section 162 existing on the effective date and to all actions taken by the directors or shareholders of such corporations on and after the effective date.

(b) Except as otherwise expressly provided in this chapter, all of the sections of the new law governing acts, contracts or other transactions by a corporation or its directors or shareholders apply only to such acts, contracts or transactions occurring on or after the effective date and the prior law governs such acts, contracts or transactions occurring prior thereto.

(c) Except as otherwise expressly provided in this chapter, any vote or consent by the directors or shareholders of a corporation prior to the effective date in accordance with the prior law shall be effective in accordance with the prior law and if any certificate or document is required to be filed in any public office of this state relating to such action, it may be filed after the effective date in accordance with the prior law.

2302. The provisions of Sections 202, 204 and 205 of the new law relating to the contents of articles do not apply to corporations existing on the effective date unless and until an amendment of the articles is filed stating that the corporation elects to be governed by those provisions of the new law not otherwise applicable to it under this chapter. Such amendment may be adopted by approval of the board alone, except that, if any such amendment makes any change in the articles other than conforming the statement of purposes and powers to subdivision (a) of Section 204 and the deletion of any references to par value and location of principal office and conforming any statement regarding the number of directors to Section 212 (subject to Section 2304), it shall also be approved by the outstanding shares (Section 152) if such approval is otherwise required for the changes made.

2303. Sections 206 and 207 of the new law apply to corporations existing on the effective date, but any statement in the articles of such corporation, prior to an amendment thereof pursuant to Section 2302, relating to the purposes or powers of the corporation shall not be construed as a limitation unless it is expressly stated as such.

2304. Subdivision (a) of Section 212 of the new law does not apply to a corporation existing on the effective date, which shall continue to be governed by the prior law, unless and until an amendment of its articles is filed pursuant to Section 2302. If such amendment makes

any change in the number of directors or the maximum or minimum number of directors or makes a change from a fixed to a variable board or vice versa, it shall also be approved by the outstanding shares (Section 152).

2305. Subdivision (a) of Section 312 applies to a corporation existing on the effective date, but the "treasurer" of such corporation shall be deemed to be the "chief financial officer."

2306. Section 317 of the new law governs any proposed indemnification by a corporation after the effective date, whether the events upon which the indemnification is based occurred before or after the effective date. Any statement relating to indemnification contained in the articles or bylaws of a corporation on the effective date shall not be construed as limiting the indemnification permitted by Section 317 unless it is expressly stated as so intended.

2307. Sections 417 and 418 of the new law relating to required statements on certificates representing shares apply to certificates representing shares of corporations existing on the effective date only if the shares are originally issued after the effective date, and the prior law shall continue to govern the certificates representing shares originally issued prior to the effective date, unless and until an amendment of the articles is filed pursuant to Section 2302.

2308. Chapter 5 of the new law applies to any distribution to its shareholders made after the effective date by a corporation existing on the effective date, except that any such distribution effected pursuant to a contract for the purchase or redemption of shares entered into by the corporation prior to the effective date may be made if permissible under Chapter 5 or under the prior law in effect at the time the contract was entered into.

2309. Subdivision (a) of Section 510 of the new law applies only to shares acquired after the effective date.

2310. The provisions of Chapter 6 and Chapter 7 (other than Section 706) of the new law apply to any meeting of shareholders held after the effective date and to any action by shareholders pursuant to written consent which becomes effective after the effective date and to any vote cast at such a meeting or consent given for such action (whether or not a proxy or consent was executed by the shareholder prior to the effective date).

2311. Section 706 of the new law applies to agreements and voting trusts entered into after the effective date and prior law governs such agreements or trusts entered into prior thereto unless the agreement or trust is amended or extended thereafter, in which event the new law applies.

2312. Section 800 of the new law applies to actions commenced after the effective date and prior law governs actions pending on the effective date.

2313. Chapters 10, 11, 12 and 13 of the new law apply to transactions consummated after the effective date, unless a required approval of the outstanding shares (Section 152) has been given prior to the effective date, in which case the transaction shall be governed

by the prior law.

2314. Chapter 18 of the new law applies to actions for involuntary dissolution commenced after the effective date, but the prior law governs any such action pending on the effective date.

2315. Chapter 19 of the new law applies to any voluntary dissolution proceeding initiated by the filing of an election after the effective date, but the prior law governs any such proceeding so initiated prior to the effective date.

2316. A foreign association which has transacted intrastate business in this state prior to the effective date and which is required by Section 2105 of the new law to obtain a certificate of qualification from the Secretary of State shall not be subject to any direct or indirect penalty as a result of failure to obtain such certificate of qualification if the certificate of qualification is obtained no later than four months after the effective date.

2317. When any corporate agent for service of process has been designated by a foreign corporation prior to the effective date and such designation of agent included a name of a city, town or village wherein the corporate agent maintained an office, service on such agent may be effected at any office of the agent set forth in the certificate of the corporate agent filed pursuant to Section 1505 of the new law or filed pursuant to Section 3301.5, 3301.6, 6403.5 or 6403.6 of the prior law, whether or not such office is in said city, town or village.

2318. Any corporation existing on the first day of January, 1873, formed under the laws of this state, and still existing, which has not already elected to continue its existence under the prior law, may, at any time, elect to continue its existence under the provisions of this code applicable thereto by the unanimous vote of all its directors, or such election may be made at any annual meeting of the shareholders, or at any meeting called by the directors especially for considering the subject, if voted by shareholders representing a majority of the voting power, or may be made by the directors upon the written consent of that number of the shareholders.

A certificate of the action of the directors, signed by them and their secretary, when the election is made by their unanimous vote, or upon the written consent of the shareholders, or a certificate of the proceedings of the meeting of the shareholders, when the election is made at any such meeting, signed by the chairman and secretary of the meeting and a majority of the directors, shall be filed in the office of the Secretary of State, and thereafter the corporation continues its existence under the provisions of this code which are applicable thereto, and possesses all the rights, and powers, and is subject to all the obligations, restrictions, and limitations prescribed thereby.

2319. If the corporate rights, privileges and powers of a corporation have been suspended and are still suspended immediately prior to the effective date pursuant to Sections 5700 through 5908 of the old law and provisions of law there referred to,

said sections and provisions continue to apply to such a corporation until restoration by the Controller pursuant to said sections.

SEC. 8. Section 12185 of the Government Code, as amended by Chapter 41 of the Statutes of 1974, is amended to read:

12185. The fee for filing a designation of agent for or on behalf of any person, partnership, or firm, but not including a corporation, is fifteen dollars ($15).

SEC. 9. Section 12202 of the Government Code, as added by Chapter 41 of the Statutes of 1974, is amended to read:

12202. The fee for filing an agreement of merger is sixty-five dollars ($65). This section does not apply where the articles of incorporation of each domestic corporation party to the merger do not provide for shares.

SEC. 10. Section 12202.5 is added to the Government Code, to read:

12202.5. The fee for filing one or more copies of a short-form merger pursuant to Section 1110 of the Corporations Code or of any similar document pursuant to subdivision (d) of Section 1108 of the Corporations Code is fifteen dollars ($15) for each corporation as to which a filing is made up to a maximum of sixty-five dollars ($65).

SEC. 11. Section 12203 of the Government Code, as added by Chapter 41 of the Statutes of 1974, is amended to read:

12203. The fee for filing certificates pursuant to Section 4110 of the Corporations Code, as in effect on December 31, 1976, and made applicable subsequent to that date, or pursuant to Section 9210 of the Financial Code is included in the fee for filing the agreement of merger or consolidation.

SEC. 12. Section 12210 is added to the Government Code, to read:

12210. The fee for filing the statement pursuant to Section 1502 of the Corporations Code is five dollars ($5) for a stock corporation and there is no fee for a nonstock corporation.

SEC. 13. Section 12211 is added to the Government Code, to read:

12211. The fee for filing the statement and designation upon the qualification of a foreign association pursuant to Section 2105 of the Corporations Code is three hundred fifty dollars ($350). The fee for filing an amended statement and designation by a foreign association pursuant to Section 2107 of the Corporations Code is fifteen dollars ($15). There is no fee for filing a certificate showing the surrender of the right of a foreign association to transact intrastate business pursuant to Section 2112 of the Corporations Code.

SEC. 14. Section 12212 is added to the Government Code, to read:

12212. The fee for registering a corporate name for the calendar year pursuant to Section 2101 of the Corporations Code is fifty dollars ($50). The fee for filing the statement of address by a foreign lending institution on or before June 30 of each year pursuant to Section 2104 of the Corporations Code is fifty dollars ($50).

SEC. 14.5. Section 25936 is added to the Revenue and Taxation Code, to read:

25936. Upon certification by the Secretary of State pursuant to subdivision (a) of Section 2204 of the Corporations Code, the Franchise Tax Board shall assess a penalty of two hundred fifty dollars ($250). Such penalty shall be a final assessment due and payable at the time of assessment but no interest shall accrue thereon. The assessment shall be collected as other taxes, interest and penalties are collected by the Franchise Tax Board unless the Secretary of State decertifies the name of the corporation as provided in subdivision (e) of Section 2204 of the Corporations Code.

SEC. 15. Section 1116 of the Unemployment Insurance Code is amended to read:

1116. (a) (1) Every employing unit except a domestic or foreign corporation shall, within 10 days of quitting business, file with the director a final return and report of wages of its workers, in such form and containing such information as the director prescribes.

(2) Every domestic corporation shall, within 10 days of quitting business or within 10 days of the commencement of proceedings to wind up its affairs and voluntarily dissolve in accordance with Sections 1900 through 1907 of the Corporations Code, whichever expires the earlier, file with the director a return and a report of wages of its workers, in such form and containing such information as the director prescribes.

(3) Every foreign corporation shall, within 10 days of quitting business or within 10 days of the surrender of its right to engage in business in this state in accordance with Sections 6700 and 6701 of the Corporations Code, whichever expires the earlier, file with the director a final return and report of wages of its workers, in such form and containing such information as the director prescribes.

(4) As used in this section, "quitting business" does not include any change in the form or membership of an employing unit if before and after such change 50 percent or more of the control of management is held by the same individual, or is held by an individual before death and after the individual's death by the individual's estate or heirs.

(b) Contributions with respect to a return required under subdivision (a) are due and payable on the first day of the applicable 10-day period established pursuant to subdivision (a) and shall become delinquent if not paid within 10 days of the due date.

(c) The director for good cause may extend for not to exceed 30 days the time for making a return or paying without penalty or interest any amount required to be paid under this section.

SEC. 16. Section 119 of the Corporations Code as in effect immediately prior to the effective date of this act, to the extent that it makes applicable the General Corporation Law to private corporations organized under other laws, shall continue in effect notwithstanding its repeal by the provisions hereof; but it shall refer to the provisions of Division 1 of Title 1 of the Corporations Code as

in effect immediately prior to the effective date of this act, unless and until the provisions of any other statute permitting the incorporation of private corporations shall be amended to incorporate by reference in such other statute specific sections or portions of Division 1 of Title 1 of the Corporations Code as amended hereby. All references in any such other statute to any sections or portions of the General Corporation Law shall, until such amendment, continue to be references to Division 1 of Title 1 of the Corporations Code as in effect immediately prior to the effective date of this act.

SEC. 17. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 18. This act shall take effect on January 1, 1977.

SEC. 19. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which in the aggregate, do not result in significant identifiable cost changes.

SEC. 20. Any section of any act enacted by the Legislature during the 1975 portion of the 1975–76 Regular Session which takes effect on or before January 1, 1976, and which amends, amends and renumbers, adds or repeals a section amended, amended and renumbered or repealed by this act shall prevail over this act until the effective date of this act whether such act is enacted prior or subsequent to this act.

CHAPTER 683

An act to add Section 25276 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25276 is added to the Vehicle Code, to read:

25276. (a) Any motor vehicle designed for carrying more than eight persons, including the driver, owned by a private, nonprofit organization which provides training or other activities for persons who are mentally retarded or physically handicapped, or both, and which is certified by the Department of Rehabilitation or licensed by the State Department of Health, with respect to the providing of

such training or other activities, may be equipped with a flashing amber light signal system. Any such motor vehicle may, while actually engaged in the transportation of such persons to or from a training or activity center operated by such organization, display the flashing amber lights of such system when necessarily parked upon a highway and in the process of loading or unloading such persons.

(b) The provisions of subdivision (a) shall also apply to any such motor vehicle which is rented, leased, or chartered by such an organization.

CHAPTER 684

An act to amend Sections 2629, 2632, 2634.1, 2645, and 2646 of, and to add Sections 2623 and 2644.5 to, the Labor Code, relating to employee housing.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2623 is added to the Labor Code, to read:

2623. "Willful violation" means operating or maintaining a labor camp in violation of any provision of this chapter, rules and regulations promulgated pursuant thereto, or conditions of the permit, after failure to comply with written notice of such violation.

SEC. 2. Section 2629 of the Labor Code is amended to read:

2629. This chapter does not apply to employee housing provided for faculty or employees of any public or privately operated school, college, or university. This chapter does not apply to any labor camp owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

SEC. 3. Section 2632 of the Labor Code is amended to read:

2632. If any person who holds an annual permit to operate a labor camp violates any of the provisions of this chapter, the regulations adopted pursuant thereto, or conditions of the permit, the enforcement agency shall proceed according to Section 2645 immediately upon discovery of such a violation.

SEC. 4. Section 2634.1 of the Labor Code is amended to read:

2634.1. Every person, or the agent or officer thereof, constructing, operating or maintaining a labor camp shall comply with the requirements of this chapter and the regulations adopted pursuant thereto. Any person operating or maintaining a labor camp without first having obtained a permit to operate from the enforcement agency shall pay double the fees prescribed for the permit to operate such camp.

SEC. 5. Section 2644.5 is added to Article 5 (commencing with Section 2640) of Chapter 4 of Part 9 of Division 2 of the Labor Code, to read:

2644.5. Any person residing in housing subject to this chapter may file an administrative complaint with the enforcement agency, provided that the complainant also delivers a copy of the complaint, by mail or in person, to the employer, at the time of filing the complaint, and, if a civil action under Section 2645 has not been filed within 30 days after receipt of the complaint, the complainant may bring a civil action for injunctive or declaratory relief or damages which arise from any violation of this chapter, regulations adopted pursuant thereto, or conditions of the permit. In any civil action under this section, if the enforcement agency certifies that the labor camp is in compliance with this chapter, regulations adopted pursuant thereto, and conditions of the permit, no injunctive relief shall be granted with respect to any alleged violation covered by the certificate.

SEC. 6. Section 2645 of the Labor Code is amended to read:

2645. (a) Any labor camp which does not conform to this chapter, the regulations adopted pursuant thereto, or conditions of the permit, is a public nuisance and if not made to conform within five days, or within such longer period of time, not to exceed 30 days, which may be allowed by the enforcement agency after written notice, shall be abated by proper action brought in the superior court of the county in which the labor camp or greater portion thereof is situated.

(b) Any violation of this chapter, the regulations adopted pursuant thereto, or the provisions of the permit which constitute an immediate or material hazard to the health or safety of the occupants of a labor camp, shall be remedied within five days after written notice by the enforcement agency, or shorter time in case of emergency. In the event of failure to comply with this section, the Attorney General, or the attorney for the enforcement agency, shall, by verified complaint setting forth the facts, apply to the superior court for an order granting the relief for which the action or proceeding is brought until the entry of a final judgment or order.

(c) The superior court may make any order for which application is made pursuant to this section.

(d) In any action or proceeding brought pursuant to this chapter, service of summons is sufficient if served in the manner provided in the Code of Civil Procedure.

SEC. 7. Section 2646 of the Labor Code is amended to read:

2646. Any person who violates, or causes another person to violate, any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000), or imprisonment for not more than 60 days or both.

Any person who willfully violates any provision of this chapter shall be liable for a civil penalty of not less than three hundred dollars ($300) nor more than one thousand dollars ($1,000) for each such

violation or for each day of a continuing violation. The enforcement agency shall institute or maintain an action in the appropriate court to collect any civil penalty arising under this section.

CHAPTER 685

An act to amend Sections 61842 and 61843 of, and to add Section 34001.5 to, the Food and Agricultural Code, relating to milk and dairy products.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 34001.5 is added to the Food and Agricultural Code, to read:

34001.5. When the term "ultra-pasteurized" is used to describe any milk or milk product, it means that such milk or milk product has been thermally processed, either before or after packaging, in accordance with the ultra-pasteurization requirements of regulations established under the Federal Food, Drug and Cosmetic Act, so as to produce a product which has an extended shelf life under refrigerated conditions.

The installation and use of any ultra-pasteurization equipment shall be subject to the approval of the director.

SEC. 2. Section 61842 of the Food and Agricultural Code is amended to read:

61842. Class 1 comprises:

(a) Any fluid milk or fluid skim milk that is supplied to consumers as market milk, market skim milk, or concentrated milk, with the exception of the following:

(1) Any combination of market milk or market skim milk which is sterilized and packaged in hermetically sealed containers.

(2) Any flavored milk product or market half-and-half which is ultra-pasteurized and packaged in hermetically sealed containers.

(3) Any market half-and-half which is packaged in presterilized containers under aseptic conditions to meet the marketing requirements for such products in states other than this state; provided, however, that nothing in this paragraph shall authorize the sale within this state of any milk product as a sterilized product unless such product meets the standards and requirements for sterilized products contained in Division 15 (commencing with Section 32501).

(b) Any fluid milk, fluid skim milk, or fluid cream which is used in any other milk product, or products resembling milk products, in which the use of market milk or any components or derivatives of market milk is required by, or pursuant to, the provisions of this code, except any such product defined in Section 61843 as class 2.

(c) Any fluid milk, fluid skim milk, fluid cream, milk fat, or milk solids not fat which is used in the standardizing or fortifying of market milk or any milk product which is defined in this section as class 1.

(d) Any fluid milk, fluid skim milk, or fluid cream which is used in any product, not otherwise classified, which is required by any regulations adopted by the director pursuant to Article 2 (commencing with Section 36631), Chapter 1, Part 3, Division 15 of this code to be made from market milk or any components or derivative of market milk.

(e) Any fluid milk, fluid skim milk, fluid cream, milk fat or milk solids not fat used in any filled product or imitation milk product, when the product imitated or resembled, is defined in this section as class 1.

SEC. 3. Section 61843 of the Food and Agricultural Code is amended to read:

61843. Class 2 comprises any fluid milk, fluid skim milk, or fluid cream which is used in the manufacture of market cream, homogenized market cream, sour cream, sour cream dressing, uncreamed, creamed, or partially creamed cottage cheese, and buttermilk. Class 2 also comprises any fluid milk, fluid skim milk, or fluid cream which is used in the manufacture of any product defined in paragraph (1), (2), or (3) of subdivision (a) of Section 61842 or for which a definition and standard is prescribed in Division 15 (commencing with Section 32501), except any such product which is included in class 1, class 3 or class 4.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 686

An act to add Chapter 5.8 (commencing with Section 25480) to Division 15 of the Public Resources Code, to amend Sections 226 and 5353 of the Public Utilities Code, and to amend Section 654.2 of the Penal Code, relating to energy conservation.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.8 (commencing with Section 25480) is added to Division 15 of the Public Resources Code, to read:

CHAPTER 5.8. ENERGY CONSERVATION IN TRANSPORTATION

25480. As used in this chapter, "department" means the Department of Transportation.

25481. The Legislature hereby finds and declares that:

(a) Due to the projected rapid growth in demand for energy, coupled with the mounting difficulties in providing energy supplies, a continuing energy shortage exists, posing a significant danger to public health and welfare.

(b) The use of the automobile represents the single largest use of energy in this state and, therefore, the growing use of energy by automobiles is a major factor contributing to such shortage.

(c) Heavy automobile traffic in our major cities has resulted in serious problems of air pollution and traffic congestion.

(d) The increased use of carpools by commuters would aid in lowering air pollution levels, conserving energy, and reducing urban traffic congestion.

It is, therefore, the purpose of this chapter to provide incentives for the wider use of carpools by commuters in metropolitan areas.

25482. Not later than March 1, 1976, all state agencies shall provide assistance to their employees living in metropolitan areas in establishing carpools and locating potential carpool participants. The department shall be responsible for coordinating these efforts.

25483. The department is authorized to establish carpool programs in metropolitan areas for public and private employees with funds made available for such purpose from any source. The carpool programs may be established and maintained entirely by the department or by the department in cooperation with public or private employers pursuant to agreement.

25484. The carpool programs established by the department may include, but are not limited to, computer or manual matching systems, promotional efforts to encourage carpooling and flexible work hours, and preferential treatment on highways.

25485. The department shall develop programs and undertake any necessary construction to establish, for the use of carpool vehicles carrying at least three persons, preferential lanes on major freeways in metropolitan areas where the total benefits to the carpool vehicles will bear a reasonable relationship to the total adverse effects on the remaining vehicles, as established on the basis of an engineering study. The department shall also permit such carpool vehicles to have access to preferential bus lanes established on major freeways, unless congestion seriously impeding the travel of buses will result or will present a serious traffic hazard.

25486. The department is encouraged to establish as soon as possible preferential lanes for the use of buses and three-passenger carpool vehicles in both directions on State Highway Route 10, the

Santa Monica Freeway, at least from Centinela Avenue to Vermont Avenue in Los Angeles County. Due to the high-density traffic flow on such a highway, it is necessary that the department establish such preferential lanes as a pilot project so that data can be developed for implementation of similar projects in other areas of the state.

SEC. 2. Section 226 of the Public Utilities Code is amended to read:

226. "Passenger stage corporation" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of any passenger stage over any public highway in this state between fixed termini or over a regular route except those, 98 percent or more of whose operations as measured by total route mileage operated, are exclusively within the limits of a single city or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution.

For the purposes of this section, the percentage of the route mileage within the limits of any city shall be determined by the Public Utilities Commission on the first day of January of each year, and such percentage so determined shall be presumed to continue for the year.

"Passenger stage corporation" does not include that part of the operations of any corporation or person engaged in the ownership, control, operation or management of any passenger stage over any public highway in this state, whether between fixed termini or over a regular route or otherwise, engaged in the transportation of any pupils or students to and from a public or private school, college or university, or to and from activities of a public or private school, college or university, where the rate, charge, or fare for such transportation is not computed, collected, or demanded on an individual fare basis.

"Passenger stage corporation" does not include the transportation of persons in a passenger vehicle having a seating capacity of 15 passengers or less from place of residence to place of employment, if the driver himself is on the way to or from his place of employment.

SEC. 3. Section 5353 of the Public Utilities Code is amended to read:

5353. The provisions of this chapter do not apply to:

(a) Transportation service rendered wholly within the corporate limits of a single city or city and county.

(b) Transportation of school pupils conducted by or under contract with the governing board of any school district entered into pursuant to authority vested by the provisions of the Education Code.

(c) Common carrier transportation services between fixed termini or over a regular route which are subject to authorization pursuant to the provisions of Article 2 (commencing with Section 1031), Chapter 5, Part 1, Division 1 this code.

(d) Transportation services occasionally afforded for farm employees moving to and from farms on which employed when such transportation is performed by the employer in vehicles owned or leased by him, or by a nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4 (commencing with Section 1190), Division 6 of the Agricultural Code, and without any requirement for the payment of compensation therefor by the employees.

(e) Transportation service rendered by a publicly owned transit system.

(f) Passenger vehicles carrying passengers on a noncommercial enterprise basis.

(g) Taxicab transportation service licensed and regulated by a city or county, by ordinance or resolution, rendered in vehicles designed for carrying not more than eight persons excluding the driver.

(h) Passenger vehicles having a seating capacity of 15 passengers or less in a single daily round trip carrying at least three persons from place of residence to place of employment, if the driver himself is on the way to or from his place of employment.

SEC. 4. Section 654.2 of the Penal Code is amended to read:

654.2. The provisions of Section 654.1 of the Penal Code shall not apply to the selling, furnishing or providing of transportation of any person or persons

(1) When no compensation is paid or to be paid, either directly or indirectly, for such transportation;

(2) To the furnishing or providing of transportation to or from work, of employees engaged in farmwork on any farm of the State of California;

(3) To the furnishing or providing of transportation to and from work of employees of any nonprofit cooperative association, organized pursuant to any law of the State of California;

(4) To the transportation of persons wholly or substantially within the limits of a single municipality or of contiguous municipalities;

(5) To transportation of persons over a route wholly or partly within a national park or state park where such transportation is sold in conjunction with or as part of a rail trip or trip over a regularly operated motorbus transportation system or line;

(6) To the transportation of passengers by a person who is driving a vehicle having a seating capacity of 15 passengers or less if the driver of the vehicle is driving to and from his place of employment.

CHAPTER 687

An act to amend Section 1016 of the Penal Code, relating to pleas.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1016 of the Penal Code is amended to read:

1016. There are six kinds of pleas to an indictment or an information, or to a complaint charging an offense triable in any inferior court:

1. Guilty.
2. Not guilty.
3. Nolo contendere, subject to the approval of the court. The court shall ascertain whether the defendant completely understands that a plea of nolo contendere shall be considered the same as a plea of guilty and that, upon a plea of nolo contendere, the court shall find the defendant guilty. The legal effect of such a plea shall be the same as that of a plea of guilty, but the plea may not be used against the defendant as an admission in any civil suit based upon or growing out of the act upon which the criminal prosecution is based.
4. A former judgment of conviction or acquittal of the offense charged.
5. Once in jeopardy.
6. Not guilty by reason of insanity.

A defendant who does not plead guilty may enter one or more of the other pleas. A defendant who does not plead not guilty by reason of insanity shall be conclusively presumed to have been sane at the time of the commission of the offense charged; provided, that the court may for good cause shown allow a change of plea at any time before the commencement of the trial. A defendant who pleads not guilty by reason of insanity, without also pleading not guilty, thereby admits the commission of the offense charged.

CHAPTER 688

An act to amend Section 21458 of, and to add Sections 22511.7 and 22511.8 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

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SECTION 1. Section 21458 of the Vehicle Code is amended to read:

21458. Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used, and the colors indicate as follows:

(a) Red indicates no stopping, standing, or parking, whether the vehicle is attended or unattended, except that a bus may stop in a red zone marked or signposted as a bus loading zone.

(b) Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for such time as may be specified by local ordinance.

(c) White indicates stopping only for loading or unloading of passengers for such time as may be specified by local ordinance or for the purpose of depositing mail in an adjacent mailbox.

(d) Green indicates time limit parking specified by local ordinance.

(e) Blue indicates parking limited exclusively to the vehicles of physically handicapped persons.

Regulations indicated as above provided shall be effective upon such days and during such hours or times as may be prescribed by local ordinances.

SEC. 2. Section 22511.7 is added to the Vehicle Code, to read:

22511.7. Local authorities may by ordinance or resolution designate parking spaces for the exclusive use of physically handicapped persons whose vehicles display either one of the distinguishing license plates issued to disabled persons pursuant to Section 22511.5 or to disabled veterans, as specified in Section 9105. Whenever a local authority so designates a parking space, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition to blue paint, the space may also be indicated by signs or other suitable means.

The provisions of this section shall not be construed to restrict the privilege granted to disabled veterans by Section 22511 and to disabled persons by Section 22511.5.

SEC. 3. Section 22511.8 is added to the Vehicle Code, to read:

22511.8. Any local authority, by ordinance or resolution, and any person in lawful possession of an off-street parking facility may designate stalls or spaces in an off-street parking facility owned or operated by the local authority or person for the exclusive use of physically handicapped persons whose vehicles display either one of the distinguishing license plates issued to disabled persons pursuant to Section 22511.5 or to disabled veterans, as specified in Section 9105. Such designation shall be made by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, as the case may be, and any local authority owning or operating an off-street parking facility, may cause the removal, from a stall or space

designated for physically handicapped persons in such facility to the nearest public garage, of any vehicle not displaying one of the distinguishing license plates specified in this section if there is posted immediately adjacent to, and visible from, such stall or space a sign which clearly and conspicuously states the following: "Unauthorized vehicles not displaying distinguishing license plates issued to physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or
(Address)
by telephoning _____."
(Telephone number of local law enforcement agency)

The provisions of this section shall not be construed to restrict the privilege granted to disabled veterans by Section 22511 and to disabled persons by Section 22511.5.

CHAPTER 689

An act to amend Section 25921 of the Government Code, relating to surplus plants.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 25921 of the Government Code is amended to read:

25921. The board of supervisors may sell at a price not less than the county's estimated cost, surplus plants, shrubs, flowers, trees, and vegetation, and their seeds or products, produced at a county arboretum. The board may also exchange such materials for other materials of approximately the same value with any person, entity, political entity, or nation, or may distribute such materials without charge to any person, entity or political entity in this state for the purpose of testing such materials under conditions not obtainable at the county arboretum, if in the discretion of the board of supervisors such exchange or testing will benefit the arboretum or facilitate the accomplishment of the purposes specified in Section 25920. No such plant, shrub, flower, tree, seed or their product may be sold if such plant, shrub, flower, tree, seed or their product is available commercially within the State of California.

In addition to the other powers herein granted, the board may exercise any other powers it deems necessary and proper to promote the objects and purposes of the county arboreta.

CHAPTER 690

An act to amend Section 10703 of the Education Code, relating to public schools.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10703 of the Education Code is amended to read:

10703. The funds of any student body organization established in the public schools of any school district shall, subject to approval of the governing board of the school district, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of United States savings bonds (Series F and G) as authorized for investment by subdivision (a) of Section 16430 of the Government Code.

(d) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of Division 5 (commencing with Section 14000) of the Financial Code or the statutes of the United States relating to credit unions insured by the administrator of the National Credit Union Administration or a comparable agency as provided by a state government.

The funds shall be expended subject to such procedure as may be established by the student body organization subject to the approval of each of the following three persons which shall be obtained each time before any of such funds may be expended: an employee or official of the school district designated by the governing board, the certificated employee who is the designated adviser of the particular student body organization, and a representative of the particular student body organization.

CHAPTER 691

An act to amend Section 1336 of the Financial Code, relating to banks.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1336 of the Financial Code is amended to read:

1336. A commercial bank shall not invest an amount exceeding 10 percent of its capital and surplus in the securities of any one obligor or maker, except:

(a) Obligations of the United States and those for which the faith and credit of the United States are pledged for the payment of principal and interest;

(b) Bonds, consolidated bonds, collateral trust debentures, or other obligations issued by the Federal Financing Bank, the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended; in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended; in consolidated notes, bonds, debentures and other obligations issued by federal land banks, federal intermediate credit banks, and banks for cooperatives under the Farm Credit Act of 1971; in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act; in the bonds of any federal home loan bank established under said act; and in stock, bonds, debentures, participations, and other obligations of or issued by the Student Loan Marketing Association, the Federal National Mortgage Association and the Government National Mortgage Association;

(c) Obligations of the State of California and those for which the credit of the State of California is pledged for the payment of principal and interest; and

(d) Obligations of a local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district.

CHAPTER 692

An act to amend Section 4733 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed fifty dollars ($50) for each meeting of the district board attended by him or for each day's service rendered as a member by request of the board, not to exceed two hundred dollars ($200) in any one month, together with any expenses incident thereto.

CHAPTER 693

An act to amend Section 25562 of the Government Code, relating to powers of boards of supervisors.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25562 of the Government Code is amended to read:

25562. In counties having a population in excess of 1,000,000, the board of supervisors may provide, by contract with any person, firm, or corporation, for performances within the county including, but not limited to, operas, symphonies, band concerts and other instrumental concerts, historical or commemorative pageants, choral concerts, plays or other related presentations (with or without music), ballet, dance, recitals, exhibitions, and readings. A charge may be made for attendance at such performances. Such contract shall provide that the management and control of such performances shall be under the supervision of the board of supervisors or shall provide specifically for those matters which cannot legally be delegated by the board of supervisors. Such contract may also provide for the reimbursement of the county, insofar as possible out of any net profits derived therefrom by such person, firm, or corporation.

CHAPTER 694

An act to amend Sections 416.95, 416.19, 38001, 38003, 38004, 38053, 38054.2, 38058, 38060, 38062, 38063, 38103, 38104, 38106, 38110, 38120, 38121, 38122, 38123, 38200, 38201, 38205 and 38255 of, and to add Section 38062.1 to, the Health and Safety Code, to amend Section 1461.5 of the Probate Code, and to amend Sections 6500, 6500.1, 7518,

and 10053.8 of the Welfare and Institutions Code, relating to developmentally disabled and making an appropriation therefor.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 416.95 of the Health and Safety Code is amended to read:

416.95. Prior to the appointment of the Director of Health as guardian or conservator of the person and estate or person or estate of a minor or adult developmentally disabled person, the court shall inform such person of the nature and purpose of the guardianship or conservatorship proceedings, that the appointment of a guardian for his person and estate or person or estate is a legal adjudication of his incompetence, and the effect of such an adjudication on his basic rights. After communicating such information to the alleged developmentally disabled person and prior to the appointment of the Director of Health as guardian or conservator, the court shall consult with such person to determine his opinion concerning the appointment.

Any adult developmentally disabled person for whom guardianship or conservatorship is sought pursuant to this article shall be informed by a member or designee of the regional center and by the court of his right to counsel; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

If an affidavit or certificate has been filed, as provided in Section 416.7, evidencing the inability of the alleged developmentally disabled person to be present at the hearing, the psychologist or social worker assisting in preparing the report and who is required to visit each person as provided in Section 416.8 shall communicate such information to the person during the visit, consult such person to determine his opinion concerning the appointment, and be prepared to testify as to such person's opinion, if any.

SEC. 2. Section 416.19 of the Health and Safety Code is amended to read:

416.19. The services to be rendered by the director as adviser or as guardian or conservator of the person shall be performed through the regional centers or by other agencies or individuals designated by the regional centers.

SEC. 3. Section 38001 of the Health and Safety Code is amended to read:

38001. The State of California accepts a responsibility for its developmentally disabled citizens and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their

families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance.

The complexities of providing services to developmentally disabled persons require the coordinated services of state departments and community agencies in order to insure that no gaps occur in communication or provision of services.

Services should be planned and provided as a part of a continuum. A pattern of facilities and eligibility should be established which is so complete as to meet the needs of each developmentally disabled person, regardless of age or degree of handicap, and at each stage of his life's development.

SEC. 4. Section 38003 of the Health and Safety Code is amended to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for developmentally disabled persons and their families.

(b) "Director" means the Director of Health.

(c) "Department" means the State Department of Health.

(d) "Secretary" means the Secretary of the Health and Welfare Agency.

(e) "State council" means the State Developmental Disabilities Planning and Advisory Council.

(f) "Area board" means an areawide developmental disabilities program board.

(g) "Area plan" means an areawide developmental disabilities plan.

(h) "Developmental disability" means a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial handicap for such individual. As defined by the Director of Health this term includes disabilities found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. Such disabilities may be attributable to mental retardation, cerebral palsy, epilepsy, autism, or other neurological handicapping conditions.

SEC. 5. Section 38004 of the Health and Safety Code is amended to read:

38004. Notwithstanding any other provision of law, developmentally disabled persons shall not be released from state hospitals on leaves of absence, except for short home visits not to exceed 60 days, but shall be referred to a regional center for services pursuant to this division. Developmentally disabled persons may also be released from state hospitals for provisional placement, with parental consent in the case of a minor or with the consent of an adult developmentally disabled person or his guardian or conservator, not to exceed six months and shall be referred to a regional center for services pursuant to this division. Any person placed pursuant to this

section shall have an automatic right of return to the state hospital during the period of provisional placement.

SEC. 6. Section 38053 of the Health and Safety Code is amended to read:

38053. Of the members first appointed, five shall serve for one year, five shall serve for two years, and the remaining members shall serve for three years. Subsequent members shall serve for three years. In counties with more than 100,000 population, no member shall serve more than two consecutive three-year terms.

SEC. 7. Section 38054.2 of the Health and Safety Code is amended to read:

38054.2. The governing bodies of the counties in each area and the Governor shall request recommendations for persons who have a demonstrated and direct interest in developmental disabilities to be appointed to the area boards from:

(a) Organizations representing parents of persons who are developmentally disabled;

(b) Professional organizations representing the various professional disciplines to be included on the board; and

(c) Such mental retardation coordinating councils as may exist.

SEC. 8. Section 38058 of the Health and Safety Code is amended to read:

38058. Each area board shall adopt an areawide developmental disabilities plan.

The purpose of an area plan shall be to ensure the provision of services as specified in this division in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, an area plan shall provide for the most appropriate and economical use of all existing public and private developmental disabilities agencies and professional personnel. An area plan must include the fullest possible participation by Short-Doyle agencies, state hospitals and clinics, public and private hospitals, public and private education, health and welfare agencies, and all such other public and private agencies and professional personnel as are required to, or may agree to, participate in the area plan.

SEC. 9. Section 38060 of the Health and Safety Code is amended to read:

38060. Area plans shall be submitted to the Areawide Comprehensive Health Planning Agency for review, to the State Developmental Disabilities Council for review, and to the secretary for approval and transmission to the Advisory Health Council.

SEC. 10. Section 38062 of the Health and Safety Code is amended to read:

38062. Each area board shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The board chairman shall appoint all members of committees of the area board.

An area board may appoint such advisory consultants and committees composed of professional persons serving the developmentally disabled as necessary for technical assistance and may call upon representatives of state agencies for help in implementing the plan.

SEC. 11. Section 38062.1 is added to the Health and Safety Code, to read:

38062.1. Notwithstanding any other provision of law, any contract entered into between the department and an area board may provide for periodic advanced payments for services to be performed under such contract. No advanced payment made pursuant to this section shall exceed 25 percent of the total annual contract amount.

SEC. 12. Section 38063 of the Health and Safety Code is amended to read:

38063. Each area board may appoint an executive secretary who may appoint persons to such staff positions as the area board may authorize. In approving funding for such positions, the secretary shall give due consideration to the relative population and geographic area served within each area. The affirmative votes of a majority of the members of the area board shall be necessary for the appointment or removal of an executive secretary.

SEC. 13. Section 38103 of the Health and Safety Code is amended to read:

38103. A regional center shall investigate every appropriate and economically feasible alternative for care of a developmentally disabled person available within the region. If suitable care cannot be found within the region, services may be obtained outside of the region.

Except for those developmentally disabled persons placed in state hospitals pursuant to the Lanterman-Petris-Short Act, no developmentally disabled person shall be admitted to a state hospital except upon the referral of a regional center. Upon discharge from a state hospital, a developmentally disabled person shall be referred to an appropriate regional center. The department may contract with appropriate agencies for regional center services in those regions where a regional center is not yet fully operative.

SEC. 14. Section 38104 of the Health and Safety Code is amended to read:

38104. Any person believed to be developmentally disabled shall be eligible for initial intake and for diagnostic and counseling services in the regional centers. In order to assure uniformity in the application of the definition contained in subdivision (h) of Section 38003, the director shall issue guidelines that delineate, by diagnostic category and degree of handicap, those persons who are eligible for services under this division. In issuing the guidelines, the director shall consider the views of regional center directors, the state council, and persons with a demonstrated and direct interest in developmental disabilities. In addition to any person eligible for

regional center services under this section, regional centers may provide or cause to be provided genetic counseling services to any pregnant woman determined to be at high risk of delivering a defective or handicapped infant because of genetic disorder.

SEC. 15. Section 38106 of the Health and Safety Code is amended to read:

38106. The regional centers shall provide and perform or cause to be performed services including, but not limited to, the following:

(a) Diagnosis.

(b) Counseling on a continuing basis. Counseling shall include advice and guidance to any developmentally disabled person and his family, to assist them in locating and using suitable facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; suitable residential facilities; and state hospital facilities.

(c) Provide state funds to vendors of service to the developmentally disabled.

(d) Maintain a registry and individual case records.

(e) Systematic followup of the developmentally disabled as indicated.

(f) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.

(g) Maintain a staff according to standards set by the director.

(h) Report as required to the area board and the secretary on services provided and unmet needs in the region.

(i) Develop a plan for developmental disabilities services in the region to be submitted to the area board at such time and in such form as required by the area board or the secretary.

SEC. 16. Section 38110 of the Health and Safety Code is amended to read:

38110. In accordance with this section, the director of a regional center or physician designated by the director which has placed a developmentally disabled person in an out-of-home placement may give consent to medical, dental, and surgical treatment of the developmentally disabled person and provide for such treatment to be given to the person.

If the developmentally disabled person's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the director of the regional center or physician designated by the director for the granting or denying of consent for such treatment, the director of the regional center or physician designated by the director may consent, on behalf of the developmentally disabled person, to such treatment and provide for such treatment to be given to such person.

If the developmentally disabled person has no parent, guardian, or conservator legally authorized to consent to medical, dental, or

surgical treatment on behalf of the developmentally disabled person, the director of the regional center or physician designated by the director may consent to such treatment on behalf of the developmentally disabled person and provide for such treatment to be given to the developmentally disabled person. The director of the regional center or physician designated by the director may thereupon also initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical services.

If the developmentally disabled person is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the developmentally disabled person on the developmentally disabled person's behalf only if the developmentally disabled person is mentally incapable of giving his own consent.

SEC. 17. Section 38120 of the Health and Safety Code is amended to read:

38120. Every adult who is or has been admitted or committed to a state hospital, community care facility as defined in Section 1504, or health facility as defined in Section 1250, as a developmentally disabled patient shall have a right to a hearing by writ of habeas corpus for his release from the hospital, community care facility or health facility after he or any person acting on his behalf makes a request for release to any member of the staff of the state hospital, community care facility or health facility or to any employee of a regional center.

The member of the staff or regional center employee to whom a request for release is made shall promptly provide the person making the request for his signature or mark a copy of the form set forth below. The member of the staff, or regional center employee, as the case may be, shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the medical director of the state hospital, the administrator or director of the community care facility or the administrator or director of the health facility, as the case may be, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the state hospital, community care facility, or health facility is located of the request for release and shall transmit a copy of the request for release to the person's parent, guardian, or conservator together with a statement that notice of judicial proceedings taken pursuant to such request will be forwarded by the court. The copy of the request for release and such notice shall be sent by the person notified by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested. The person notified shall also transmit a copy of the request for release and the name and address of the person's parent, guardian, or conservator to the court.

Any person who intentionally violates this section is guilty of a

misdemeanor.

The form for a request for release shall be substantially as follows:

(Name of the state hospital, community care facility, or health facility or regional center) _____ day of _____ 19__

I, _____ (member of the staff of the state hospital, community care facility, or health facility or employee of the regional center), have today received a request for the release from _____ (name of state hospital) State Hospital, community care facility, or health facility of _____ (name of patient) from the undersigned patient on his own behalf or from the undersigned person on behalf of the patient.

_____

Signature or mark of patient making request for release

_____

Signature or mark of person making request on behalf of patient

SEC. 18. Section 38121 of the Health and Safety Code is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital, community care facility, or health facility is located. The adult requesting to be released shall be informed of his right to counsel by a member of the staff of the state hospital, community care facility, or health facility and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

At the time the petition for the writ of habeas corpus is filed with court, the clerk of the court shall transmit a copy of the petition, together with notification as to the time and place of any evidentiary hearing in the matter, to the parent, guardian, or conservator of the person seeking release or for whom release is sought and to the director of the appropriate regional center. Such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested.

The court shall either release the adult or order an evidentiary hearing to be held not sooner than five judicial days nor more than 10 judicial days after the petition and notice to the adult's parent, guardian, or conservator and to the director of the appropriate regional center are deposited in the United States mail pursuant to this section If the court finds (a) that the adult requesting release or for whom release is requested is not developmentally disabled, or (b) that he is developmentally disabled and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he

shall be immediately released. If the court finds that he is developmentally disabled and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the developmentally disabled adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the developmentally disabled adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is developmentally disabled and has no parent, guardian, or conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the developmentally disabled adult.

SEC. 19. Section 38122 of the Health and Safety Code is amended to read:

38122. This chapter shall not be construed to impair the right of a guardian or conservator of an adult developmentally disabled patient to remove the patient from the state hospital at any time pursuant to Section 38150.

SEC. 20. Section 38123 of the Health and Safety Code is amended to read:

38123. If a regional center recommends that an adult be admitted to a state hospital as a developmentally disabled patient or to a community care facility or health facility as a developmentally disabled resident, the employee or designee of the regional center responsible for making such recommendations shall certify in writing that neither the person recommended for admission to the state hospital, community care facility, or health facility, nor any other person on behalf of the person so recommended for admission has made objection to such admission to the person making such recommendation. The regional center shall transmit such certificate, or a copy thereof, to the state hospital, community care facility, or health facility.

A state hospital, community care facility, or health facility, shall not admit any adult as a developmentally disabled patient on recommendation of a regional center unless a copy of such certificate has been transmitted pursuant to this section.

Any person who, knowing that objection to state hospital, community care facility, or health facility, admission has been made, certifies that no objection has been made, is guilty of a misdemeanor.

SEC. 21. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall

represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a developmentally disabled person who is not in a state hospital and one member shall be the parent of a developmentally disabled child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the developmentally disabled. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the developmentally disabled.

The Director of Health, the Director of Benefit Payments, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. Subsequent members appointed by the Governor shall hold office for three years. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years. In no event shall any member be appointed for more than two consecutive three-year terms.

SEC. 22. Section 38201 of the Health and Safety Code is amended to read:

38201. The members of the state council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

The state council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the council shall be open to the public.

The state council shall, by majority vote of the voting members, elect its own chairman from among the 11 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the state council. The chairman may appoint such consultants and advisory committees composed of professional persons serving the developmentally disabled as necessary for technical assistance.

SEC. 23. Section 38205 of the Health and Safety Code is amended to read:

38205. The state council may appoint an executive secretary who may appoint persons to such staff positions as the council may authorize. The secretary shall provide the council with a reasonable budget to support such positions. The affirmative votes of a majority of the members of the council shall be necessary for the appointment

or removal of the executive secretary.

SEC. 24. Section 38255 of the Health and Safety Code is amended to read:

38255. The director shall establish rates of state payment for services purchased by regional centers for developmentally disabled persons. An equitable system of rates shall be developed, maintained, and revised as necessary under this chapter. In developing such a rate system the director shall meet, at least annually, with appropriate representatives of the County Supervisors Association for the purpose of comparing state and county rate policies. It is the intent of the Legislature that to the maximum extent feasible state and county rates so established shall be consistent and equitable.

SEC. 25. Section 1461.5 of the Probate Code is amended to read:

1461.5. Prior to the appointment of a guardian for the person and estate or person or estate of an insane or an incompetent person, the court shall inform the alleged insane or incompetent person as to the nature and purpose of the guardianship proceeding, that the appointment of a guardian for his person or estate or person or estate is a legal adjudication of his incompetence, the effect of such an adjudication on his basic rights, and the identity of the person who has been nominated as his guardian. After communicating such information to the person and prior to the appointment of his guardian, the court shall consult the person to determine his opinion concerning the appointment. Any adult developmentally disabled person for whom guardianship or conservatorship is sought pursuant to this article shall be informed of his right to counsel by the court; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

If the alleged insane or incompetent person is unable to attend the hearing and such inability has been medically certified pursuant to Section 1461, the provisions of this section shall not apply.

SEC. 26. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. As used in this article, "mentally retarded persons" means those persons, not psychotic, who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feebleminded" and "feeblemindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section. All persons heretofore committed or admitted as feebleminded to any state hospital for the mentally retarded, or committed to the State Department of Health for

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placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

SEC. 27. Section 6500.1 of the Welfare and Institutions Code is amended to read:

6500.1. On and after July 1, 1971, no mentally retarded person may be committed to the State Department of Health pursuant to this article, unless he is a danger to himself or others.

Any order of commitment made pursuant to this article shall expire automatically one year after the order of commitment is made. This section shall not be construed to prohibit any party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. In the event such subsequent petitions are filed, the procedures followed shall be the same as with an initial petition for commitment.

In any proceedings conducted under the authority of this article the alleged mentally retarded person shall be informed of his right to counsel by the court; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

SEC. 28. Section 7518 of the Welfare and Institutions Code is amended to read:

7518. In accordance with this section, the medical director of a state hospital with programs for developmentally disabled patients, as defined in Section 38003 of the Health and Safety Code, may give consent to medical, dental, and surgical treatment of a minor developmentally disabled patient of the hospital and provide for such treatment to be given to the patient.

If the patient's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the medical director for the granting or denying of consent for such treatment, the medical director may consent, on behalf of the patient, to such treatment and provide for such treatment to be given the patient.

If the patient has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the patient, the medical director may consent to such treatment on behalf of the patient and provide for such treatment to be given to the patient. The medical director may immediately thereupon also request the appropriate regional center for the developmentally disabled to initiate or cause to be initiated proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical treatment.

If the patient is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the patient on the patient's behalf only if the patient is mentally incapable of giving his own consent.

SEC. 29. Section 10053.8 of the Welfare and Institutions Code is amended to read:

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10053.8. The State Department of Health or through the county department may provide protective social services:

(a) For the care of mentally retarded and developmentally disabled patients released from state hospitals of the State Department of Health, or to prevent the unnecessary admission of mentally retarded and developmentally disabled persons to hospitals at public expense or to facilitate the release of mentally retarded and developmentally disabled patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if provision for such services is made in the areawide mental retardation plan.

(b) For the care of mentally disordered patients released from state hospitals or to prevent the unnecessary admission of mentally disordered persons to hospitals at public expense or to facilitate the release of mentally disordered patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if provision for such services is made in the county Short-Doyle plan for the county.

The State Department of Benefit Payments to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the State Department of Health, for mentally disordered, mentally retarded or developmentally disabled persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. The monthly rate for such private home care shall be set by the State Department of Health at an amount which will provide the best possible care at minimum cost and also insure:

(1) That the person will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and

(2) That sufficient homes can be recruited to achieve the stated objectives of this section.

For all such persons without public or private financial resources who are placed in private homes at state expense, the State Department of Benefit Payments may provide from local assistance budget funds, at a rate to be determined by the Secretary of the Health and Welfare Agency, moneys necessary to furnish clothing and to meet incidental living expenses. No such moneys shall be provided by the State Department of Health for mentally retarded patients after July 1, 1971.

It is the legislative intent that the State Department of Health may make the fullest possible use of available resources in serving mentally retarded and developmentally disabled persons.

Notwithstanding any other provision of law, any contract or grant entered into with a public or private nonprofit corporation for the provision of services to mentally retarded and developmentally disabled persons may provide for periodic advance payments for services to be performed under such contract. No advanced payment made pursuant to this section shall exceed 25 percent of the total

annual contract amount.

Any funds expended for the care of persons in a private home certified by the State Department of Health, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the Department of Benefit Payments only if the State Department of Health and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the Department of Benefit Payments for 10 percent of the amount expended by the State Department of Health, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10 percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 (commencing with Section 5000) in accordance with Section 5709.5.

The State Department of Health may provide services pursuant to this section directly or through contract with public or private entities.

The State Department of Health, or through the county department may provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354, for judicially committed patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the Department of Benefit Payments or the State Department of Health for that purpose or for the support of patients in state hospitals.

In facilitating the release of mentally disordered patients or persons who have been mentally disordered patients to suitably licensed facilities, the State Department of Health shall provide the licensee with information concerning the previous conduct of the patients which would be relevant in determining the suitability of the particular facility for the patient and the suitability of placement of such patient in such facility. The release of this information shall be consistent with the confidentiality guidelines under the Lanterman-Petris-Short Act and the Short-Doyle Act.

SEC. 30. The sum of twenty-two thousand dollars ($22,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act; provided, claims for direct and indirect costs hereunder shall be filed as prescribed by the State Controller.

CHAPTER 695

An act to add Section 4018.6 to the Penal Code, relating to removal or release from custody.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4018.6 is added to the Penal Code, to read:

4018.6. The sheriff of the county may authorize the temporary removal under custody or temporary release without custody of any inmate of the county jail, honor farm, or other detention facility for family emergencies or for purposes preparatory to his return to the community, if the sheriff concludes that such inmate is a fit subject therefor. Any such temporary removal shall not be for a period of more than three days. When an inmate is released for purposes preparatory to his return to the community, the sheriff may require the inmate to reimburse the county, in whole or in part, for expenses incurred by the county in connection therewith.

CHAPTER 696

An act to amend Section 15832 of the Elections Code, relating to elections.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 15832 of the Elections Code is amended to read:

15832. The precinct board, or if the election board so directs, a board, or boards, at a central counting place shall examine the ballots and count the votes cast for candidates whose names have been written in. If a separate write-in ballot is used, the board shall number each write-in ballot which contains a write-in vote, starting with the number 1, and the same number shall be placed on the ballot card in the place designated for this purpose. Before any such vote is counted the board shall examine the ballot to ascertain whether the write-in vote is valid, and count it only if it is found to be valid. Neither a vote registered by punching or slotting nor a write-in vote shall be counted if the voter has marked his ballot by a combination of punching or slotting the ballot card and writing in, a choice of more names than there are candidates to be elected or nominated for any office. All valid write-in votes shall be tabulated and certified to the clerk on forms provided for this purpose, and the

write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

CHAPTER 697

An act to amend Sections 6850, 6851, 6852, and 6854 of, and to repeal Section 6853 of, the Fish and Game Code, relating to frogs.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6850 of the Fish and Game Code is amended to read:

6850. As used in this article, "frog" means all species of frog.

SEC. 2. Section 6851 of the Fish and Game Code is amended to read:

6851. Except as otherwise provided in this code or in regulations adopted by the commission, it is unlawful to take or possess any frog for commercial purposes.

SEC. 3. Section 6852 of the Fish and Game Code is amended to read:

6852. Any person who conducts a place of business where frogs are sold to the public for food, or who takes or possesses frogs for sale to, or for use by, educational or scientific institutions for scientific purposes, may possess only at such place of business any number of frogs which have been legally obtained pursuant to this code or regulations adopted by the commission.

A licensed domesticated fish breeder may domestically propagate and raise frogs, and kill, possess and sell any number so raised and propagated.

SEC. 4. Section 6853 of the Fish and Game Code is repealed.

SEC. 5. Section 6854 of the Fish and Game Code is amended to read:

6854. It is unlawful to take frogs by the use of firearms of any caliber or type.

CHAPTER 698

An act to add Section 99285.1 to the Public Utilities Code, relating to public transportation.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 99285.1 is added to the Public Utilities Code, to read:

99285.1. For any fiscal year commencing on and after July 1, 1975, in determining the allocation of any operator pursuant to Section 99285, the public transit service mileage of any operator which has lost any days of operation due to strikes occurring prior to August 1, 1975, civil disorders, or acts of God shall equal its actual public transit service mileage times the number of days it would have been in operation but for such causes, divided by the number of days it was in actual operation.

CHAPTER 699

An act to amend Sections 20046, 20047, 20048, 20050, 20051, 20053, 20060, 20061, 20062, 20063, 20064, and 35854 of the Water Code, relating to district securities.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20046 of the Water Code is amended to read:

20046. The written report of the State Treasurer shall be filed in the office of the State Treasurer, and a copy of the report shall be forwarded by the State Treasurer to the secretary of the district for which the investigation was made.

SEC. 2. Section 20047 of the Water Code is amended to read:

20047. If the State Treasurer finds as set out in the report that the project of a district is economically sound and feasible or finds that there is a necessity for the accomplishment of the project as part of a regional plan and is of the opinion that adequate funds will be available to pay all bond principal and interest when due, the bonds of the district enumerated in the report are entitled to certification as provided in this chapter.

SEC. 3. Section 20048 of the Water Code is amended to read:

20048. If the State Treasurer is notified by the governing board of any district whose project has been found in a report of the State Treasurer to be economically sound and feasible, that the district has authorized bonds approved but not enumerated in the report, and the State Treasurer finds that the bonds are for any project approved in the report, the State Treasurer shall prepare and file a supplementary report giving the numbers, date or dates of issue, and denominations of the bonds which shall then be entitled to certification.

SEC. 4. Section 20050 of the Water Code is amended to read:

20050. After any bonds of a district become entitled to certification by the State Treasurer, the district shall not issue bonds not entitled to certification as provided in this chapter.

SEC. 5. Section 20051 of the Water Code is amended to read:

20051. The State Treasurer is authorized, on not less than five days' notice to the district, to revoke any report validating bonds for certification prior to actual certification of the bonds described therein, whenever in the opinion of the State Treasurer such revocation is desirable.

SEC. 6. Section 20053 of the Water Code is amended to read:

20053. After issuing an order of revocation, the State Treasurer shall not certify the bonds described therein unless and until a new report, based upon a new application by the district, shall be made by the State Treasurer.

SEC. 7. Section 20060 of the Water Code is amended to read:

20060. The State Treasurer shall provide for both:

(a) Filing and preserving each report made upon an application for approval of bonds for certification.

(b) Making and preserving a record of the bonds certified by the State Treasurer, including in the record all of the following:

(1) The date of certification.

(2) The name of the district.

(3) The number of each bond.

(4) Its par value.

(5) The date of its issue.

(6) The date of its maturity.

SEC. 8. Section 20061 of the Water Code is amended to read:

20061. Whenever any bond entitled to certification is presented to the State Treasurer, he or she shall certify it by attaching to it a certificate in substantially the following form:

Sacramento, Cal. _____ (insert date), I, _____, Treasurer of the State of California, certify that the within bond, No. _____ of issue No. _____ of the _____ District, issued _____ (insert date), is a legal investment for all trust funds, for the funds of all insurance companies, commercial banks, savings banks subject to Section 1359 of the Financial Code, trust companies, the state school funds, and any funds which may be invested in county, municipal, or school district bonds, and it may be deposited as security for the performance of any act whenever the bonds of any county, city, city and county, or school district may be so deposited, including deposit as security for public money, it being entitled to these privileges by virtue of an examination by the State Treasurer.

_____

Treasurer of the State of California

SEC. 9. Section 20062 of the Water Code is amended to read:

20062. In case of a change in the Constitution or any laws of this state relating to the bonds of a district or any difference in them, the State Treasurer shall, if necessary, modify the certificate to conform

to the facts.

SEC. 10. Section 20063 of the Water Code is amended to read:

20063. A facsimile of the State Treasurer's signature, printed or otherwise, impressed upon the certificate, is a sufficient signature if the imprint of the State Treasurer's seal appears upon both the certificate and the bond over and through the signature.

SEC. 11. Section 20064 of the Water Code is amended to read:

20064. All bonds certified in accordance with this chapter are legal investments for all trust funds, for the funds of all insurance companies, commercial banks, savings banks subject to Section 1359 of the Financial Code, trust companies, the state school funds, and any funds which may be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the state.

SEC. 12. Section 35854 of the Water Code is amended to read:

35854. All contracts entered into or made pursuant to this chapter shall be first approved by the State Treasurer if:

(a) The contract requires the district to make payments in any one year in an amount exceeding one-fourth of 1 percent of the total valuation of the land in the district according to the last equalized assessment roll; or if

(b) The contract was entered into or made with the United States.

CHAPTER 700

An act to add Sections 675.5 and 675.6 to, and to add Chapter 2 (commencing with Section 11300) to Division 5 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 675.5 is added to the Vehicle Code, to read:

675.5. A "vehicle verifier" is a person not expressly excluded by Section 675.6 who inspects, records, documents, and submits to the department, or its authorized representative, such proof of vehicle identification as may be required by the department for the purpose of registering or transferring the ownership of vehicles.

SEC. 2. Section 675.6 is added to the Vehicle Code, to read:

675.6. (a) "Vehicle verifier" does not include any of the following:

(1) A peace officer.

(2) An authorized employee of the department.

(3) A special agent of the National Auto Theft Bureau.

(4) An employee of an organization certified under the provisions of Part 5 (commencing with Section 12140) of Division 2 of the Insurance Code whose duties require or authorize the verification of vehicles.

(b) Any person specified in subdivision (a) may perform the duties of a vehicle verifier without obtaining the special permit required in Section 11300.

SEC. 3. Chapter 2 (commencing with Section 11300) is added to Division 5 of the Vehicle Code, to read:

CHAPTER 2. VEHICLE VERIFIERS

11300. It shall be unlawful for any person to act as a vehicle verifier without first having procured a vehicle verifier's permit issued by the department, or when such permit has been canceled, suspended, revoked or invalidated.

11301. Every vehicle verifier shall make application to the department upon the appropriate form, accompanied by a good and sufficient bond, approved as to form by the Attorney General, in the amount of five thousand dollars ($5,000) with corporate surety thereon, duly licensed to do business within the State of California.

(a) The department shall prescribe and provide forms to be used for application for permits to be issued under the terms and provisions of this chapter and require of such applicants information including, but not limited to, fingerprints, and personal history statements touching on and concerning the applicant's character, honesty, integrity, and reputation as it may consider necessary.

(b) Upon receipt of an application in proper form accompanied by the appropriate fee, the department shall within 120 days, make a thorough investigation of the information contained in the application.

11302. (a) The department may issue, or for reasonable cause shown, refuse to issue, a vehicle verifier's permit to any applicant, or may, after notice and hearing, suspend or revoke such permit when satisfied that the applicant or permittee:

(1) Has violated any of the provisions of this division or has committed any acts which are grounds for the refusal to issue, or the suspension or revocation of a permit or license issued under this division.

(2) Has purchased, sold, or otherwise acquired or disposed of, a vehicle which was stolen or embezzled or has performed or submitted to the department, or its authorized representative, documents purporting verification of a vehicle which was stolen or embezzled.

(3) Has, in the course of performing a vehicle verification, acted with such negligence or incompetence in the reporting of erroneous information to the department, or its authorized representative, so as to cause the department to issue inaccurate certificates of ownership or registration, or any other documents or indices which it would not otherwise have issued.

(b) Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of

Part 1 of Division 3 of Title 2 of the Government Code.

11305. It shall be unlawful and cause of disciplinary action for the holder of a vehicle verifier's permit:

(a) To submit to the department, or its authorized representative, any document which purports to evidence the verification of any vehicle, without having actually physically inspected such vehicle to determine the existence of proper vehicle identification.

(b) To fail to report to the department, in a manner prescribed by the department, the absence, alteration, or obvious attempt to alter or obliterate any identifying number or number plate, or remove or attempt to remove such plate on any vehicle for which verification is performed.

(c) To fail to physically compare identifying numbers on a vehicle inspected to the information contained in any document of title, registration, or any other form describing such vehicle.

(d) To cause any person to suffer any loss or damage by reason of any fraud or deceit practiced upon such person in the course of the conducting of business under the vehicle verifier's permit.

(e) To violate one or more terms and provisions of Section 20, or of Division 3 (commencing with Section 4000), or of this division of this code, or any rules or regulations adopted pursuant thereto, or of Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code.

11306. (a) If the department issues or renews a vehicle verifier's permit requiring conditions of probation, or if the department refuses to issue a vehicle verifier's permit, the applicant shall be entitled to demand, in writing, a hearing as provided in this chapter, before the director, or his representative, within 60 days after notice of refusal or issuance of the probationary permit.

(b) Except where the provisions of this code require the refusal to issue a permit, the department may issue a probationary permit subject to conditions to be observed by the permittee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) The department may, pending a hearing, temporarily suspend the permit issued to a vehicle verifier for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case, a hearing shall be held and a decision thereon issued within 30 days after notice of the temporary suspension.

(d) A person whose application for a permit has been denied may reapply for such permit after a period of not less than one year has elapsed from the date of filing of such denial.

11307. (a) A vehicle verifier shall maintain a record of each verification made The record shall contain all of the following:

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(1) The name and address of the person requesting the verification and the fee charged for such verification.

(2) The year model, vehicle identification number, license plate number of the vehicle verified and the state in which the vehicle was last registered.

(b) All records maintained by a vehicle verifier shall be open to inspection by any peace officer.

11308. The department may adopt rules and regulations concerning the issuance, use, and renewal of a vehicle verifier's permit, and for determining the competence of an applicant therefor.

11309. (a) The following fees for a vehicle verifier's permit shall be paid to the department:

(1) For the application and original permit, twenty-five dollars ($25).

(2) For an application for renewal, fifteen dollars ($15).

(b) All permits shall be renewed on a biennial basis. All original permits shall be issued for a period of not less than two years, except in the case of a probationary license which, in the discretion of the department, may be issued for a shorter term.

11310. Any person who holds a vehicle verifier's permit issued before the operative date of this chapter shall comply with the provisions of this chapter within three months after its operative date.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 5. The sum of fifteen thousand six hundred dollars ($15,600) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for expenditure without regard to fiscal year for the purposes of this act.

CHAPTER 701

An act to amend Sections 9000 and 9002, and to add Section 9001 to, the Fish and Game Code, relating to lobsters and crabs.

[Approved by Governor September 12, 1975 Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9000 of the Fish and Game Code is amended to read:

9000. Crab traps may be used in Districts 1½, 6, 7, 8, 9, 10, 11, 12, 13, 17, and 18, north of Point Conception to take crabs only.

SEC. 2. Section 9001 is added to the Fish and Game Code, to read:

9001. Crab traps may be used in Districts 18 south of Point Conception and 19 to take sheepshead and crabs other than market crabs (Cancer magister) provided the person using such traps shall procure a trap permit as specified in Section 9000.5. Other species of fish taken in such traps shall be released. No person shall possess any lobster aboard a vessel while such vessel is being used to take crab or sheepshead as provided by this section. All crab traps used in Districts 18 south of Point Conception and 19 shall be constructed of rectangular wire mesh with inside mesh measurement not less than 1⅞ inches by 3⅞ inches, the 3⅞-inch measurement parallel to the floor of the trap.

SEC. 3. Section 9002 of the Fish and Game Code is amended to read:

9002. Lobster traps may be used to take spiny lobsters in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point.

Lobster traps shall be emptied not less than every 96 hours and no trap shall be abandoned in the ocean.

Wire traps shall be built of rectangular mesh with inside mesh measurement not less than 1⅞ inches by 3⅞ inches, the 3⅞-inch measurement to be parallel to the floor of the trap. Such traps shall be fitted with rigid rectangular escape gaps with inside measurements not less than 2⅜ inches by 11½ inches. At least one escape gap shall be located parallel to, and within two inches of, the floor on an outside wall of each chamber of the trap and shall be clearly accessible to the lobsters.

Traps built of lath or other material shall have along the full length of two sides openings to allow a means of escape. Such openings shall be of a spacing of not less than 2⅜ inches, and such spacing shall be located parallel to, and within two inches of, the floor of the trap.

Lobster traps may be used to take spiny lobsters, rock crabs, and sheepshead only, and any other species taken in such traps shall be released. Such traps may be used only during the season prescribed for spiny lobsters. Spiny lobsters taken in the manner commonly known as skindiving or by use of self-contained underwater breathing apparatus may not be sold.

Lobster traps shall be marked with buoys, and such buoys may be distinctively marked or painted by the fisherman, and may include the use of the fisherman's lobster permit number. The marking or painting of a buoy under this section shall be reported to the department.

Any trap without such buoys is a public nuisance.

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It is unlawful to willfully disturb, move, or injure a lobster trap belonging to another person.

CHAPTER 702

An act to amend Sections 5606.5 and 5801 of the Welfare and Institutions Code, relating to drug abuse.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5606.5 of the Welfare and Institutions Code is amended to read:

5606.5. Each county shall have an advisory committee on drug abuse, the members of which shall be appointed by the board of supervisors. The committee may be either independent or under the jurisdiction of the advisory board established pursuant to Section 5604 at the option of the board of supervisors. The membership of the advisory committee shall be composed of representatives of law enforcement agencies, public drug programs, private drug programs, education, and the general public selected by the board of supervisors.

The county advisory committee shall:

(a) Review and evaluate the community's drug program needs, services, facilities, and special programs.

(b) Review the drug program portion of the county Short-Doyle plan. This review, at the option of the county, may be in lieu of the mandated review of the local mental health advisory board.

(c) Act in an advisory capacity only, reporting its findings and recommendations to the county drug program coordinator designated pursuant to Section 5802.

SEC. 2. Section 5801 of the Welfare and Institutions Code is amended to read:

5801. As used in this chapter:

(a) "Coordinator" means the county drug program coordinator designated pursuant to Section 5802.

(b) "Advisory committee" means the county advisory committee established pursuant to Section 5606.5.

(c) "Department" means the State Department of Health.

(d) "Director" means Director of Health.

CHAPTER 703

An act to amend Sections 311, 11100, 11102.5, 11103, 11104, 11106, 11107, 11110, and 11111 of, to amend and renumber Section 311.5 of, to add Sections 310.4, 310.6, 11101, 11102, 11105.2, 11108, 11113, and 11114 to, and to repeal Sections 11101, 11102, 11108, 11113, 11114, and 11115 of, the Vehicle Code, relating to driving schools, and making an appropriation therefor.

[Approved by Governor September 12, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 310.4 is added to the Vehicle Code, to read:

310.4. A "driving instructor" is, except as provided in Section 11105.5, an employee of a driving school licensed by the department to instruct others in the operation of motor vehicles.

SEC. 2. Section 310.6 is added to the Vehicle Code, to read:

310.6. A "driving school" is a business which, for compensation, conducts or offers to conduct instruction in the operation of motor vehicles. As used in this section, "instruction" includes classroom driver education, in-vehicle driver training, and correspondence study.

SEC. 3. Section 311.5 of the Vehicle Code is amended and renumbered to read:

310.8. A "driving school operator" is either a driving school owner who operates his own driving school or an employee of a driving school who is designated by the driving school owner of such school to personally direct and manage the school for the owner.

SEC. 4. Section 311 of the Vehicle Code is amended to read:

311. A "driving school owner" is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver's license issued by the department.

SEC. 5. Section 11100 of the Vehicle Code is amended to read:

11100. No person shall own or operate a driving school or give driving instruction for compensation, unless a license therefor has been secured from the department.

SEC. 6. Section 11101 of the Vehicle Code is repealed.

SEC. 7. Section 11101 is added to the Vehicle Code, to read:

11101. (a) The provisions of this chapter shall not apply to any of the following:

(1) Public schools or educational institutions in which driving instruction is part of the curriculum.

(2) Nonprofit public service organizations offering instruction without a tuition fee.

(3) Commercial schools giving only off-the-highway instruction in

the operation of special construction equipment, as defined in this code.

(4) Vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles.

(5) Employers giving instruction to their employees.

(6) Commercial schools engaged exclusively in giving off-the-highway instruction in the operation of racing vehicles or in advanced driving skills to persons holding valid drivers' licenses, except whenever such instruction is given to persons who are being prepared for examination by the department for any class of driver's license.

(b) For purposes of this section, "racing vehicle" means a motor vehicle of a type which is used exclusively in a contest of speed and which is not intended for use on the highways.

SEC. 8. Section 11102 of the Vehicle Code is repealed.

SEC. 9. Section 11102 is added to the Vehicle Code, to read:

11102. (a) A driving school owner shall:

(1) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving school owner, would be grounds for the suspension or revocation of his license.

(2) Pay to the department an initial application fee of fifty dollars ($50) and an initial investigation and inspection fee of fifty dollars ($50).

(3) Maintain an established place of business open to the public. No office or place of business shall be situated within 500 feet of any building used by the department as an office, unless the owner was established at such location on or before January 1, 1976.

(4) Have the proper equipment necessary to giving instruction in the operation of the class of vehicles for which the course is designed.

(5) Procure and file with the department a good and sufficient bond in the amount of two thousand dollars ($2,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, and conditioned that such applicant shall not practice any fraud or make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant. The aggregate liability of the surety for all claims of such persons shall, in no event, exceed the penal sum of such bond. The alternative requirement of a cash deposit as provided for in this section can be satisfied by any of the following:

(i) Certificates of deposit payable to the department issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(ii) Investment certificates or share accounts assigned to the department and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(iii) Cash deposited with the department.

The terms and conditions pertaining to each of the foregoing types of security shall be prescribed by the department.

(6) Meet the requirements of Section 11102.5. If the owner is not the operator of the driving school, he shall designate an operator who shall meet the requirements of Section 11102.5.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application and fee shall be required.

SEC. 10. Section 11102.5 of the Vehicle Code is amended to read:

11102.5. (a) A driving school operator shall:

(1) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving school operator, would be grounds for the suspension or revocation of his license.

(2) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, and office procedures and recordkeeping.

(3) Pay to the department an initial application fee of fifty dollars ($50) which shall entitle the applicant to three examinations.

(4) Be 18 years of age or older.

(5) Have worked for an established licensed California driving school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that this paragraph does not apply to any person who is certified by the Department of Education as fully qualified to teach driver education and driver training and has taught such subjects in the public school system for a period of not less than 1,000 hours.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

SEC. 11. Section 11103 of the Vehicle Code is amended to read:

11103. A driving school owner and an independent instructor licensed under Section 11105.5 shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor, and any person taking instruction in at least the following amounts: one hundred thousand dollars ($100,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, two hundred thousand dollars ($200,000) for bodily injury to or death of two or more persons in any one accident, and the amount of twenty thousand dollars ($20,000) for damage to property of others in any one accident.

Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the department and the certificate shall stipulate that the insurance shall not be canceled except upon 10 days' prior written notice to the department.

SEC. 12. Section 11104 of the Vehicle Code is amended to read:

11104. Every person in order to qualify as a driving instructor, as defined in Section 310.4, shall meet the following requirements:

(a) Be a person who has not been convicted of a crime involving an act of dishonesty, fraud, or deceit with the intent to benefit himself or another substantially, or to injure another substantially; or has not committed any act which, if done as a licensed driving instructor, would be grounds for the suspension or revocation of his license.

(b) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(c) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles and teaching methods and techniques.

(d) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(e) Hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given.

(f) Not be on probation to the department as a negligent operator.

(g) Have a driver record which does not have an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided in Section 40509.

(h) Pay to the department an application fee of ten dollars ($10).

(i) Be 18 years of age or older.

(j) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

SEC. 13. Section 11105.2 is added to the Vehicle Code, to read:

11105.2. In addition to the fees provided in Sections 11102, 11102.5, and 11104, the following fees shall be paid to the department:

(a) For the renewal of each driving school license, there shall be paid a renewal application fee of fifty dollars ($50).

(b) For the renewal of each driving school operator license, there shall be paid a renewal application fee of fifty dollars ($50).

(c) For the renewal of each driving instructor license, there shall be paid a renewal application fee of ten dollars ($10).

(d) Upon application for a duplicate license, there shall be paid a fee of two dollars ($2).

(e) Upon application for each replacement license issued because of a change in school name or location, there shall be paid a fee of two dollars ($2).

(f) Upon application for transfer of an instructor's license to

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another employing driving school, there shall be paid a fee of two dollars ($2).

(g) Upon application for a change of location of the established place of business, there shall be charged an inspection fee of twenty-five dollars ($25).

SEC. 14. Section 11106 of the Vehicle Code is amended to read:

11106. (a) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a license issued pursuant to this chapter. The temporary permit shall permit the operation of a driving school or the giving of instruction for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license.

(b) A temporary permit valid for 30 days may be issued to any applicant for an original driving instructor's license pending satisfactory completion of the course required by subdivision (b) of Section 11104. This subdivision shall not be construed as extending the period of validity of any temporary permit issued pursuant to subdivision (a).

(c) The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

SEC. 15. Section 11107 of the Vehicle Code is amended to read:

11107. (a) The department may refuse to issue a license certificate to any applicant to own or operate a driving school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has done any act or series of acts which would be a cause for suspension or revocation under Section 11110.

(4) If the applicant is a partnership or corporation, one or more of the limited or general partners, stockholders, directors, or officers was the holder of a revoked or suspended license previously issued under this chapter, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or one or more of such partners, stockholders, directors, or officers, as the case may be, though not previously the holder of a license, has done any act or series of acts which would be a cause for revocation or suspension under Section 11110.

(5) By reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation, it is likely that the policy or operation of the business will

be directed, controlled, or managed by an individual who by reason of the act, series of acts, or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A license shall not be denied on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

(d) A person whose application for a license has been refused may reapply for such license after a period of not less than one year has elapsed from the date of filing such refusal.

SEC. 16. Section 11108 of the Vehicle Code is repealed.

SEC. 17. Section 11108 is added to the Vehicle Code, to read:

11108. (a) Every person licensed under this chapter shall keep a record showing all of the following:

(1) The name and address and license number of the school.

(2) The name and address of each person given instruction.

(3) The instruction permit number or driver's license number of every person given instruction in the driving of a motor vehicle.

(4) The date any such instruction permit was issued.

(5) The name and instructor's license number of each driving instructor.

(6) The particular type of instruction given and the date of such instruction.

(7) The amount of time devoted to each type of instruction.

(8) The total number of hours of instruction.

(9) The total cost to the student of such instruction.

(b) The records shall be retained for a minimum of three years and shall be open to the inspection of the department at all reasonable times, but shall be only for the confidential use of the department.

(c) Whenever the licensee suspends or terminates the licensed activity, the licensee shall surrender the records to the department for examination not later than the end of the third day, excluding Saturdays, Sundays, legal holidays, after the date of suspension or termination. The department may duplicate or make a record of any information contained therein. All such records shall be returned to the licensee not later than 30 days after the date of surrender.

SEC. 18. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or any drug, or under the combined influence of intoxicating liquor and any drug, or of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, or 23104 of this code or Section 192 of the Penal Code. A conviction after a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section.

(h) Whenever the licensee does any act or series of acts, or is guilty of conduct, which action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties. The department, in proceeding pursuant to this subdivision, shall conform its procedures to the provisions of Division 1.5 (commencing with Section 475) of the Business and Professions Code. Whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer, or board shall make a specific finding as to the manner in which the action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

(j) Whenever the licensee conducts driver training, or permits driver training by any employee, in an unsafe manner or contrary to

safe driving practices.

(k) Whenever the driving school owner or driving school operator teaches or permits an employee to teach driving instruction without a valid driving instructor's license.

(*l*) Whenever a driving school owner, as defined in Section 311, does not have in effect a good and sufficient bond with corporate surety, as provided in Section 11102.

SEC. 19. Section 11111 of the Vehicle Code is amended to read:

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension, or revocation of the license by the department, except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (5) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e), (f), or (g) of Section 11104.

(b) Before reinstatement of any license suspended for failure of the licensee to meet and maintain the requirements of paragraph (5) of subdivision (a) of Section 11102, or Section 11103, or subdivision (e), (f), or (g) of Section 11104, the licensee shall pay to the department a reinstatement fee of five dollars ($5).

(c) The notice and hearings provided for in this division shall be pursuant to and governed by the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

(d) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

(e) The department may, pending a hearing, temporarily suspend the license or permit of any driving school owner, driving school operator, or driving instructor for a period not to exceed 30 days if the director finds that such action is required in the public interest. In any such case a hearing shall be held and a decision thereon issued within 30 days after notice of temporary suspension.

SEC. 20. Section 11113 of the Vehicle Code is repealed.

SEC. 21. Section 11113 is added to the Vehicle Code, to read:

11113. The director may prescribe rules and regulations for driving schools regarding the conduct of courses of driver education and driver training, including curriculum, facilities, and equipment. The director may also prescribe rules and regulations for the conduct of driving instructor training courses required by Sections 11102.5 and 11104, including curriculum, facilities, and equipment. The department shall monitor instruction given by driving schools.

SEC. 22. Section 11114 of the Vehicle Code is repealed.

SEC. 23. Section 11114 is added to the Vehicle Code, to read:

11114. The department may require any person licensed under this chapter to submit to a reexamination of his qualifications when there is reasonable cause to believe that the licensee does not have the ability to give driving instruction. If the licensee refuses or fails to submit to such reexamination, the department may peremptorily

suspend his license until such time as the licensee shall have submitted to reexamination. The suspension shall be effective upon notice.

SEC. 24. Section 11115 of the Vehicle Code is repealed.

CHAPTER 704

An act to amend Sections 200, 203, 203.5, 208, 213, 213.1, 215, 216, 218, 225, 250, 251, 252, 254, 280, 284, 287, 310, 311, 312, 314, 321.5, 322, 381, 383, 386, 387, 421, 456, 457, 14002, 14202, 14240, 14419, 14622, 14662, 17236, and 18237 of, and to add Sections 201.5, 202, 220.5, 224, 224.5, 255, 313, 314.5, 316, 321, 321.7, 321.9, 324, 325, 422, 456.65, 14215.5, 14241, and 14243 to, and to repeal Sections 202, 207, 209, 210, 211, 212, 214, 224, 226, 282, 313, 316, 318, 319, 320, 321, 321.7, 323, 324, 422, 423, 424, 14241, 14243, 14244, 14244.5, 14405, 17203, and 17406 of, the Elections Code, relating to voter registration.

[Approved by Governor September 13, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 200 of the Elections Code is amended to read:

200. No person shall be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered in person to the county clerk or his deputy and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county clerk.

Notwithstanding any other provision of law to the contrary, the affidavit of registration required under the provisions of this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

SEC. 2. Section 201.5 is added to the Elections Code, to read:

201.5. It is the intent of the Legislature that the introduction of registration by mail shall not in any way lead to administrative limitations on the use of deputy registrars of voters for the purpose of assisting in the registration of persons who may continue to require such assistance.

It is the intent of the Legislature that registrars continue to be deputized by the county clerk pursuant to Section 201, but that as the electorate becomes more conversant with mail registration procedures, the number of deputy registrars will naturally diminish due to a decrease in the demand for the services of such deputy registrars of voters.

SEC. 3. Section 202 of the Elections Code is repealed.

SEC. 3.5. Section 202 is added to the Elections Code, to read:

202. It is the intent of the Legislature that voter registration be maintained at the highest possible level. The Secretary of State shall adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register such persons to vote. The Secretary of State shall adopt regulations prescribing minimum requirements for such programs. If the Secretary of State finds that a county has not designed and implemented a program meeting such prescribed minimum requirements, the Secretary of State shall design a program for such county and report the violation to the Attorney General.

The Attorney General is hereby authorized to take such actions as he deems necessary, including the obtaining of injunctive relief, to enforce the provisions of this section.

SEC. 4. Section 203 of the Elections Code is amended to read:

203. The county clerk or his deputy shall accept affidavits of registration at all times except during the 28 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

SEC. 5. Section 203.5 of the Elections Code is amended to read:

203.5. A person duly registered as an elector in any precinct in California who removes therefrom within 29 days prior to an election shall, for the purpose of such election, be entitled to vote in the precinct from which he so removed until the close of the polls on the day of such election.

SEC. 7. Section 207 of the Elections Code is repealed.

SEC. 8. Section 208 of the Elections Code is amended to read:

208. A person may prove he is a citizen by his certification under penalty of perjury on the affidavit of registration.

SEC. 9. Section 209 of the Elections Code is repealed.

SEC. 10. Section 210 of the Elections Code is repealed.

SEC. 11. Section 211 of the Elections Code is repealed.

SEC. 12. Section 212 of the Elections Code is repealed.

SEC. 13. Section 213 of the Elections Code is amended to read:

213. Any elector absent from the county in which he claims residence may request a voter registration card from the county clerk of the county of residence. The county clerk shall furnish a voter registration card, to each elector requesting such card and showing that he will be temporarily absent from his home county. Upon receipt by the county clerk, the affidavit of registration shall be processed as required by this chapter.

SEC. 14. Section 213.1 of the Elections Code is amended to read:

213.1. The county clerk of any county in this state may receive the affidavit of registration of any elector who resides or claims

residence in another county in this state. The affidavit shall be forwarded to the county clerk of the county in which the elector resides. The county clerk of the county in which the elector resides shall use the affidavit of registration from the other county as his permanent record.

Registration by this method shall be effective for all elections occurring 29 or more days after receipt of the affidavit of registration by the county clerk or his deputy to which the affidavit is mailed or delivered by the elector.

SEC. 15. Section 214 of the Elections Code is repealed.

SEC. 16. Section 215 of the Elections Code is amended to read:

215. Whenever an elector, between the time of his last registration and the time for the closing of registration for any given election in the same county, has lawfully changed his surname, he may reregister under his new or changed name. The elector shall make an additional statement at the time of his reregistration, giving the name under which he was last registered in that county.

This additional statement shall be given in the prior registration portion of the affidavit of registration before the affidavit is signed, and shall be deemed a part of such affidavit. Upon reregistration, the last previous registration of the elector shall be canceled.

SEC. 17. Section 216 of the Elections Code is amended to read:

216. If an elector reregisters or transfers his registration from one precinct to another, the former address shall be entered in the prior registration portion of the affidavit, and the former registration shall thereupon be canceled.

SEC. 18. Section 218 of the Elections Code is amended to read:

218. No person shall register in one county when his registration in another remains uncanceled unless he complies with this section. Any person who is registered in one county may, if otherwise legally qualified, register in another county in which he then resides, at any time before the closing of registration for any election, if in the prior registration portion of the affidavit of registration he enters his former address.

The county clerk shall at once notify the county clerk of the county in which the old registration is still uncanceled that the voter has reregistered. Upon receipt of such notice of reregistration, the former registration shall be canceled immediately.

SEC. 19. Section 220.5 is added to the Elections Code, to read:

220.5. Notwithstanding any other provision of law to the contrary, a violation of the provisions of Section 220 shall be deemed to have been committed upon delivery of the affidavit of registration to the clerk of the county in which the elector resides.

SEC. 20. Section 224 of the Elections Code is repealed.

SEC. 20.2. Section 224 is added to the Elections Code, to read:

224. If the county clerk receives a letter from a voter stating that such voter has moved to a new address within the county, the clerk shall immediately send to such voter a voter registration card, and shall instruct such voter that in order to record a change of address,

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such voter must reregister on a new affidavit of registration.

The clerk shall cancel the old registration for any election occurring at least 29 days after the receipt of such letter.

SEC 21. Section 224.5 is added to the Elections Code, to read:

224.5. If the county clerk receives a letter from a voter stating that such voter has moved to a new address in another county in the state, the clerk shall immediately notify the clerk of the county to which the voter has moved. Upon receipt of such notice, the clerk of the county to which the voter has moved shall send to such voter a voter registration card, and shall instruct such voter that in order to record a change of address, such voter must reregister on a new affidavit of registration. The clerk shall cancel the old registration for any election occurring at least 29 days after the receipt of such letter.

SEC. 22. Section 225 of the Elections Code is amended to read:

225. If a sample ballot or other notice of election sent to voters is returned by the post office to the county clerk or other officer charged with the duty of conducting an election because of the removal of the voter from the address to which it was sent, and the county clerk or other officer determines that the voter has moved to a new address in the county, the county clerk or other officer, following the election for which the sample ballot or other notice was sent out, may send a notice to the voter by means of a double postcard. One of the postcards shall inform the voter of the return of the sample ballot or election notice, and shall state that the records on file in the office of the county clerk indicate that the voter is still registered from his old address and that his affidavit of registration has been placed in a suspension file.

The other postcard, which shall be prepared and preaddressed by the clerk with postage paid by the clerk, shall contain blanks wherein the voter may notify the clerk whether his change of address is temporary or permanent and wherein he may sign the postcard. Upon receipt of the postcard, indicating that the change of address is permanent, if the signature on the postcard is the same as appears on the affidavit of registration the clerk shall write on front or the back of the voter's affidavit the new address. If the postcard is not returned to the clerk within 30 days after the date of mailing, the voter's registration shall be removed from the suspension file and canceled.

SEC. 22.5. Section 226 of the Elections Code is repealed.

SEC. 23. Section 250 of the Elections Code is amended to read:

250. Whenever any war voter, who is not a registered elector or who has changed his residence since last registering, applies in writing or in person to the clerk for an absent voter's ballot, and the application shows that he is a war voter and that his place of residence is in the county, the clerk shall mail to the applicant, with the absent voter's ballot, or deliver to him a blank voter registration card, as prescribed in Article 4 of this chapter, to be executed by the applicant and returned to the county clerk.

SEC. 24. Section 251 of the Elections Code is amended to read:

251. If the applicant desires to vote at the election he shall return the affidavit of registration, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom they were received. This shall be transmitted to the clerk in sufficient time to permit the ballot to be received by the clerk not later than at the time of the closing of the polls on election day.

SEC. 25. Section 252 of the Elections Code is amended to read:

252. The clerk, upon receipt of the affidavit of registration and absent voter's ballot within the time required by law for the return of absent voters' ballots, shall examine the affidavit of registration and if it appears therefrom that the affidavit of registration is properly executed and that the facts stated therein are such as would have entitled the applicant to register and vote at the election, if the affidavit had been executed within the time required by law, the affiant shall be deemed a duly registered elector as of the date of the affidavit to the same extent and with the same effect as though he had registered in proper time prior to the election.

SEC. 26. Section 254 of the Elections Code is amended to read:

254. When the affidavit is received by a clerk, other than a county clerk, the clerk receiving it shall, after the election, transmit it to the county clerk who, if the affidavit is not subject to rejection, shall file the affidavit. If an affidavit of registration is rejected, it shall be returned to the applicant with the reason for rejection endorsed on it, together with a new blank voter registration card.

SEC. 27. Section 255 is added to the Elections Code, to read:

255. Notwithstanding any other provision of law to the contrary, any properly executed application for an absent voter's ballot submitted by a war voter shall also serve as an affidavit of registration for the election for which such application was submitted, if such application is furnished to the applicant by the federal government.

SEC. 28. Section 280 of the Elections Code is amended to read:

280. The county clerk shall provide voter registration cards for use in registration by deputy registrars of voters. Such voter registration cards shall be bound into books or pads. The affidavits included in such voter registration cards shall be numbered and shall have a stub attached as prescribed by Section 322.

Each affidavit and stub shall bear the same number. The numbering shall begin with one and continue in a sequence until all of the blanks provided are numbered. The numbering shall begin anew with each 1,000,000 affidavits of registration numbered pursuant to this section. Each set of numbers shall be designated alphabetically as a series, beginning with series A, following the first 1,000,000.

SEC. 30. Section 282 of the Elections Code is repealed.

SEC. 33. Section 284 of the Elections Code is amended to read:

284. Any deputy clerk or registration clerk having charge of affidavits of registration is guilty of a misdemeanor who:

(a) Neglects or refuses to make all the entries provided for in this article.

(b) Knowingly registers a nonexistent person.

(c) Knowingly registers a person under a false name or address.

(d) Knowingly registers a person who is ineligible to register.

(e) Fails or neglects to comply with any provision of this article.

Each and every act or omission constitutes a separate misdemeanor.

SEC. 36. Section 287 of the Elections Code is amended to read:

287. If the county clerk deems a duplicate file of voter registration cards to be necessary for administrative purposes, the county clerk may prepare, upon the receipt in his office of each original affidavit of registration, a reproduction thereof in compliance with the following conditions:

(a) The affidavit is photographed, microphotographed or reproduced in a manner approved for permanent records by the National Bureau of Standards;

(b) The device used to reproduce such affidavit is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions are placed in conveniently accessible files and provision is made for preserving, examining and using the same.

Wherever in this code the term duplicate affidavit is used it shall be deemed to include the reproduced affidavit authorized by this section.

SEC. 37. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at his option, by the designation of Miss, Ms., Mrs., or Mr. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to mark a prefix to his given name and shall be so advised on the voter registration card.

(c) Affiant's place of residence; and residence telephone number, if furnished. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his telephone number, and shall be so advised on the voter registration card.

(d) Affiant's mailing address, if different from place of residence.

(e) Affiant's social security number, if furnished. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number, and shall be so advised on the voter registration card.

(f) Affiant's date of birth.

(g) The state or country of affiant's birth.

(h) Affiant's occupation.

(i) Affiant's political party affiliation, if any.

(j) Whether the affiant is currently imprisoned or is on parole for the conviction of a felony which, pursuant to Section 321.5, disqualifies him from voting.

(k) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as intending to affiliate with another party. If the affiant has been so registered, he shall sign such additional statement giving that address, name, or party.

The affiant shall certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with his signature of his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross. The affiant shall date the affidavit immediately following his signature.

If any person, including a deputy registrar, assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

SEC. 38. Section 311 of the Elections Code is amended to read:

311. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

The voter registration card shall inform the affiant that any elector may decline to state his political affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he has stated the name of the party with which he intends to affiliate. The voter registration card shall include a listing of all qualified political parties.

No person shall be permitted to vote the ballot of any party or for any delegates to the convention of any party other than the party designated in his registration, except as provided by Section 312.

SEC. 39. Section 312 of the Elections Code is amended to read:

312. Whenever any voter has declined to designate or has changed his political affiliation prior to the close of registration for an election, he may either so designate or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

SEC. 40. Section 313 of the Elections Code is repealed.

SEC. 40.5. Section 313 is added to the Elections Code, to read:

313. Any person is guilty of a misdemeanor who willfully interferes with the prompt transfer of a completed affidavit of registration to the county clerk.

SEC. 41. Section 314 of the Elections Code is amended to read:

314. (a) In every case the affidavit of registration shall show all the facts required to be stated.

(b) If the affidavit does not contain all of the information required, but the telephone number of the affiant is legible, the county clerk shall telephone the affiant and attempt to collect the missing information.

(c) If the affidavit does not contain all of the information required, and the county clerk is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the county clerk shall inform the affiant of the reason for rejection and shall send to the affiant a new voter registration card.

(d) If a properly executed affidavit is received by the county clerk on or before the 29th day prior to an election, the clerk shall send to the affiant a voter notification by nonforwardable first-class mail with address correction requested. Such notification shall inform the voter that he is registered to vote in the forthcoming election, and that his name will appear on the index kept at the polls.

(e) If a properly executed affidavit is received by the county clerk after the 29th day prior to an election the clerk shall send to the affiant a voter notification by nonforwardable first-class mail, with address correction requested. Such notification shall inform the voter that the registration will not be valid for the forthcoming election but will be valid for any election occurring at least 29 days after the date of receipt of the affidavit by the county clerk.

SEC. 42. Section 314.5 is added to the Elections Code, to read:

314.5. If a voter notification sent to a voter under the provisions of subdivisions (d) and (e) of Section 314 is returned by the postal authorities to the county clerk or other officer charged with the duty of conducting an election, and the postal authorities inform the county clerk or other officer that the voter has removed from the address to which the notification was sent, the county clerk shall cancel the affidavit of registration for any election occurring at least 29 days after the county clerk receives such information from the postal authorities.

SEC. 42.3. Section 316 of the Elections Code is repealed.

SEC. 42.4. Section 316 is added to the Elections Code, to read:

316. The Secretary of State shall print, or cause to be printed, the blank forms of the voter notification prescribed by Section 314. The form of such voter notification shall be prescribed by regulations adopted by the Secretary of State. The Secretary of State shall supply such forms to the county clerk in quantities and at times requested by the county clerk.

SEC. 42.6. Section 318 of the Elections Code is repealed.

SEC. 43. Section 319 of the Elections Code is repealed.

SEC. 44. Section 320 of the Elections Code is repealed.

SEC. 45. Section 321 of the Elections Code is repealed.

SEC. 46. Section 321 is added to the Elections Code, to read:

321. Subject to the provisions of this chapter, the affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. Such affidavit shall:

(a) Contain the information prescribed in Section 310,

(b) Be sufficiently uniform among the separate counties to allow for the processing and use by one county of an affidavit completed in another county,

(c) Allow for the inclusion of informational language to meet the specific needs of that county, including but not limited to, the return address of the clerk in that county, and a phone number at which a voter can obtain elections information in that county,

(d) Be included on one portion of a multipart card, to be known as a voter registration card, the other portions of which shall include information sufficient to facilitate completion and mailing of the affidavit and to inform the voter that he should not consider himself registered until he receives a voter notification by return mail, and

(e) Be returnable to the county clerk as a self-enclosed mailer with postage paid by the Secretary of State.

SEC. 47. Section 321.5 of the Elections Code is amended to read:

321.5. The county clerk, upon receipt of an affidavit in which the affiant states he is either imprisoned or on parole for the conviction of a felony, shall determine if the person is disqualified from voting and shall notify him, within 10 days of receipt of the affidavit, of his acceptance or rejection. If the county clerk does not determine in the person's favor, he shall inform the person of his right to file in the superior court under Section 350 for a judicial determination of his eligibility to register and vote.

SEC. 48. Section 321.7 of the Elections Code is repealed.

SEC. 49. Section 321.7 is added to the Elections Code, to read:

321.7. The informational portion of the voter registration card shall inform each person who states he is either imprisoned or on parole for the conviction of a felony that his registration will be reviewed by the county clerk who will inform him of its acceptance or rejection.

SEC. 50. Section 321.9 is added to the Elections Code, to read:

321.9. In addition to registration conducted by deputy registrars of voters, the county clerk shall, as follows:

(a) Provide voter registration cards for the registration of voters at his office and in sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) Provide voter registration cards in sufficient quantities to any citizens or organizations who wish to distribute such cards. Such citizens and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(c) Mail a voter registration card immediately to any person who wishes to register to vote and requests a voter registration card.

SEC. 51. Section 322 of the Elections Code is amended to read:

322. Each affidavit of registration issued to a deputy county clerk or registration clerk shall meet the requirements prescribed by Section 321, except that the voter registration card shall be modified, pursuant to regulations adopted by the Secretary of State, to reflect the use of a deputy registrar of voters in lieu of mail delivery. A stub,

separated from the body of the voter registration card by a perforated line, shall be attached to each such affidavit. Upon the stub shall be printed the number of the affidavit and blanks for the following:

(a) The name, residence, political affiliation, and signature of the voter.

(b) The signature of the registration clerk or deputy registrar taking the registration.

(c) The date.

At the time of registering the voter, the registration clerk or deputy registrar shall fill in the blanks in the stub, and require the voter to sign the stub in the place provided. He shall then detach the stub and the informational portion of the voter registration card from the affidavit and hand the stub and information to the voter.

SEC. 52. Section 323 of the Elections Code is repealed.

SEC. 52.2. Section 324 of the Elections Code is repealed.

SEC. 52.3. Section 324 is added to the Elections Code, to read:

324. The Secretary of State shall print, or cause to be printed, the blank forms of the affidavits of registration and voter registration cards prescribed by this code. The Secretary of State shall bind and number, or cause to be bound and numbered, affidavits of registration and voter registration cards as required by this code. The Secretary of State shall supply such forms to the county clerk in quantities and at times as requested by the county clerk.

SEC. 52.6. Section 325 is added to the Elections Code, to read:

325. The Secretary of State shall pay all postage for the (a) mailing of the voter notification and the address correction service pursuant to Section 314, (b) return to the county clerk of the affidavits of registration pursuant to Section 321, (c) mailing of blank voter registration cards pursuant to subdivision (c) of Section 321.9, (d) any mailing of blank voter registration cards pursuant to programs adopted under the provisions of Section 202. All payments made pursuant to this section shall be made directly from funds appropriated to the Secretary of State for this purpose.

SEC. 53. Section 381 of the Elections Code is amended to read:

381. Cancellation is made by writing or stamping on the affidavit of registration the word "canceled," the reason the affidavit was canceled, and the date of cancellation.

Whenever a voter transfers his registration from one precinct to another precinct in the same county, or reregisters in another precinct in the same county as shown by the new affidavit of registration, the county clerk shall immediately cancel the affidavit of registration from the precinct in which the voter was first registered, and shall remove the affidavit from the file of uncanceled affidavits.

Whenever a voter removes from one county to another county and registers in the latter county, the county clerk of the county in which he was first registered, upon being informed of his removal either by the voter personally or by receipt of a notice of reregistration under

the provisions of Section 218, shall likewise cancel his registration and remove the affidavit of registration in that county.

All canceled affidavits of registration shall be preserved by the county clerk as required in Section 421 of this code.

The county clerk in distributing to each precinct the three indexes of registration, as required by this chapter, shall cross out of those indexes the names of all voters whose affidavits of registration from the precinct have been canceled.

SEC. 54. Section 383 of the Elections Code is amended to read:

383. The county clerk shall cancel the registration in the following cases:

(a) At the request of the person registered.

(b) When the insanity of the person registered is legally established.

(c) Upon the production of a certified copy of a subsisting judgment and sentence demonstrating the elector to be imprisoned or on parole for the conviction of a felony which, pursuant to Section 321.5, disqualifies him from voting.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) If the person registered has not voted at the preceding general election and the clerk has not had written notice from the voter, within 30 days after mailing the notice prescribed by Section 387, that the voter still resides and has not removed from the residence address stated in the affidavit of registration, in which case he shall cancel the registration.

If, within 30 days after mailing the notice prescribed by Section 387, the clerk receives signed, written notice that the voter has not moved or has removed to a different, stated residence within the same county, he shall accept such notification and shall change the address on the voter's affidavit of registration accordingly.

SEC. 55. Section 386 of the Elections Code is amended to read:

386. On completion of the canvass of the returns of the general election, the county clerk shall:

(a) Examine the absent voters list and the roster of voters that was kept by the election officers in each precinct in the county at the general election.

(b) Mail the notice prescribed by Section 387.

(c) Cancel and remove the affidavit of registration of each voter who did not vote at that election, if he does not, within 30 days of mailing the notice prescribed by Section 387, receive notice from the voter as provided in subdivision (f) of Section 383.

The effective date of cancellation of registration shall be the 30th day following the date the notice prescribed by Section 387 is mailed to the voter.

SEC. 56. Section 387 of the Elections Code is amended to read:

387. When a person fails to vote at the general election, the county clerk shall, no later than the first day of the following January,

mail a notice, by means of a forwardable, double postcard with postage prepaid by the clerk, to that person at the address given on the registration or upon the last application for transfer of registration, stating on one of the postcards the following:

"Our records indicate that you did not vote in the general election on November _____, 19____.

If you still live at the address noted on this card and wish to remain a registered voter, check the appropriate box on the attached card and mail it postage free.

If you have moved to a new address within (name of county), write the new address on the attached card and mail it postage free.

If the attached card is not signed and returned by _____ your registration will be canceled as required by law, and it will be necessary for you to reregister before you are again entitled to vote.

If you have moved to a new address outside of (name of county), you must reregister before you are again entitled to vote."

SEC. 60. Section 421 of the Elections Code is amended to read:

421. The county clerk shall preserve all canceled original affidavits of registration for a period of four years, after which they may be destroyed by that officer.

In lieu of preserving the canceled original affidavit of registration, the county clerk may, by filming or other suitable method, record the canceled affidavit and destroy the affidavit following the first general election after the date of cancellation.

SEC. 61. Section 422 of the Elections Code is repealed.

SEC. 62. Section 422 is added to the Elections Code, to read:

422. Affidavits of registration for the whole of each county shall be filed, as fast as the registration progresses, in any orderly arrangement as prescribed by the county clerk. If the affidavits are not filed alphabetically without regard to precinct, the county clerk shall, by electronic, electromechanical or other suitable means, provide, for general use in his office, a comprehensive, printed alphabetical index to the surnames of voters on all uncanceled affidavits for the whole of the county, whereby the affidavit of registration of any voter may be ascertained and produced. In the case of voters having the same surname, the classification of names appearing on the index shall extend to the given and, where necessary, the middle name or initial.

SEC. 63. Section 423 of the Elections Code is repealed.

SEC. 64. Section 424 of the Elections Code is repealed.

SEC. 65. Section 456 of the Elections Code is amended to read:

456. The county clerk shall have bound together in one or more volumes a general index to the affidavits of registration, arranged alphabetically by precincts, and shall keep at least one copy of the general index in his office for public reference.

SEC. 66. Section 456.65 is added to the Elections Code, to read:

456.65. If the county clerk maintains tabulating cards containing the information preserved pursuant to Section 421, or electronic data-processing tape containing such information, upon written

demand and payment of a fee not exceeding the cost to the clerk for duplicating such information, and beginning the date on which the clerk begins to notify registrants pursuant to Section 387, the county clerk shall furnish to the state or county central committee of a party for all voters allowed to participate in the subsequent direct primary election or general election, a list of registrants notified pursuant to Section 387 for the preceding general election.

SEC. 67. Section 457 of the Elections Code is amended to read:

457. Before the day of any election held throughout the county, the county clerk shall deliver to the precinct board in each precinct three copies of the index to the affidavits of registration for that precinct, with canceled names lined out and with necessary supplements to bring the index up to date. The index and supplements shall constitute the register to be used at the election.

SEC. 69. Section 14002 of the Elections Code is amended to read:

14002. The county clerk shall furnish to the election officers:

(a) Printed copies of the indexes.

(b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations and returns.

(c) Envelopes in which to enclose returns.

(d) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14011, 14012, 14211, 14212, 14407, 14408, 14416, 14418, 14420, 14422, 14432, 14433, 14434, 14435, 17002, 17003, 17009, 17011, 17013, 17014, 17015, and 29001.

(e) A digest of the election laws with any further instructions the county clerk may desire to make. One copy shall be furnished to each election officer at the time of his appointment.

SEC. 70. Section 14202 of the Elections Code is amended to read:

14202. Before opening the polls the precinct board shall post in separate, convenient places at or near the polling place and of easy access to the voters not less than two of the copies of the index to the affidavits of registration for that precinct.

In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order, unless otherwise provided by Section 460.

SEC. 71. Section 14215.5 is added to the Elections Code, to read:

14215.5. Notwithstanding the provisions of Section 14215, the roster to be kept by each precinct board may be in the form of an index to the affidavits of registration for that precinct. Such index shall provide space to the left of each name, which space shall be of sufficient size to allow each voter to sign his name pursuant to Section 14402.

SEC. 72. Section 14240 of the Elections Code is amended to read:

14240. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

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(a) That he is not the person whose name appears on the register.
(b) That he is not a resident of the precinct.
(c) That he is not a citizen of the United States.
(d) That he has voted that day.
(e) That he is presently on parole for the conviction of a felony, which, pursuant to Section 321.5, disqualifies him from voting.

On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge any voter or question him concerning his qualifications to vote.

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that such person or persons be challenged, he shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the clerk, charged with the duty of conducting the election, and describe to him the contents of such document or list and such evidence, if any, received bearing on voting qualifications. The clerk shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The clerk may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

No person shall post or cause to have posted any poster, bill, or placard containing any information concerning eligibility to vote to be displayed on the day of the election within 500 feet of the entrance to a polling place.

SEC. 73. Section 14241 of the Elections Code is repealed.

SEC. 74. Section 14241 is added to the Elections Code, to read:

14241. The ground for challenge set forth in subdivision (b) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and removing from that precinct within 29 days prior to an election.

SEC. 75. Section 14243 of the Elections Code is repealed.

SEC. 76. Section 14243 is added to the Elections Code, to read:

14243. If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, the person challenged shall be sworn to answer questions, and after he is sworn the inspector shall ask him: "Are you a resident of this precinct?"

If the answer to the question is "Yes", without significant qualification, no other questions shall be asked.

SEC. 77. Section 14244 of the Elections Code is repealed.

SEC. 78. Section 14244.5 of the Elections Code is repealed.

SEC. 80. Section 14405 of the Elections Code is repealed.

SEC. 81. Section 14419 of the Elections Code is amended to read:

14419. Having folded his ballot, the voter shall deliver it folded to the inspector, who shall then separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter.

SEC. 82. Section 14622 of the Elections Code is amended to read:

14622. If a voter is a war voter he may make his application for an absent voter's ballot at any time not later than five days before the election. A war voter may submit his application for an absentee ballot in the form described in Section 255.

The clerk shall mail the ballot as soon as possible after receipt of the application in order to permit compliance with the provisions of law relating to war voters' ballots and registration.

SEC. 83. Section 17203 of the Elections Code is repealed.

SEC. 84. Section 17236 of the Elections Code is amended to read:

17236. The precinct board shall inclose indexes, stationery, and other supplies in supply cases provided for that purpose and return them to the registrar of voters at the same time the packages enumerated in this article are returned.

SEC. 85. Section 17406 of the Elections Code is repealed.

SEC. 86. Section 18237 of the Elections Code is amended to read:

18237. If in any case a majority of the board finds that the signature on any identification envelope is not the same as that appearing on the affidavit of registration of the voter, the board shall refuse to open the envelope or count the ballot. It shall endorse the cause of the rejection on the face of the identification envelope. A majority of the board shall sign the endorsement. No ballot shall be rejected for such cause after the envelope containing it has been opened.

SEC. 87. The county clerk may, at his discretion, request any voter who is registered on an obsolete affidavit of registration form to reregister on the affidavit form prescribed by this act. No voter's affidavit shall be canceled because the form of such affidavit has become obsolete, and each voter requested to reregister shall be informed of this fact by the county clerk.

SEC. 88. Registrations on obsolete affidavit forms shall be preserved in the same manner as for affidavit forms prescribed by this act. Processing of obsolete affidavit forms may be continued for administrative reasons as the county clerk deems necessary.

SEC. 89. The provisions of this act shall become operative on July 1, 1976.

SEC. 90. This act shall be known as, and may be cited as, the Moscone-Keysor Voter Registration Act of 1975.

SEC. 91. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of local agencies for any costs that may be incurred by them in carrying on any program or performing any service required to be carried on or performed by them by this act because it cannot be adequately determined if

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anticipated savings and anticipated expenditures will result in a net cost or a net savings to local government. It is also anticipated that federal funds may be available to reimburse state and local governments for their costs in implementing this program.

It is the intent of the Legislature that local governments shall be reimbursed for any net costs associated with the implementation of this act, including any regulation or program required pursuant to Section 202 of the Elections Code, and that these net costs can be reimbursed to local government through the normal budget process.

CHAPTER 705

An act to amend Section 3076 of the Penal Code, relating to county parole boards.

[Approved by Governor September 13, 1975. Filed with Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3076 of the Penal Code is amended to read:

3076. The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is confined in or committed to any county jail, industrial farm, or road camp, or in any city jail, industrial farm or road camp under a judgment of imprisonment or as a condition of probation for any criminal offense, unless the court at the time of committing has ordered that such prisoner confined as a condition of probation upon conviction of a felony not be granted parole, may be allowed to go upon parole outside of such jail, industrial farm, or road camp, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail, industrial farm, or road camp.

CHAPTER 706

An act to add Article 2.5 (commencing with Section 6331) to Chapter 4 of Part 1 of Division 6 of the Public Resources Code, relating to tide and submerged lands, and making an appropriation therefor.

[Approved by Governor September 13, 1975 Filed with Secretary of State September 14, 1975]

I am reducing the appropriation contained in Section 3 of Senate Bill No. 469 from

$1,635,000 to $260,000 by deleting subparagraphs (b), (c), (d), (e), and (f).

The annual budget process is the proper mechanism to determine if this program merits continued funding

With this reduction, I approve Senate Bill No. 469.

EDMUND G BROWN JR, Governor

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 6331) is added to Chapter 4 of Part 1 of Division 6 of the Public Resources Code, to read:

Article 2.5. Survey and Mapping of Ungranted Tide and Submerged Lands

6331. As used in this article:

(a) "Ungranted tidelands" means the tide and submerged lands owned by the State of California which have not been granted in trust to any local agency or to the United States or to private parties.

(b) "Local agency" means any county, city, public district, or other public agency.

(c) "Person" means any private person, partnership, association, or corporation.

6331.5. The commission shall make an inventory to ascertain and describe by metes and bounds the location and extent of all ungranted tidelands. The commision shall, in any local agency where the ungranted tideland boundary is described by metes and bounds, acquire and evaluate the existing boundary description to determine whether or not additional surveys should be conducted. When available, such local agency shall provide copies of such descriptions, together with all materials supporting these descriptions, including field notes and other basic data, to the commission at no cost, other than the reproduction cost, to the state.

No appropriation is made by the act adding this section, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs, other than reproduction costs, that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this section. Reimbursements for reproduction expenditures shall be made by the commission from appropriations to the commission for the preparation of the inventory.

The commission shall evaluate each survey and shall adopt boundary descriptions already in common use where these metes and bounds descriptions approximate the existing line of ordinary high water where it is in a state of nature, or where the descriptions approximate the last position occupied in a state of nature by the line of ordinary high water in areas where the existing shoreline has ceased to be in a state of nature, and where sound engineering practices were used to conduct the survey. The inventory and

evaluation shall commence on January 1, 1976, and shall be completed on or before December 31, 1981. If metes and bounds descriptions of tideland boundaries are not available, or if such surveys do not describe the tideland boundary in a state of nature as hereinbefore defined, or if unsound engineering practices were used to describe a tideland boundary, the commission may conduct its own survey. Unless otherwise provided by law, prior to undertaking a survey on any ungranted tidelands, the commission shall prepare an inventory of those ungranted tidelands which will require a commission survey and shall submit a report of its findings to the Legislature on or before December 31, 1981. Such report shall contain a geographic identification of the ungranted tidelands which will require a survey, a plan establishing priorities for the orderly conduct of the needed surveys, and an estimate of the cost needed to complete such surveys

6332. The commission shall:

(a) Adopt and enforce such rules and regulations as may be necessary or convenient to carry out the purposes of this article in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, in accordance with the following requirements:

(1) All data such as survey notes and factual and historical materials which have been obtained by investigation and survey and considered in connection with the establishment of each ungranted tideland parcel boundary shall be perpetuated, filed, indexed, and made available in the office of the commission for public inspection and use upon request.

(2) Surveys of ungranted tideland boundary lines made by the state, or made under contract with the state, or adopted by the state, shall sufficiently tie the surveyed boundary lines to record monuments disclosed by the public records in the office of the county recorder of the county in which the land so surveyed is located to the extent that adjoining property owners and officials of the local agency and others may determine the relation of such surveyed boundary lines to record title boundaries without additional survey.

(3) United States Coast and Geodetic Survey data shall be used in areas where available to establish boundary lines which are required under the title circumstances to be established in accordance with federal law. In areas where tideland boundary lines are required to be established under title circumstances which require the application of California law, such available United States Coast and Geodetic Survey data shall be used but corrected as required. Consideration shall be given in each survey to any seiche condition which may exist in the surveyed area.

(4) Consideration shall be given to the effect of any prior accretion and erosion in each surveyed area. Consideration shall also be given to the confirmation of title boundaries of lands claimed to be in private or public ownership, which lands support

improvements of long standing authorized by governmental action.

(5) Boundary lines so established and surveyed shall take into consideration any statutes of limitations applicable to the validity of patents, and the finality of boundary line agreements and boundary and exchange agreements adopted prior to, or on or after, January 1, 1976, and whether entered into pursuant to the provisions of Section 6307 or 6357, or any other statutes of this state, or otherwise.

(6) When establishing and surveying the line of ordinary high water, the then existing location of that line shall be used unless there is clear and convincing evidence that such location is not the last natural position of the line according to applicable federal or state laws.

(b) Contract with all agencies, public and private, as the commission may deem necessary for the rendition and affording of services and facilities to the commission pursuant to this article and for all other purposes related thereto.

(c) Do all other acts necessary to carry out the requirements and purposes of this article within the limit of its authority conferred by law, including this article.

6333. The commission shall prepare and adopt, on or before March 31, 1989, a "Preliminary Map of Ungranted Tideland Boundaries in California" based on the inventory and survey required by this article and shall on or before that date:

(a) Transmit a copy of such "Preliminary Map of Ungranted Tideland Boundaries in California" to the Secretary of the Senate, the Chief Clerk of the Assembly, the Attorney General, and the State Librarian.

(b) Transmit a copy of the pertinent part of such "Preliminary Map of Ungranted Tideland Boundaries in California" relating to each county wherein ungranted tidelands are located to the county clerk thereof, who shall thereupon post the same in a public place in his office.

(c) Publish a notice in accordance with Section 6066 of the Government Code between April 1 and April 30, 1989, in a newspaper of general circulation within each county wherein ungranted tidelands are located, announcing that a copy of such "Preliminary Map of Ungranted Tideland Boundaries in California" is available for public inspection at the office of the county clerk of such county during the business hours of such office, and post a similar notice in three public places in such county.

(d) Make available copies of each such "Preliminary Map of Ungranted Tideland Boundaries in California," or pertinent parts thereof, to the public at the approximate cost of reproduction.

Notwithstanding any other provision of this article, the commission may prepare and adopt such "Preliminary Map of Ungranted Tideland Boundaries in California" in segments of the whole, whether by individual parcels or by areas. Any reference to a particular "Preliminary Map of Ungranted Tideland Boundaries in California" shall be deemed to refer to such parcels or areas. Nothing

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in this article shall preclude the preparation of such "Preliminary Map of Ungranted Tideland Boundaries in California" in segments or as a whole prior to an inventory being made pursuant to Section 6331.5.

6334. After completing the "Preliminary Map of Ungranted Tideland Boundaries in California," the commission shall adopt and prepare a "Preliminary Description of Ungranted Tideland Boundaries" for each parcel of ungranted tidelands inventoried pursuant to this article, which shall be completed on or before June 30, 1989. The commission thereafter shall:

(a) Transmit a copy of each such "Preliminary Description of Ungranted Tideland Boundaries" for each parcel of ungranted tidelands to the office of the county clerk of the county in which each such parcel is located, who shall thereupon post the same in a public place in his office.

(b) Publish a notice in accordance with Section 6066 of the Government Code, between July 1 and July 31, 1989, in a newspaper of general circulation within each such county, announcing that a copy of the "Preliminary Description of Ungranted Tideland Boundaries" for each parcel of ungranted tidelands located within the county is available for public inspection at the office of the county clerk during the business hours of such office, and post a similar notice in three public places in such county.

(c) Copies of each such "Preliminary Description of Ungranted Tideland Boundaries" shall be made available by the commission to the public at the approximate cost of reproduction.

Notwithstanding any other provisions of this article, the commission may prepare and adopt such "Preliminary Description of Ungranted Tideland Boundaries" in segments of the whole whether by individual parcels or by areas. Any reference to a particular "Preliminary Description of Ungranted Tideland Boundaries" shall be deemed to refer to such parcels or areas. Nothing in this article shall preclude the preparation of such "Preliminary Description of Ungranted Tideland Boundaries" in segments or as a whole prior to an inventory being made pursuant to Section 6331.5.

6335. On or before December 31, 1989, any local agency or other interested person affected by boundaries described by the "Preliminary Description of Ungranted Tideland Boundaries" may file a protest, verified under oath, on a form to be prescribed and provided by the commission, at an office of the commission. Any such protest shall be accompanied by a list or brief summary of all data and pertinent evidence bearing upon the protest upon which the protesting party intends to rely and which is in the possession of the protesting party at the time of the filing of the protest. A protesting party may, at least 10 days prior to the hearing or continued hearing provided for in Section 6337, or at any time as the commission may approve, submit a list or brief summary of any such data and pertinent evidence obtained subsequent to the filing of the protest.

Any such data and pertinent evidence shall, upon request of the commission, be available for inspection and reproduction by the commission.

6336. The commission may negotiation with any person or local agency having or claiming an interest in any land affected by boundaries described by the "Preliminary Description of Ungranted Tideland Boundaries." for the purpose of reaching a boundary agreement. Any such boundary agreement shall be binding on the state and other parties thereto when approved by the commission. Any such boundary agreement shall be recorded in the office of the county recorder of each county in which the land affected thereby, or some portion thereof, is located. The boundary line so established shall be incorporated in, and made a part of, the master map and description to be prepared pursuant to the provisions of Section 6338.

6337. Before adopting the Master Map of Ungranted Tideland Boundaries in California and a Description of Ungranted Tideland Boundaries pursuant to Section 6338, the commission shall consider all evidence submitted pursuant to Section 6335. The commission may, in its discretion, and shall, upon the request of the protestant, hold a hearing as to any protest or protests prior to adopting the master map and description. The commission may authorize its executive officer or other officer or employee of the commission to conduct such hearing or hearings at a convenient location selected by the commission within each county where such protested boundary is located. Not less than 30 days before the date set for each hearing, a notice, setting forth the time, place, and nature of such hearing, shall be sent by such officer or employee by certified mail to each protestant whose protest is to be heard at such hearing.

6338. On or before December 31, 1992, the commission shall prepare, certify, adopt, and publish in final form a "Master Map of Ungranted Tideland Boundaries in California," and a "Description of Ungranted Tideland Boundaries" for each parcel of ungranted tidelands, either in whole, or by segments as completed, and thereafter shall:

(a) File a copy of each of the aforementioned documents with the Chief Clerk of the Assembly, the Secretary of the Senate, the Attorney General, the Director of Finance, the Director of Conservation, the Director of Parks and Recreation, the State Librarian, and such other state departments or agencies as the commission may deem advisable.

(b) Record one copy of the part of each such document pertaining to the county affected in the office of the county recorder of each county in which ungranted tidelands are located.

(c) File the original of each in the official file of the commission as a public record.

6339. (a) Boundaries established by boundary agreements entered into and recorded pursuant to Section 6336, as to all parties thereto, shall be fixed and permanent without change by reason of fluctuation due to the forces of nature, except that any lands that may

thereafter be submerged or become subject to the ebb and flow of the tide, shall, so long as such conditions exist, be subject to the easement in favor of the public for commerce, navigation, and fisheries.

(b) Boundaries mapped and described pursuant to this article, other than boundaries established by parties to a boundary agreement entered into pursuant to Section 6336, shall not be binding upon any upland owner or other party affected thereby, whose rights, if any, shall not be affected by any provision of this article. If any such rights have been previously determined pursuant to law, they shall remain unaffected by the provisions of, and proceedings undertaken pursuant to, this article. If any such rights have not been previously determined, they may be determined pursuant to any law existing as of January 1, 1976, or that may be thereafter enacted. However, any such upland owner or other person affected by the master map and description may consent in writing to bind his land or any claimed title or interest therein to the boundaries so mapped and described. Such consent shall be acknowledged by the party executing it and shall be recorded in the office of the county recorder of the county in which the land affected thereby is located. The consent shall thereafter have the same effect as if a boundary agreement had been entered into pursuant to Section 6336, and the provisions of subdivision (a) of this section shall be applicable thereto.

6340. The inventory required by this article shall not extend to, or have any bearing upon, the determination of the seaward boundary separating lands belonging to the state and lands belonging to the United States.

6341. Any boundary line agreement entered into pursuant to Section 6336 or 6357, or any consent recorded pursuant to subdivision (b) of Section 6339, or any exchange of land made pursuant to Section 6307, shall be conclusively presumed to be valid unless held to be invalid in an appropriate proceeding in a court of competent jurisdiction to determine the validity of such boundary line agreement or consent or exchange commenced prior to January 1, 1977, or within one year after the execution and recording of such boundary line agreement or such consent or exchange, whichever is later.

6342. The commission may enter into boundary line agreements with any person or public entity, describing and defining the boundary line between ungranted tidelands and adjacent uplands owned by such person or public entity. Such boundary line agreements shall be executed on behalf of the commission, and upon recordation shall be binding and conclusive as between the state and all persons and public entities executing such agreements, and the provisions of subdivision (a) of Section 6339 shall be applicable thereto.

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not

affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 3. There is hereby appropriated from the General Fund the amount of one million six hundred thirty-five thousand dollars ($1,635,000) to the State Lands Commission for expenditure, during the 1975–76, 1976–77, 1977–78, 1978–79, 1979–80, and 1980–81 fiscal years and according to the following schedule, for preparation of an inventory of ungranted tidelands pursuant to Article 2.5 (commencing with Section 6331) of Chapter 4 of Part 1 of Division 6 of the Public Resources Code:

(a) 1975–76 fiscal year	$260,000
(b) 1976–77 fiscal year	$325,000
(c) 1977–78 fiscal year	$450,000
(d) 1978–79 fiscal year	$200,000
(e) 1979–80 fiscal year	$200,000
(f) 1980–81 fiscal year	$200,000

CHAPTER 707

An act to amend Section 15503.5 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 15503.5 of the Education Code is amended to read:

15503.5. "School building" as used in this article excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes, into which pupils are not required to enter, and off-campus buildings utilized by adult schools or community colleges for voluntary adult education courses or registered apprentice courses.

"School building" as used in this article excludes any building owned or occupied by a unified school district, high school district, or a county superintendent of schools, and which on July 1, 1975, and continuously since then, was used exclusively for adult education purposes.

If any building so excluded was not constructed in accordance with Article 4 (commencing with Section 15451) of this chapter and was not repaired, reconstructed, or replaced in accordance with this article, there shall be posted in a conspicuous place on such building a public notice stating that such building does not meet the structural standards imposed by law for earthquake safety.

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SEC. 2. Section 15516 of the Education Code, insofar as that section prohibits the use, after June 30, 1975, of school buildings which have been examined and found unsafe, shall not be applicable to the fieldhouse at Ratcliffe Stadium owned by the State Center Community College District; provided, however, that such exemption shall not be effective after July 1, 1976.

SEC. 3. The Legislature hereby finds and declares that due to a unique situation existing in the State Center Community College District regarding the use of the fieldhouse of the recently purchased Ratcliffe Stadium, a general act of broad operation and effect cannot be made applicable within the meaning of Section 16 of Article IV of the Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the exemption from Field Act requirements provided for by Sections 1 and 2 of this act may become effective prior to the beginning of the 1975–76 school year, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 708

An act to amend Section 11125 of the Government Code and Section 306 of the Public Utilities Code, relating to public agencies.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 11125 of the Government Code is amended to read:

11125. (a) The state agency shall prepare an agenda for, and provide notice of, its meeting to any person who requests such notice in writing. Notice shall be given at least one week in advance of and shall include the agenda for the meeting, provided that emergency meetings may be held with less than one week's notice when such meetings are necessary to discuss unforeseen emergency conditions, as defined by published rule of the agency adopted pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of this part. The agenda need not include a list of any witnesses expected to appear at the meeting.

(b) Notice shall include the items of business to be transacted, and no item shall be added to the agenda subsequent to the provisions of such notice, absent unforeseen emergency conditions, as provided in subdivision (a).

(c) A person may request, and shall be provided, notice pursuant

to subdivision (a) for all meetings of the agency or only for a specific meeting or meetings. In addition, at the agency's discretion, a person may request, and may be provided, notice of only those agency meetings at which a particular subject or subjects specified in the request will be discussed. A request for notice of more than one meeting of an agency shall be subject to the provisions of Section 14911.

SEC. 2. Section 306 of the Public Utilities Code is amended to read:

306. (a) The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices.

(b) The meetings of the commission shall be open and public in accordance with the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code.

In addition to the requirements of Section 11125 of the Government Code, the commission shall include in its notice of meetings the agenda of business to be transacted, and no item of business shall be added to the agenda subsequent to the notice in the absence of an unforeseen emergency situation. A rate increase shall not constitute an unforeseen emergency situation. As used in this subdivision, "meeting" shall include all investigations, proceedings, and showings required by law to be open and public.

(c) The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

(d) The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

CHAPTER 709

An act to amend Section 14627 of the Government Code, relating to the Department of General Services.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14627 of the Government Code is amended to read:

14627. With the approval of the department, state agencies may install and operate toll-free telephone lease lines to provide access by the public and local governmental agencies. The department shall adopt such guidelines for the use of such toll-free lease lines by state agencies as are necessary to promote the efficient use thereof. Following approval of the department, the toll-free telephone number shall be published at least once in the Notice Supplement to the California Administrative Register.

SEC. 2. The Department of General Services shall report to the Legislature on June 1, 1976, on the extent of usage and the costs of operation of the toll-free telephone lease lines authorized by Section 14627 of the Government Code.

CHAPTER 710

An act to add Section 25825.2 to the Water Code, relating to irrigation districts.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25825.2 is added to the Water Code, to read:

25825.2. (a) Within the Solano Irrigation District only, any person having an interest in any land within the district may file with the secretary, in lieu of the petition authorized by Section 25825, a verified petition alleging as to such land the following:

(1) His land, or a described portion of it, was, when it became a part of the district, irrigated from another system of works than the works of, or proposed for, the district and it has continued ever since to be so irrigated; or

(2) His land or a described portion of it was used on January 1, 1975, for residential purposes and has, after the date upon which it became part of the district as a result of the acts of a governmental entity other than the district, been irrigated or supplied water wholly or partially from a water system owned entirely by such other governmental entity; or

(3) His land or a described portion of it has never received water service from the district of any nature and the board of directors of the district has not at any time prior to filing the petition adopted a plan for future service of water to such lands, which plan may provide for the landowner to pay all costs of providing facilities to transport water from the nearest point at which the district has water available to the lands made subject to the petition; and

(4) It is appropriate to apply a special rate of assessment as

provided in subdivision (c).

(b) The procedure for any such petition shall be in accordance with this article. Except that, notwithstanding other provisions of law, the notice required by this article shall be published in at least one newspaper of general circulation printed in every incorporated city with common bounds with the district and the notice shall be posted at the courthouse in Solano County, in each office of the district, and in the city hall of every incorporated city with common bounds with the district. Such publication costs incurred by the district shall be paid by the petitioner in addition to any other fee provided by this article or by law.

(c) After the conclusion of the hearing as provided in Section 25831, if the board finds that any of the land described in any petition has been irrigated, supplied as alleged or no plan for future service has been adopted, and the lands made subject to the petition are not and will not be benefited by the operations of the district in a manner that would justify their assessment at the regular rate of assessment, then the board shall determine the average annual dollar value of the benefits to the lands made subject to the petition and shall thence determine the rate necessary to raise such sum through assessments, which shall be at a rate lower than the regular rate of assessment, and the board shall enter in the minutes an order declaring the following:

(1) A finding as to the average annual dollar value of the benefits provided by the district to the lands made subject to the petition; and

(2) The assessed value of the lands made subject to the petition according to the most recent district roll; and

(3) The rate of assessment required to collect such amount specified in subdivision (1), including allowance for delinquencies as provided in Section 25801 of the Water Code of the State of California.

(d) Notwithstanding the provisions of Section 25835, the special rate of assessment shall be changed only as necessary to allow for the collection of the average annual dollar value of the benefits provided to the lands made subject to the petition. If, on the petition of owners of the land made subject to a special rate or on the motion of the district itself, it is sought to redetermine the average annual dollar value of the benefits provided by the district, the determination of the board shall not be changed until notice of another hearing shall be advertised and such hearing held as provided in this article. In any action to redetermine the special rate of assessment pursuant to this subdivision initiated by the district, the district shall pay the publication costs as set forth in this section.

SEC. 2. The provisions of this act are necessary because many of the residents of the Solano Irrigation District reside within urban areas and are served by a municipal water supply. Such areas of the district are not and will not be benefited by the operations of the district in a manner that would justify their assessment at the regular rate of assessment. This problem is not common to all districts formed under the Irrigation District Law. It is, therefore, hereby

declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of problems existing in the Solano Irrigation District.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 711

An act to amend Section 6275 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6275 of the Revenue and Taxation Code is amended to read:

6275. (a) Every person making any retail sale of a vehicle required to be registered under the Vehicle Code or subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code or of a vessel or an aircraft as defined in this article, is a retailer for the purposes of this part of the vehicle, vessel or aircraft, regardless of whether he is a retailer by reason of other provisions of this part, unless another person is the retailer, as provided in subdivision (b).

(b) Every person licensed or certificated under the Vehicle Code as a dealer is the retailer of a vehicle required to be registered under the Vehicle Code or subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code when a retail sale of the vehicle is made through him and such person provides to the Department of Motor Vehicles a notice of transfer with respect to the vehicle pursuant to Section 5901 or Section 38200 of the Vehicle Code. Such person must hold a seller's permit and remit tax to the board with respect to such sales in the same manner as a dealer licensed or certificated under the Vehicle Code and making sales on his own account. For purposes of this subdivision, "sale" does not include a lease.

CHAPTER 712

An act to amend Sections 576, 576.6, 576.7, 576.8, 577, 578, 578.5, 580, 580.1, 581, 581.1, 582, and 582.1 of, to add Section 580.2 to, and to repeal Section 580.2 and Article 7 (commencing with Section 587) of Chapter 6 of Division 1 of, the Education Code, relating to state educational agencies.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 576 of the Education Code is amended to read:

576. There is in the state government the Educational Innovation and Planning Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 15 public members appointed by the State Board of Education upon the recommendation of the Superintendent of Public Instruction or the members of the State Board of Education.

The 15 public members appointed by the State Board of Education shall be selected for their familiarity, standing, competence, and attainment in research methods applicable to the physical, behavioral, and management sciences. One member shall be an elementary school teacher, one member shall be a secondary school teacher, one member shall be a recognized specialist in the field of special education, one member shall be a representative of institutions of higher education, one member shall be a recognized specialist in urban educational problems, one member shall be a representative of private elementary and secondary schools, one member shall be a representative of disadvantaged low-income areas, one member shall be a leader from private industry with direct concern and involvement in the development of new techniques in the fields of education and communication, one member shall be a representative of guidance and counseling, one member shall be a recognized specialist in education of students of limited-English-speaking ability, one member shall be a recognized specialist in the use of libraries and learning resources, one member shall be a recognized specialist in the education of the gifted and talented, and three members shall be representatives of the general public.

The State Board of Education upon recommendation from the Superintendent of Public Instruction is empowered to add to the 15 public members of the commission as required to fully conform to

federal legislation and regulations.

SEC. 2. Section 576.6 of the Education Code is amended to read:

576.6. Commission members shall serve for four-year terms and shall not be eligible to serve more than one full term. Prior service on the commission for a term of less than three years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not be counted as a full term.

SEC. 3. Section 576.7 of the Education Code is amended to read:

576.7. As used in this article:

(a) "Commission" means the Educational Innovation and Planning Commission.

(b) "Title III" means Title III of the Elementary and Secondary Education Act of 1965, as amended.

(c) "Title IV" means Title IV, Parts A, B, and C of the Educational Amendments of 1974 (Public Law 93-380) as amended.

(d) "State plan" means the annual plan for the use of Title III or Title IV funds as approved by the State Board of Education.

(e) "Secondary schools," notwithstanding Section 5552, shall not include community colleges.

(f) "Local educational agency" means the governing body of any school district or county office of education.

SEC. 4. Section 576.8 of the Education Code is amended to read:

576.8. For purposes of this article, the commission shall have the powers, duties, and responsibilities of a state advisory council prescribed in Title III or as superseded by Title IV.

SEC. 5. Section 577 of the Education Code is amended to read:

577. The commission shall have the power and authority to:

(a) Advise the State Board of Education on the preparation of, and policy matters arising in the administration of, the state plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under Title III and Title IV.

(b) Prepare at least annually and submit to the State Board of Education a report of its activities, recommendations, and evaluation. The State Board of Education shall report the activities of the commission to the Governor and the Legislature.

(c) Assist the State Board of Education and the Department of Education in the planning, development, and improvement of educational programs.

(d) Provide for the evaluation of all programs and projects funded under Title III and Title IV, examine the reported effectiveness of various educational programs, and promote and approve innovative programs and schools.

SEC. 6. Section 578 of the Education Code is amended to read:

578. The State Board of Education shall allocate funds under Title III and Title IV, Part C, excluding those funds received for the purposes of strengthening state and local educational agencies, to provide to the extent feasible a geographical spread of experimental projects in the state. All such grants for a particular project shall be

limited to a three-year period excepting exemplary projects as provided in Sections 582 and 582.1. All applications for such grants shall show in their evaluation the cost effectiveness relationships of such programs developed as they relate to currently used methods.

SEC. 7. Section 578.5 of the Education Code is amended to read:

578.5. The State Board of Education shall annually allocate, insofar as practicable, 15 percent of the total amount of federal funds received by the State of California pursuant to Title III or Title IV, Part C, excluding those funds received for the purposes of strengthening state and local educational agencies, for special education projects. At least 40 percent of such funds shall be used for the purposes of Section 580.

SEC. 8. Section 580 of the Education Code is amended to read:

580. Priority for experimental, demonstration, or operational projects shall be given to the following:

(a) A language development program or a mathematics program, or both, given in the elementary or secondary grades or both. For purposes of this article, "language development" includes the elements of reading, writing, spelling, speaking, and listening, and comprehension of ideas and concepts.

(b) An in-service and preservice training program for elementary or secondary teachers or both developed with local institutions of higher education. Such programs shall emphasize the improvement of specific classroom teacher skills required to instruct language development and mathematics.

SEC. 9. Section 580.1 of the Education Code is amended to read:

580.1. In order to be deemed an approved project and be eligible to receive an allocation from the State Board of Education, an experimental, demonstration, or operational project shall meet the following criteria:

(a) The proposed activities are not activities presently being performed by other state and federal programs.

(b) The proposed activities supplement, but do not supplant, other state or federal programs.

SEC. 10. Section 580.2 of the Education Code is repealed.

SEC. 11. Section 580.2 is added to the Education Code, to read:

580.2. Special consideration shall be given to applications which meet the following criteria:

(a) The target school has an above average number of pupils whose reading achievement scores fall within the first quartile, as measured by the most recently administered statewide reading test;

(b) The application includes comprehensive evaluation plans.

SEC. 12. Section 581 of the Education Code is amended to read:

581. Any local educational agency operating a project funded under this article shall submit at least an annual evaluation which shall document the degree to which the project has improved the achievement levels of pupils in the instructional areas emphasized within the grant. Such evaluations shall be reviewed by the State Board of Education.

SEC. 13. Section 581.1 of the Education Code is amended to read:

581.1. The State Board of Education shall submit an annual comprehensive report to the Governor and the Legislature which shall document:

(a) Improved achievement levels resulting from the projects.

(b) The degree to which the program has motivated schools, both participating and nonparticipating in the program, to improve their curriculum in language development and mathematics and other instructional areas emphasized in grants approved.

(c) The numbers of programs continued by the original local educational agencies.

(d) The results of the dissemination and diffusion efforts by exemplary projects funded pursuant to Sections 582 and 582.1.

SEC. 14. Section 582 of the Education Code is amended to read:

582. The commission shall identify and submit to the State Board of Education up to 25 projects conducted during the current year as "exemplary projects." Priority shall be given to projects which exhibited the greatest degree of success in achieving their objectives, with the highest priority given to those which demonstrate the greatest gain in achievement levels. Such exemplary projects may include projects funded pursuant to this article and similar projects selected from other funding sources which address state priorities. Information concerning such exemplary projects shall be disseminated to all local educational agencies in the state which maintain the grade levels involved in such projects.

SEC. 15. Section 582.1 of the Education Code is amended to read:

582.1. The State Board of Education shall reserve not more than 15 percent of the state's federal allocation under Title III or Title IV, Part C, excluding those funds received for the strengthening of state and local educational agencies, for incentive grants to the local educational agencies which have operated exemplary projects during the preceding year. Such funds shall be used by such local educational agencies to expand the projects locally and for dissemination/diffusion of such successful projects statewide.

SEC. 16. Article 7 (commencing with Section 587) of Chapter 6 of Division 1 of the Education Code is repealed.

CHAPTER 713

An act to add and repeal Section 19700.607 of the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 19700.607 is added to the Education Code, to read:

19700.607. Notwithstanding the provisions of Section 19700.60, 19700.65 and 19700.69, whenever a school district has had an application approved on July 16, 1974, for reconstruction of structurally inadequate facilities and the school site is one which is located in the Alquist-Priolo Geologic Hazards Zone of the San Andreas Fault and has been deemed by the Office of Architecture in the Department of General Services to be suitable only for low, compact, well-designed temporary school building structures not exceeding two classrooms in size and if there is more than reasonable doubt that subsurface exploration, including trenching and test borings, could provide conclusive proof that the site would not be damaged by ground rupture in the event of a future major earthquake, then the application of the district and any apportionment made thereon shall be considered as including the acquisition of a new site and construction of new facilities thereon rather than reconstruction of the inadequate facilities on the unsafe site.

In such case the application may be revised and apportionments made to replace all existing permanent facilities which were previously constructed pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 on the new site and to move and reestablish all district-owned portable buildings on the new site, provided that in lieu of the construction and equipping of any portion of the permanent facilities for purposes other than classrooms, the board may, upon application of the district, apportion funds to remodel and equip any of such portables for such purposes, and to construct any portion of such permanent facilities as classrooms. The entire cost of replacing the buildings formerly constructed pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 and the moving or remodeling and equipping, as the case may be, of the district-owned portable facilities may be met only with apportionments from the unassigned balance from thirty million dollars ($30,000,000) appropriated from the School Building Safety Fund by Chapter 500 of the Statutes of 1972 and conditioned upon the district levying the twenty-cent ($0.20) tax rate permitted under Section 15518 during the 1975–76 fiscal year and applying the proceeds therefrom as matching funds to the application. The net proceeds of the sale of the unsafe site shall be applied as a reduction in the apportionments made.

This section is repealed on July 1, 1976, and shall have no force or effect thereafter.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Investigation indicates the presence of an earthquake fault on or near the site for which the Bolinas-Stinson Elementary School District has applied for state school building aid to rehabilitate certain school buildings. The presence of this fault renders the existing school site unsafe. Funds should not be expended for rehabilitating the existing school buildings but should be used to replace such buildings on a safe site. Existing statutes require that no children be placed in unsafe school buildings after June 30, 1975. It is imperative for the health and welfare of the students that this act take effect immediately so that construction of safe facilities may begin at the earliest possible date.

CHAPTER 714

An act to add Sections 96.6 and 96.7 to the Labor Code, relating to labor, and making an appropriation therefor.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 96.6 is added to the Labor Code, to read:

96.6. The Industrial Relations Unpaid Wage Fund is hereby created as a special fund in the State Treasury, which is continuously appropriated for the purposes of subdivision (c) of Section 96.7.

SEC. 2. Section 96.7 is added to the Labor Code, to read:

96.7. The Labor Commissioner, after investigation and upon determination that wages or monetary benefits are due and unpaid to any worker in the State of California, may collect such wages or benefits on behalf of the worker without assignment of such wages or benefits to the commissioner.

(a) The Labor Commissioner shall act as trustee of all such collected unpaid wages or benefits, and shall deposit such collected moneys in the Industrial Relations Unpaid Wage Fund.

(b) The Labor Commissioner shall make a diligent search to locate any worker for whom the Labor Commissioner has collected unpaid wages or benefits.

(c) All wages or benefits collected under this section shall be remitted to the worker, his lawful representative, or to any trust or custodial fund established under a plan to provide health and welfare, pension, vacation, retirement, or similar benefits from the Industrial Relations Unpaid Wage Fund.

(d) Any unpaid wages or benefits collected by the Labor Commissioner pursuant to this section shall be retained in the Industrial Relations Unpaid Wage Fund until remitted pursuant to subdivision (c). If the worker or his lawful representative cannot be identified or located for a period of seven years after the wages

become payable, they shall escheat to the state, and the Labor Commissioner shall transmit such wages or benefits to the State Controller for deposit pursuant to the Unclaimed Property Law (Chapter 7 (commencing with Section 1500) of Part 3 of the Code of Civil Procedure).

CHAPTER 715

An act to amend Section 1258 of, and to add Section 1256.2 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1256.2 is added to the Unemployment Insurance Code, to read:

1256.2. An individual who terminates his employment shall not be deemed to have left his most recent work without good cause if his employer operated so as to deprive him of equal employment opportunities because of that individual's race, color, religious creed, sex, national origin, ancestry, or physical handicap, except that this section shall not apply:

(a) To a deprivation based upon a bona fide occupational qualification or applicable security regulations established by the United States or this state.

(b) If the individual fails to make reasonable efforts to provide the employer with an opportunity to remove any unintentional deprivation of the individual's equal employment opportunities.

SEC. 2. Section 1258 of the Unemployment Insurance Code is amended to read:

1258. "Suitable employment" means work in the individual's usual occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this division.

In determining whether the work is work for which the individual is reasonably fitted, the director shall consider the degree of risk involved to the individual's health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence, and such other factors as would influence a reasonably prudent person in the individual's circumstances.

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CHAPTER 716

An act to add Section 25132 to the Government Code, relating to county ordinances.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25132 is added to the Government Code, to read:

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. Such a violation may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding fifty dollars ($50) for a first violation; (2) a fine not exceeding one hundred dollars ($100) for a second violation of the same ordinance within one year; (3) a fine not exceeding two hundred fifty dollars ($250) for each additional violation of the same ordinance within one year.

CHAPTER 717

An act to add Section 945.1 to the Education Code, relating to legal counsel for school districts.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 945.1 is added to the Education Code, to read:

945.1. Anything in a city, county, or city and county charter to the contrary notwithstanding, the governing board or boards of any school district or community college district and any county superintendent of schools may, in lieu of appointing an administrative adviser pursuant to Section 945, appoint a legal counsel and fix and order paid his compensation. The duties of the legal counsel may include rendering legal advice to the superintendent of schools and to other officers and employees of the school district and such other administrative duties as may be assigned by the superintendent of schools and the governing board of the district, and serving as the legal counsel of the district in the preparation and conduct of school district litigation and administrative proceedings, and rendering advice in relation to school bond and tax increase measures and prepare all legal papers

and forms necessary for the voting of school bonds and tax increase measures in the district. The person appointed as legal counsel shall have been admitted to practice law in the state, and shall not be required to have any certification qualifications.

Neither the county counsel or district attorney shall have a duty to perform for a school district any legal services which the legal counsel, while employed by such district, is authorized by this section to perform and which are assigned to legal counsel by the superintendent of schools or the governing board of a district.

In the event a district ceases to employ legal counsel and requests the resumption of legal services by the county counsel or district attorney, the district shall notify the county counsel or district attorney of such fact on or before January 1 of the year preceding the fiscal year in which services are to be resumed.

CHAPTER 718

An act to amend Sections 71, 255, 256, 401, 420, 606, 1403, 1431, 1504, and 1505 of the Probate Code, relating to civil law.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 71 of the Probate Code is amended to read:

71. If a person marries after making a will and has issue of such marriage, and any of the issue survives the maker, or is born after the death of the maker, the will is revoked as to such issue, unless provision has been made for such issue by some settlement, or unless such issue are provided for in the will, or in such way mentioned therein as to show an intention not to make such provision; and no other evidence to rebut the presumption of such revocation can be received.

SEC. 2. Section 255 of the Probate Code is amended to read:

255. Every illegitimate child, whether born or conceived but unborn, in the event of his or her subsequent birth, is an heir of his or her mother, and also of the person who, in writing, signed in the presence of a competent witness, acknowledges himself to be the father, or who has been established to be the father in paternity proceedings, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he or she had been born in lawful wedlock. An illegitimate child may represent his or her mother and his or her acknowledged or judicially established father and may inherit any part of the estate of such parents' kindred, either lineal or collateral.

SEC. 3. Section 256 of the Probate Code is amended to read:

256. The estate of an illegitimate child, who, having title to any

estate not otherwise limited by marriage contract, dies without disposing thereof by will, is succeeded to as if he or she had been born in lawful wedlock, if he or she has been legitimated by a subsequent marriage of his or her parents; adopted by his or her father; or acknowledged in writing during the lifetime of the illegitimate child, signed in the presence of a competent witness, by his or her father, or paternity has been judicially established during the lifetime of the illegitimate child.; otherwise, it is succeeded to as if he or she had been born in lawful wedlock and had survived his or her father and all persons related to him only through his or her father.

SEC. 4. Section 401 of the Probate Code is amended to read:

401. No person is competent to serve as an executor or executrix who is under the age of majority, convicted of an infamous crime, or adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

SEC. 5. Section 420 of the Probate Code is amended to read:

420. No person is competent to serve as an administrator or administratrix who is not a bona fide resident of this state, or who has not the qualifications required of an executor or executrix.

SEC. 6. Section 606 of the Probate Code is amended to read:

606. No clerk of the court or deputy clerk, or partner or employee of the judge, or person related to the judge or to his or her spouse within the third degree, or who is married to a relative of the judge within the third degree, shall be competent to act as inheritance tax referee.

SEC. 7. Section 1403 of the Probate Code is amended to read:

1403. Either parent of a legitimate child living or likely to be born, may appoint a guardian of the person and estate, or person or estate of such child, by will or by deed, to take effect upon the death of the parent appointing, with the written consent of the other parent, or if the other parent is dead or incapable of consent. If the child is illegitimate, such appointment may be made by the parent who has care, custody, or control of the child.

SEC. 8. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, either parent, or if the parents of the minor are living separate and apart, then that parent having the care, custody, or control of the minor, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as hereinafter prescribed; provided, however, that if the court shall

order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company, invested in an account in an insured savings and loan association, or shares of an insured credit union, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor pursuant to said compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

SEC. 9. Section 1504 of the Probate Code is amended to read:

1504. If a minor having parents living has property, the income of which is sufficient for his or her support, maintenance and education in a manner more expensive than his or her parents can reasonably afford, regard being had to the situation of the family and to all the circumstances of the case, the expenses of the support, maintenance and education of such minor may be defrayed out of the income of his or her own property, in whole or in part, as judged reasonable, and as directed by the court; and the charges therefor may be allowed accordingly in the settlement of the accounts of his or her guardian.

SEC. 10. Section 1505 of the Probate Code is amended to read:

1505. If a guardian has been appointed over the estate of a spouse by reason of the mental incompetency of the spouse and the other spouse is unable to provide the support otherwise required by law, the expense of providing the support may, to the extent necessary, be charged against and defrayed out of the estate, as directed by the court or as approved by the court in settling the accounts of the guardian. For this purpose, the guardian may sell or mortgage or give a deed of trust upon any of the property as hereinafter provided.

CHAPTER 719

An act to add Section 11161.8 to the Penal Code, relating to injury reports.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 11161.8 is added to the Penal Code, to read:

11161.8. Every person, firm, or corporation conducting any hospital in the state, or the managing agent thereof, or the person managing or in charge of such hospital, or in charge of any ward or part of such hospital, who receives a patient from a health facility, as defined in Section 1250 of the Health and Safety Code, who exhibits a physical injury or condition which, in the opinion of the admitting

physician, reasonably appears to be the result of neglect or abuse, shall report such fact by telephone and in writing, within 36 hours, to both the local police authority having jurisdiction and the county health department.

Every physician and surgeon who has under his charge or care any such patient who exhibits a physical injury or condition which reasonably appears to be the result of neglect or abuse shall make such report. The report shall state the character and extent of the physical injury or condition.

No person shall incur any civil or criminal liability as a result of making any report authorized by this section.

CHAPTER 720

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of fifty million thirty-nine thousand seven hundred twelve dollars ($50,039,712) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-75, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated April 1975, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake	$2,539,679
(b) For Antelope Dam and Lake	$5,078,774
(c) For Grizzly Valley Dam and Lake Davis	$4,806,483
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant	$9,776,177
(e) Oroville Division	$10,945,857
Does not yet include an allocation to recreation and fish and wildlife enhancement in the Sacramento-San Joaquin Delta.	
(f) For Del Valle Dam and Lake Del Valle	$16,892,742
Total of schedule	$50,039,712

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of fourteen million five hundred

eighty-one thousand thirty-five dollars ($14,581,035) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-75, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake	$53,460
(b) Grizzly Valley Dam and Lake Davis	$224,446
(c) Oroville Division	$2,817,565
(d) California Aqueduct	$1,567,956
(e) San Luis Dam and Reservoir and O'Neill Forebay	$523,538
(f) Del Valle Dam and Lake Del Valle	$673,023
(g) Castaic Dam and Lake	$2,636,882
(h) Cedar Springs Dam and Silverwood Lake	$1,186,975
(i) Perris Dam and Lake Perris	$4,887,260
(j) Abbey Bridge Dam and Reservoir	$9,930
Total of schedule	$14,581,035

CHAPTER 721

An act to amend Sections 14254, 14256, 14257, and 14310 of the Government Code, relating to the State Contract Act.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14254 of the Government Code is amended to read:

14254. As used in this chapter, "project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind which will exceed in cost a total of fifteen thousand dollars ($15,000).

SEC. 2. Section 14256 of the Government Code is amended to read:

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed one hundred thousand dollars ($100,000).

If the estimated total cost of any construction project or work carried out under this section exceeds fifteen thousand dollars ($15,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the director may authorize the district or agency to carry out work in excess of fifteen thousand dollars

($15,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state; however, in no event shall the amount of work performed by day labor under this section exceed the sum of thirty-five thousand dollars ($35,000) in the case of agricultural district fair projects, or twenty thousand dollars ($20,000) in other cases.

SEC. 3. Section 14257 of the Government Code is amended to read:

14257. If the department determines that any of the provisions of this chapter are not required for projects estimated to cost less than fifteen thousand dollars ($15,000), it may exempt such projects therefrom, but shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids.

SEC. 4. Section 14310 of the Government Code is amended to read:

14310. The department may, and on contracts the estimated cost of which exceeds one hundred fifty thousand dollars ($150,000) the department shall, require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in performing public works. When completed, the questionnaire and financial statement shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

CHAPTER 722

An act to amend Section 136.5 of the Streets and Highways Code, relating to public works contracts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. (a) The contracts referred to in Sections 135 and 136 are not subject to the provision of the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2 of the Government Code). Except for emergency work of the type described in subdivision (b), whenever the estimated amount of such a contract exceeds two thousand five hundred dollars ($2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe. Posting of notice for five days in a public place in the

district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts shall be subject to the applicable payment bond provisions of Chapter 7 (commencing with Section 3247) of Part 4 of Division 3 of the Civil Code. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required.

(b) In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident, or other casualty, tools or equipment may be rented for a period of not to exceed 20 days without competitive bidding, and the department may waive the requirements of Chapter 7 (commencing with Section 3247) of Part 4 of Division 3 of the Civil Code to the extent that a contractor may commence performance of the work under the contract for the rental of tools or equipment prior to filing a payment bond with the department. In such a case, no payment shall be made to the contractor until a payment bond covering all work of the contract is filed with the department.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that tools or equipment may be rented with a minimum delay by the Department of Transportation in case of emergencies, it is necessary that this act take effect immediately.

CHAPTER 723

An act to amend Section 71670 of the Water Code, relating to municipal water districts.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 71670 of the Water Code is amended to read:

71670. A district may acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste, and storm water of the district of its inhabitants.

For purposes of this article, "waste" is as defined in subdivision (d) of Section 13050, and also includes any and all aquatic vegetation, except riparian vegetation, which threatens or adversely affects the quality of the waters within the district. "Quality of the waters" is as defined in subdivision (g) of Section 13050.

The district may prescribe, revise, and collect rates or other charges for the services and facilities furnished pursuant to this article.

CHAPTER 724

An act to amend Section 28990 of, and to add Sections 28993, 28994, and 28995 to, the Public Utilities Code, relating to transit districts.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 28990 of the Public Utilities Code is amended to read:

28990. The purchase of all supplies, equipment and materials, and the construction of facilities and works, when the expenditure required exceeds ten thousand dollars ($10,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before the bids are received. The board may reject any and all bids and readvertise in its discretion.

Where the expenditure required by the bid price is less than twenty-five thousand dollars ($25,000), the general manager may act for the board.

SEC. 2. Section 28993 is added to the Public Utilities Code, to read:

28993. Upon determining that immediate remedial measures to avert or alleviate damage to, or to repair or restore damaged or destroyed property of, the district are necessary in order to insure that the facilities of the district are available to serve the transportation needs of the general public, and upon determining that available remedial measures, including procurement in compliance with Sections 28990, 28991, and 28992, are inadequate, the general manager may authorize the expenditure of money previously appropriated specifically by the board for such direct purchases of goods and services, without observance of the provisions of such sections.

The general manager shall, after any such expenditure, submit to the board a full report explaining the necessity for such action.

SEC. 3. Section 28994 is added to the Public Utilities Code, to read:

28994. The general manager may establish districtwide purchasing standards, the purpose of which shall be to insure the necessary quality of supplies and equipment purchased by, or under the supervision of, the district and to permit the consolidation of purchases in order to effect greater economy in district purchasing.

SEC. 4. Section 28995 is added to the Public Utilities Code, to read:

28995. Notwithstanding Section 28990, and upon a finding by two-thirds of all members of the board that purchase in compliance with Sections 28990 and 28991 does not constitute a method of procurement adequate for the operation of district facilities or equipment, the board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further observance of any provisions requiring contracts, bids, or notice.

CHAPTER 725

An act to amend Section 12531 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12531 of the Business and Professions Code is amended to read:

12531. (a) A device repairman means any person who, engages in the business of installing, adjusting, servicing, or repairing commercial weighing or measuring devices. As used in this paragraph, installing does not include the installation of a device approved by a sealer prior to installation.

Any person engaged in the business of installing commercial weighing or measuring devices which are owned or operated by others for commercial purposes is exempted from the provisions of this chapter, if the devices so installed are required to be inspected, tested, adjusted, or repaired by a sealer or device repairman before the installed device is placed into service.

(b) Commercial weighing or measuring devices means all equipment specified in subdivision (a) of Section 12210, except any weight or measure or weighing or measuring instrument or device used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

CHAPTER 726

An act to add Section 2657 to the Penal Code, relating to prisoners.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2657 is added to the Penal Code, to read:

2657. (a) No person confined in a state prison, as defined in Section 4504, shall be subject to any institutional disciplinary action subsequent to an acquittal in a court of law upon criminal charges brought and tried for the act or omission which is the sole basis of the institutional disciplinary action.

(b) Where the act or omission resulting in acquittal is in any way referred to in any Department of Corrections file pertaining to the prisoner, the fact of acquittal by a court of law shall be clearly inscribed near each such reference.

CHAPTER 727

An act to add Section 86 to the Military and Veterans Code, relating to veterans affairs.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 86 is added to the Military and Veterans Code, to read:

86. Any person deeming himself a veteran and who applies for benefits may appeal any decision made by a division of the department to the Director of Veterans Affairs. Upon receipt of such an appeal, the director shall grant a hearing, if requested, and shall render his decision in writing to the appellant within 30 days of the receipt of the appeal or of the hearing if one is held. Except for judicial review, the director's decision is final and the director shall have the power to change or modify with good cause any decision which is adverse to the appellant. The director may delegate the holding of hearings to the deputy director or legal officer. Hearings shall be held in the department office nearest to the appellant's home unless the appellant requests otherwise.

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CHAPTER 728

An act to add Section 1253.8 to the Unemployment Insurance Code, relating to unemployment compensation.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1253.8 is added to the Unemployment Insurance Code, to read:

1253.8. An unemployed individual shall not be disqualified for eligibility for unemployment compensation benefits solely on the basis that he or she is a student.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 729

An act to add Section 14076 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14076 is added to the Education Code, to read:

14076. Employing school districts and other employing agencies shall notify any member who terminates employment as to the member's eligibility to receive retirement benefits from this system. The notice shall include the rate of interest which will be earned if accumulated contributions are not withdrawn and shall inform persons with less than five years credited California service that the only benefit for which they are eligible at any time is the refund of accumulated contributions. Employing school districts and other employing agents shall transmit such information to the member as part of the usual separation documents.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing service required to be carried on or performed by it by this act.

CHAPTER 730

An act to amend Section 13712.2 of the Education Code, relating to school classified employees.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13712.2 of the Education Code is amended to read:

13712.2. In addition to the exemptions authorized in Section 13712, there shall be exempt from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days in a fiscal year, provided that:

(1) The authorized duties are not those normally assigned to a class of positions in the classified service,

(2) The authorized duties are approved by the personnel commission in advance of employment, and

(3) A regular classified employee of the school district shall not receive a concurrent appointment to such a position.

CHAPTER 731

An act to amend Section 12406 of the Education Code, relating to pupils.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 12406 of the Education Code is amended to read:

12406. Any person arresting or assuming temporary custody of a minor pursuant to Section 12405 shall forthwith deliver the minor either to the parent, guardian, or other person having control, or charge of the minor, or to the school from which the minor is absent, or to a nonsecure youth service or community center designated by the school or district for counseling prior to returning such minor to his home or school, or, if the minor is found to have been declared an habitual truant, he shall cause the minor to be brought before the probation officer of the county having jurisdiction over minors.

CHAPTER 732

An act to add Sections 16763.5, 20905.65, and 20935.15 to the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16763.5 is added to the Education Code, to read:

16763.5. A special child development permit shall be issued to any person employed as a supervisor, head teacher, or teacher by an agency conducting a child care and development program under contract with a county who did not meet the requirements for an emergency instructional permit authorizing service in children's centers or a supervisor's permit with postponement of requirements authorizing service in a children's center in effect on October 15, 1974. A special child development permit issued pursuant to this section shall be valid for 36 months after its date of issuance. Within the 36-month period following the date of issuance of such a permit:

(a) A person employed as a head teacher or teacher who has completed 30 semester hours of coursework taken in an approved institution, including 12 semester hours of coursework in subject fields related to early childhood education, shall be issued an emergency instructional permit authorizing service in a children's center and be subject to the term and renewal regulations in effect on October 15, 1974.

(b) A person employed as a supervisor who has obtained a bachelor's degree from an approved institution and completed at least 12 semester hours of coursework in subject field related to early childhood education shall be issued a supervision permit with postponement of requirements authorizing service in children's centers and be subject to the term and renewal regulations in effect on October 15, 1974.

It is the intention of the Legislature that this section be liberally interpreted to insure that those experienced and qualified persons employed in county contract day care centers prior to July 1, 1974, maintain their positions and be given ample opportunity to upgrade their skills to meet revised educational standards.

SEC. 2. Section 20905.65 is added to the Education Code, to read:

20905.65. The revenue limit per unit of average daily attendance of a unified school district the boundaries of which are coterminous with those of a city and county shall be increased, or decreased, as the case may be, by the amount necessary to reflect or accommodate any change in the property tax revenues allocable to the district for

public school purposes or any change in expenditures required of the district for public school purposes resulting from an election affecting such revenues or expenditures conducted pursuant to the charter of the city and county. Such revised revenue limit shall be in effect for the entire 1975–76 fiscal year.

SEC. 3. Section 20935.15 is added to the Education Code, to read:

20935.15. The revenue limit per unit of average daily attendance of a community college district the boundaries of which are coterminous with those of a city and county shall be increased, or decreased, as the case may be, by the amount necessary to reflect or accommodate any change in the property tax revenues allocable to the district for public school purposes or any change in expenditures required of the district for public school purposes resulting from an election affecting such revenues or expenditures conducted pursuant to the charter of the city and county. Such revised revenue limit shall be in effect for the entire 1975–76 fiscal year.

SEC. 4. This act shall be deemed operative for the entire 1975–76 fiscal year as though it had been enacted into law and become operative on July 1, 1975. The Superintendent of Public Instruction, the Board of Governors of the California Community Colleges, and local school authorities shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal-year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund and the authority to make necessary changes in budget and the maximum tax rate of the districts affected.

SEC. 5. The provisions of this act or Chapter 277 of the Statutes of 1975 shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1975–76. Notwithstanding the provisions of Sections 20951 and 21001, and any other provisions of law or a city and county charter to the contrary, the governing board of any school district to which this act applies may budget and use any unbudgeted apportionments from the State School Fund and unbudgeted revenues from local sources provided during the 1975–76 fiscal year pursuant to the provisions of this act or Chapter 277 without repetition of any publication or other budgeting procedures which would otherwise be required.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit experienced and qualified persons to serve in child development centers while they work to meet revised educational standards, and so maintain the effective operation of child development centers, and in order to enable the school districts in the City and County of San Francisco to alter revenue limits as herein provided for, it is necessary that this act take effect immediately.

CHAPTER 733

An act to add Section 1626.1 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1626.1 is added to the Revenue and Taxation Code, to read:

1626.1. Notwithstanding Section 1623, the board of supervisors of any county which has one or more assessment appeals boards in existence pursuant to this article may by ordinance increase the number of such boards effective from and after the first Monday in October and such boards shall remain in existence until discontinued under the provisions of Section 1626, but in no event shall the term of office of any member of the board exceed three years. Each term of office shall expire in a different calendar year.

CHAPTER 734

An act to amend Section 1996 of, and to add Sections 1997, 1998, 1999, 2000, and 2001 to, the Education Code, relating to school district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1996 of the Education Code is amended to read:

1996. If the State Board of Education approves the formation of the proposed new district the secretary of the board shall immediately notify the county superintendent of schools. Within 20 days after receiving the notification, he shall call an election, in the manner prescribed in Division 4 of this code, in the territory or districts as determined by the State Board of Education. The ballot used in the election shall contain the words "For the formation of the new _____ District with a revenue limit per unit of average daily attendance of _____, such limit to be in effect for the school year commencing _____" followed by the words "Yes" and "No" so

placed that the voter may clearly indicate his choice.

SEC. 2. Section 1997 is added to the Education Code, to read:

1997. The county superintendent of schools shall prepare a statement of official information and statistics relating to the proposed new school district which shall include, but is not limited to, the assessed valuation, the tax rate, the rate of growth, the expected enrollment, and the support from the state which can be expected if such new district maintains an adequate school program. Such statistics shall be based upon the school year last completed before the date of the election. Upon approval by the Department of Education, the statement of official information shall be distributed to each registered elector in the territory in which the election will be held.

The Chief Executive Officer of the Board of Governors of the California Community Colleges shall prepare and submit such statement with respect to a proposed new community college district.

SEC. 3. Section 1998 is added to the Education Code, to read:

1998. The county superintendent of schools shall compute a revenue limit for the proposed new school district which in his judgment will be adequate to meet the needs of the district. Such revenue limit shall appear on the ballot as prescribed by Section 1996.

SEC. 4. Section 1999 is added to the Education Code, to read:

1999. The statement of official information and statistics prepared and distributed pursuant to Section 1997 in connection with the proposed new school district shall contain a statement by the county superintendent of schools, of the amount by which the revenue limit, as computed by him pursuant to Section 1998, of the new district, would be required to be increased in order to produce an amount of revenue equal to the sum of the revenues of each of the districts proposed to be partially or wholly included therein produced by all of the taxes levied, pursuant to statutes authorizing taxes to be levied for particular purposes without compliance with Sections 20751 and 20803, or 20803.2, whichever is applicable, in such districts during the school year prior to the fiscal year in which the election for reorganization was held.

SEC. 5. Section 2000 is added to the Education Code, to read:

2000. The county superintendent of schools calling the election shall cause to be prepared and distributed a statement setting forth arguments for and against the measure. The arguments shall not exceed 500 words. The argument in favor of the measure shall be prepared by an elector who signed the petition submitted pursuant to subdivision (a) of Section 1992 or by a member of the majority of a governing board pursuant to subdivision (b) of Section 1992. The argument against the measure shall be prepared by an opponent of the measure designated by the county superintendent of schools.

SEC. 6. Section 2001 is added to the Education Code, to read:

2001. The cost of preparation and distribution of the statement

setting forth the arguments in favor of, and those opposed to, the measure and the cost of any election held hereunder shall be a charge against the general fund of the county in which the proposed new school district is situated. If such district is situated in more than one county, the cost shall be prorated against each county in the same proportion as the assessed valuation of the district lying in such county bears to the total assessed valuation of the district.

When the election is held in more than one county because the proposed new school district is to be situated in more than one county, the cost of the election shall be prorated against each county in the same proportion as the assessed valuation of the territory of the proposed new district lying in such county bears to the total assessed valuation of the proposed new district.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide more detailed information to the electorate who may have the opportunity to approve proposals to form new school districts, at the earliest possible time, it is essential that this act take immediate effect.

CHAPTER 735

An act to amend Sections 2651, 2652, 2654, 2655, 2658, 2658.5, 2660, 2660.5, 2661, 2664, 2666, and 2667 of, to add Sections 2656 and 2658.7 to, and to repeal Sections 2655.1, 2656, and 2657 of, the Labor Code, relating to industrial homework.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2651 of the Labor Code is amended to read:

2651. The manufacture by industrial homework of any of the following materials or articles shall be unlawful, and no license or permit issued under this part shall be deemed to authorize such manufacture: articles of food or drink; articles for use in connection with the serving of food or drink; articles of wearing apparel; toys and dolls; tobacco; drugs and poisons; bandages and other sanitary goods; explosives, fireworks, and articles of like character; articles, the

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manufacture of which by industrial homework is determined by the division to be injurious to the health or welfare of the industrial homeworkers within the industry or to render unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry.

SEC. 2. Section 2652 of the Labor Code is amended to read:

2652. The division shall have the power to make an investigation of any industry not specifically exempted and made unlawful by Section 2651 which employs industrial homeworkers, in order to determine whether the wages and conditions of employment of industrial homeworkers in the industry are injurious to their health and welfare or whether the wages and conditions of employment of the industrial homeworkers have the effect of rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in the industry.

SEC. 3. Section 2654 of the Labor Code is amended to read:

2654. If, on the basis of information in its possession, with or without an investigation, the division shall find that industrial homework cannot be continued within an industry without injuring the health and welfare of the industrial homeworkers within that industry, or without rendering unduly difficult the maintenance of existing labor standards or the enforcement of labor standards established by law or regulation for factory workers in that industry, the division shall by order declare such industrial homework to be unlawful and require all employers in the industry to discontinue manufacture by industrial homework. The order shall set forth the type or types of manufacturing which are prohibited after its effective date, and shall contain such terms and conditions as the division may deem necessary to carry out the purpose and intent of this part.

SEC. 4. Section 2655 of the Labor Code is amended to read:

2655. After making such order the division shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer, or representative of employers, and any industrial homeworker, or representative of industrial homeworkers, and any other person having an interest in the subject matter of the hearing. A public notice of each hearing shall be given at least 30 days before the hearing is held and in such manner as may be determined by the division. The division shall send written notice of the hearing to every business and employer which the division believes may be adversely affected by the order. The hearing or hearings shall be in such place or places as the division deems most convenient to the employers and industrial homeworkers to be affected by the order.

SEC. 5. Section 2655.1 of the Labor Code is repealed.

SEC. 6. Section 2656 of the Labor Code is repealed.

SEC. 7. Section 2656 is added to the Labor Code, to read:

2656. The division may seek a search warrant pursuant to the

procedures set forth in Chapter 3 (commencing with Section 1523) of Title 12 of Part 2 of the Penal Code to enable it to have access to, and to inspect, the premises of any industrial homeworker or distributor in this state.

SEC. 8. Section 2657 of the Labor Code is repealed.

SEC. 9. Section 2658 of the Labor Code is amended to read:

2658. No person shall employ an industrial homeworker in any industry not prohibited by Section 2651 unless the person employing an industrial homeworker has obtained a valid industrial homework license from the division.

Application for a license to employ industrial homeworkers shall be made to the division in such form as the division may by regulation prescribe. A license fee of one hundred dollars ($100) for each industrial homeworker employed shall be paid to the division and such license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

Renewal fees shall be at the same rate and conditions as the original license.

The division may revoke or suspend the license upon a finding that the person has violated this part or has failed to comply with the regulations of the division or with any provision of the license. The industrial homework license shall not be transferable.

All license fees received under this part shall be paid into the State Treasury.

SEC. 10. Section 2658.5 of the Labor Code is amended to read:

2658.5. Every person, which term shall be deemed to include manufacturers, contractors, jobbers and wholesalers, who, without having in his possession a then-valid industrial homework license issued to him by the Division of Industrial Welfare, employs an industrial homeworker, or who tolerates, suffers, or permits articles or materials owned by him, or under his custody or control to be taken to a home for manufacture by industrial homework or who accepts and pays a person for the manufacture in a home of articles and materials by industrial homework, or who places an advertisement for industrial homework the performance of which is not permitted under this part is guilty of a misdemeanor which misdemeanor shall be punished for the first offense by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment, and for a second conviction by a fine of not more than five thousand dollars ($5,000) or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. A person, which term shall be deemed to include manufacturers, contractors, jobbers and wholesalers, convicted for a third time, and any subsequent times, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than thirty thousand dollars ($30,000) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment. Upon a third conviction, in addition to any penalties or fines imposed, the business license of the

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manufacturer or owner of the goods, garments or products produced by industrial homework which is not permitted by this part shall be suspended for a period not to exceed three years. The court may suspend all or a part of any penalty imposed by this section on condition that the defendant refrains from any future or other violation of this part.

SEC. 11. Section 2658.7 is added to the Labor Code, to read:

2658.7. Any goods, assembled or partially assembled, whether found in the homeworker's home, in transit to or from the home, or in the manufacturer's or his contractor's possession, pursuant to an order obtained under Section 2656, which constitute evidence of a violation of industrial homework laws, shall be confiscated by the division and properly marked and identified.

A determination or decision that a violation of Section 2651 has been committed shall carry with it, in addition to whatever other penalties are imposed as prescribed in this act, forfeiture of the aforementioned confiscated goods, garments or products identified as goods, garments or products produced by illegal industrial homework, and placed in the custody of the division, which shall be charged with the responsibility of destroying them.

The division shall have the power to make an investigation of any industry in which the utilization of industrial homework has been made unlawful by Section 2651, in order to determine compliance with Section 2651.

SEC. 12. Section 2660 of the Labor Code is amended to read:

2660. No person shall do industrial homework within this state unless he has in his possession a valid homeworker's permit issued to him by the division. The permit shall be issued for a fee of twenty-five dollars ($25), and shall be valid for industrial homework performed for the licensed employer of industrial homeworkers, named therein, for a period of one year from the date of its issuance unless sooner revoked or suspended. Application for a permit shall be made in such form as the division may by regulation prescribe. The permit shall be valid only for work performed by the applicant himself in his own home. The division may waive the fee for a homeworker's permit in cases where the applicant requests such waiver, and can establish that payments of the fee would result in financial hardship.

SEC. 13. Section 2660.5 of the Labor Code is amended to read:

2660.5. Every person who does industrial homework without having in his possession a valid homeworker's permit issued to him by the division is guilty of a misdemeanor which misdemeanor shall be punishable for the first offense by a fine of not more than fifty dollars ($50) and for the second offense by a fine of not more than one hundred dollars ($100). The court may suspend such fine on condition the industrial homeworker cooperates with the division in the lawful prosecutions of persons violating this part and to secure compliance with this part, or on condition the defendant refrains from any future violation of this part.

SEC. 14. Section 2661 of the Labor Code is amended to read:

2661. No homeworker's permit shall be issued to any person under the age of 16 years; or to any person suffering from an infectious, contagious, or communicable disease, or to any person living in a home that is not clean, sanitary, and free from infectious, contagious, or communicable disease.

SEC. 15. Section 2664 of the Labor Code is amended to read:

2664. Any article or material which is being manufactured in a home in violation of any provision of this part may be removed by the division and may be retained by it for 30 days or until the final determination of any court action instituted by the division thereon. The division shall, by registered mail, give notice of such removal to the person whose name and address are affixed to the article or material as provided in this part. Such articles or materials so removed shall be destroyed by the division.

SEC. 16. Section 2666 of the Labor Code is amended to read:

2666. The Division of Industrial Welfare shall enforce the provisions of this part. The division and the authorized representatives of the Department of Industrial Relations are authorized and directed to make all inspections and investigations necessary for the enforcement of this part. Every employer shall permit authorized employees of the division free access to his place of business for the purpose of making investigations authorized by this part or necessary to carry out its provisions and permit them to inspect and copy his payroll or other records or documents relating to the enforcement of this part, or interview his employees or agents. The division may make, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, such rules and regulations as are reasonably necessary to carry out the provisions of this part. The violation of any such rule or regulation shall be deemed a violation of this part.

Every law enforcement officer of the state, any county, municipality, or other government entity who has reason to suspect any violation of this part shall have all the powers of an authorized representative of the Department of Industrial Relations, in the investigation of such suspected violation.

SEC. 17. Section 2667 of the Labor Code is amended to read:

2667. Unless otherwise provided herein, every person acting either individually or as an officer, agent, employee or independent contractor for another person who violates or refuses or neglects to comply with any provision of this part, or any regulation of the division made in accordance with the provisions of this part is guilty of a misdemeanor.

Whenever the provisions of this part prohibit the employment of a person in certain work or under certain conditions, the employer shall not knowingly permit such person to work with or without compensation.

The Attorney General may seek appropriate injunctive relief

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consistent with, and in furtherance of the purposes of, this part.

SEC. 18. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 736

An act to amend Section 2954.5 of, and to add Section 2954.4 to, the Civil Code, relating to loans.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2954.4 is added to the Civil Code, to read:

2954.4. (a) A charge which may be imposed for late payment of an installment due on a loan secured by a mortgage or a deed of trust on real property containing only a single-family, owner-occupied dwelling, shall not exceed either (1) the equivalent of 6 percent of the installment due that is applicable to payment of principal and interest on the loan, or (2) five dollars ($5), whichever is greater. No charge may be imposed more than once for the late payment of the same installment; provided, however, that the imposition of a late charge on any late payment does not eliminate or supersede late charges imposed on prior late payments. A payment is not a "late payment" for the purposes of this section until at least 10 days following the due date of the installment.

(b) No late charge may be imposed on any installment which is paid or tendered in full on or before its due date, or within 10 days thereafter, even though an earlier installment or installments, or any late charge thereon, may not have been paid in full when due. For the purposes of determining whether late charges may be imposed, any payment tendered by the borrower shall be applied by the lender to the most recent installment due.

(c) A late payment charge described in subdivision (a) is valid if it satisfies the requirements of this section and Section 2954.5.

(d) Nothing in this section shall be construed to alter in any way the duty of the borrower to pay any installment then due or to alter the rights of the lender to enforce the payment of such installments.

(e) This section is not applicable to loans made by a credit union subject to the provisions of Division 5 (commencing with Section 14000) of the Financial Code, by an industrial loan company subject

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to the provisions of Division 7 (commencing with Section 18000) of the Financial Code, or by a personal property broker subject to the provisions of Division 9 (commencing with Section 22000) of the Financial Code, and is not applicable to loans made or negotiated by a real estate broker subject to the provisions of Article 7 (commencing with Section 10240) of Chapter 3 of Part 1 of Division 4 of the Business and Professions Code.

(f) As used in this section, "single-family, owner-occupied dwelling" means a dwelling which will be owned and occupied by a signatory to the mortgage or deed of trust secured by such dwelling within 90 days of the execution of the mortgage or deed of trust.

(g) This section shall apply to loans executed on and after January 1, 1976.

SEC. 2. Section 2954.5 of the Civil Code is amended to read:

2954.5. (a) Before the first default, delinquency, or late payment charge may be assessed by any lender on a delinquent payment of a loan, other than a loan made pursuant to Section 22466 of the Financial Code, secured by real property, and before the borrower becomes obligated to pay such a charge, the borrower shall either (1) be notified in writing and given at least 10 days from mailing of such notice in which to cure the delinquency, or (2) be informed, by a billing or notice sent for each payment due on the loan, of the date after which such a charge will be assessed.

The notice provided in either paragraph (1) or (2) shall contain the amount of such charge or the method by which it is calculated.

(b) If a subsequent payment becomes delinquent the borrower shall be notified in writing, before the late charge is to be imposed, that the charge will be imposed if payment is not received, or the borrower shall be notified at least semiannually of the total amount of late charges imposed during the period covered by the notice.

(c) Notice provided by this section shall be sent to the address specified by the borrower, or, if no address is specified, to the borrower's address as shown in the lender's records.

(d) In case of multiple borrowers obligated on the same loan, a notice mailed to one shall be deemed to comply with the provisions of this section.

(e) The failure of the lender to comply with the requirements of this section does not excuse or defer the borrower's performance of any obligation incurred in the loan transaction, other than his obligation to pay a late payment charge, nor does it impair or defer the right of the lender to enforce any other obligation including the costs and expenses incurred in any enforcement authorized by law.

The provisions of this section as added by Chapter 1430 of the Statutes of 1970 shall only affect loans made on and after January 1, 1971.

The amendments to this section made at the 1975–76 Regular Session of the Legislature shall only apply to loans executed on and after January 1, 1976.

CHAPTER 737

An act to amend Sections 1480, 1481.2, and 1482 of the Health and Safety Code, relating to paramedics.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1480 of the Health and Safety Code is amended to read:

1480. Any county may conduct a pilot program which provides services utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency, during transport to a general acute care hospital, while in the emergency department of the general acute care hospital until care responsibility is assumed by the regular staff of the general acute care hospital, and during training within the facilities of a participating general acute care hospital. A county may contract with a general acute care hospital which has the approval of the county health officer to participate in the pilot program.

SEC. 2. Section 1481.2 of the Health and Safety Code is amended to read:

1481.2. Each county conducting a pilot program pursuant to this article shall submit an annual report to the Legislature and to the State Department of Health, not later than January 31 of each calendar year, evaluating any such pilot program conducted by the county. The report shall include an evaluation of the competency and effectiveness of the performance by the mobile intensive care paramedics in their duties in staffing rescue units and in the rendering of medical and nursing care pursuant to this article. The report may include recommendations relating to the extension or modification of the provisions of this article.

SEC. 3. Section 1482 of the Health and Safety Code is amended to read:

1482. Notwithstanding any other provision of law, mobile intensive care paramedics may do any of the following:

(1) Render rescue, first aid and resuscitation services.

(2) Perform cardiopulmonary resuscitation and defibrillation.

(3) During training and while caring for patients in a participating general acute care hospital under the direct supervision of a physician or registered nurse, or while at the scene of a medical emergency where voice contact or a telemetered electrocardiogram is monitored by a physician or a certified mobile intensive care nurse where authorized by a physician, and where direct communication is maintained, upon order of such physician or such nurse:

(a) Administer intravenous saline, glucose or volume expanding

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agents or solutions.

(b) Perform gastric suction by intubation.

(c) Perform pulmonary ventilation by use of esophageal airway.

(d) Obtain blood for laboratory analysis.

(e) Apply rotating tourniquets.

(f) Administer parenterally, orally or topically any of the following classes of drugs or solutions:

(i) Antiarrhythmic agents.

(ii) Vagolytic agents.

(iii) Chronotropic agents.

(iv) Analgesic agents.

(v) Alkalinizing agents.

(vi) Vasopressor agents.

(vii) Narcotic antagonists.

(viii) Diuretics.

(ix) Anticonvulsants.

(x) Ophthalmic agents.

(xi) Oxytocic agents.

(xii) Antihistaminics.

(xiii) Bronchodilators.

(xiv) Emetics.

(g) Assist in childbirth.

CHAPTER 738

An act to repeal and add Section 76021 and Article 36 (commencing with Section 74920) of Chapter 10 of Title 8 of the Government Code, relating to administration of justice.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 36 (commencing with Section 74920) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 36 (commencing with Section 74920) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 36. Municipal Court Districts in Tulare County

74920. This article applies only to municipal courts established in the following judicial districts in the County of Tulare.

(a) A district embracing the City of Porterville designated as the Porterville Judicial District;

(b) A district embracing the City of Tulare and the territory embraced by the Pixley Judicial District designated as the Tulare-Pixley Judicial District; and

(c) A district embracing the City of Visalia designated as the Visalia Judicial District.

74920.5. In the event that the board of supervisors of the County of Tulare consolidates all or a substantial part of the Pixley Judicial District with the Tulare Judicial District then, notwithstanding any other provision of law, on order of the board of supervisors, sessions and services of the municipal court for the Tulare-Pixley Judicial District shall be held within the territory embraced by the Pixley Judicial District as it existed on December 31, 1974.

74921. Each of the municipal court districts established in Tulare County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Porterville Judicial District	1
Tulare-Pixley Judicial District	1
Visalia Judicial District	2

74921.5. In the Porterville Judicial District there shall be one clerk who shall also act as administrator and secretary of the court and who shall receive a salary as specified in range No. 38.5. The clerk may appoint:

(a) One assistant clerk who shall receive the salary specified in range No. 34.

(b) One court clerk III who shall receive the salary specified in range No. 32.5.

(c) One senior clerk-typist who shall receive the salary specified in range No. 27.5.

(d) Five intermediate clerk-typists who shall receive the salary specified in range No. 25.5.

74921.6. In the Tulare-Pixley Judicial District there shall be one clerk who shall act as administrator and secretary of the court and who shall receive a salary as specified in range No. 38.5. The clerk may appoint:

(a) One assistant clerk who shall receive the salary specified in range No. 34.

(b) One court clerk III who shall receive the salary specified in range No. 32.5.

(c) One senior clerk-typist who shall receive the salary specified in range No. 27.5.

(d) Five intermediate clerk-typists who shall receive the salary specified in range No. 25.5.

74922. In the Visalia Judicial District there shall be one clerk who shall also act as administrator and secretary of the court and who shall receive a salary as specified in range No. 38.5. The clerk may appoint:

(a) One assistant clerk who shall receive the salary specified in range No. 34.

(b) Two court clerks III who shall receive the salary specified in range No. 32.5.

(c) One senior clerk-typist who shall receive the salary specified

in range No. 27.5.

(d) Nine intermediate clerk-typists who shall receive the salary specified in range No. 25.5.

74922.5. There shall be one marshal for each municipal court who shall receive a salary of $1,184 per month. Each marshal may appoint:

(a) One deputy marshal who shall receive the salary specified in range No. 35.

(b) One intermediate clerk-typist who shall receive the salary specified in range No. 25.5, and who shall serve as clerk to the marshal.

74923. Whenever reference is made to a range number in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step A	Step B	Step C	Step D	Step E
25	$481	$505	$530	$556	$584
25.5	493	518	543	570	590
26	505	530	556	584	613
26.5	518	543	570	599	628
27	530	556	584	613	644
27.5	543	570	599	628	660
28	556	584	613	644	676
28.5	570	599	628	660	693
29	584	618	644	676	710
29.5	599	628	660	693	728
30	613	644	676	710	745
30.5	628	660	693	728	764
31	644	676	710	745	782
31.5	660	693	728	764	802
32	676	710	745	782	821
32.5	693	728	764	802	842
33	710	745	782	821	862
33.5	728	764	802	842	884
34	745	782	821	862	905
34.5	764	802	842	884	928
35	782	821	862	905	950
35.5	802	842	884	928	974
36	821	862	905	950	998
36.5	842	884	928	974	1,023
37	862	905	950	998	1,048
37.5	884	928	974	1,023	1,074
38	905	950	998	1,048	1,100
38.5	928	974	1,023	1,074	1,128
39	950	998	1,048	1,100	1,155
39.5	974	1,023	1,074	1,128	1,184
40	998	1,048	1,100	1,155	1,213
40.5	1,023	1,074	1,128	1,184	1,243
41	1,048	1,100	1,155	1,213	1,274

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41.5	1,074	1,128	1,184	1,243	1,306
42	1,100	1,155	1,213	1,274	1,338
42.5	1,128	1,184	1,243	1,306	1,371
43	1,155	1,213	1,274	1,338	1,405
43.5	1,184	1,243	1,306	1,371	1,440
44	1,213	1,274	1,338	1,405	1,475
44.5	1,243	1,306	1,371	1,440	1,512
45	1,274	1,338	1,405	1,475	1,549
45.5	1,306	1,371	1,440	1,512	1,588
46	1,338	1,405	1,475	1,549	1,626
46.5	1,371	1,440	1,512	1,588	1,667
47	1,405	1,475	1,549	1,626	1,707
47.5	1,440	1,512	1,588	1,667	1,750
48	1,475	1,549	1,626	1,707	1,792
48.5	1,512	1,588	1,667	1,750	1,837
49	1,549	1,626	1,707	1,792	1,882
49.5	1,588	1,667	1,750	1,837	1,929
50	1,626	1,707	1,792	1,882	1,976

74923.5. In the event that the judge of the superseded Porterville Justice Court does not or cannot succeed to any judgeship which may become available and elects to become clerk in accordance with Section 71085 he shall receive a salary as specified in range No. 42. Notwithstanding the provisions of Section 72400, the judge of the superseded Porterville Justice Court, while holding such office as clerk, may serve as traffic referee on appointment by the presiding judge of any municipal court in Tulare County, without additional compensation, but with reimbursement for mileage and travel expenses.

74923.6. In the event that the judge of the superseded Pixley Justice Court does not or cannot succeed to any judgeship which may become available and elects to become clerk in accordance with Section 71085 he shall receive a salary as specified in range No. 40. Notwithstanding the provisions of Section 72400, the judge of the superseded Pixley Justice Court, while holding such office as clerk, may serve as traffic referee on appointment by the presiding judge of any municipal court in Tulare County, without additional compensation, but with reimbursement for mileage and travel expenses.

74924. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The initial hiring rate for each position shall normally be at step A. If it is difficult to secure qualified personnel at such rate, or if a person of unusual qualifications is hired, the appointing authority, with the approval of the Board of Supervisors of the County of Tulare, may employ such person at one of the higher salary steps provided for the position.

(b) All increases in salary shall not be given as a matter of right but only when the presiding judge of the court determines that the

officer or employees is properly entitled to receive it. Each person employed in the office of the clerk or marshal, including the clerk, may be advanced from step A to step B of a position on the first day of the month following the completion of six full months of service in the position. A person may be advanced to steps C, D, and E upon completion of successive 12-month periods of service in the same position.

(c) The salaries of municipal court officers and attachés may, upon recommendation by the appointing authority and approval of the board of supervisors, be increased or decreased within the limits set forth in Section 74923 in order to provide compensation which is comparable to compensation received by county employees of similar qualifications and experience and holding equal or comparable positions, as said comparability is determined by the board of supervisors.

(d) Certain classifications in the municipal courts in Tulare County are deemed to be equivalent or related in responsibility and salary level to certain classifications in the service of Tulare County and whenever the salary of a classification in the service of Tulare County is adjusted by the board of supervisors the salary of equivalent classifications and related classifications in the municipal courts in Tulare County shall be adjusted an equal number of ranges on the currently effective salary schedule established by the board of supervisors. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the county service, but such adjustments shall be effective only until January 1, 1977.

The equivalent or related classifications are as follows:

Municipal court classification	County classification
Clerk, municipal court	Assistant county clerk
Assistant clerk municipal court	Court clerk IV
Court clerk III	Court clerk III
Senior clerk-typist	Senior clerk-typist
Senior clerk	Senior clerk
Intermediate clerk-typist	Intermediate clerk-typist
Marshal	Sheriff's sergeant
Deputy marshal	Bailiff

74924.5. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of the presiding judge of the court and the board of supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in

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the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article, or as prescribed by ordinance or resolution of the board of supervisors for classes not expressly provided for in this article. If through workload or organizational changes duties are delegated to certain positions in classes not expressly provided for in this article, with the approval of the presiding judge of the court and the board of supervisors, such positions may be reallocated to different existing classes in the County of Tulare classification plan or allocated to new classes appropriate to the duties being performed. Attachés and employees may continue in such positions, or reallocated positions, only until January 1, 1977. The provisions of this section are not intended to affect the application of Section 72150 of this code.

74925. Whenever a municipal court is established, an incumbent officer or attaché of the superseded justice court shall be placed on the step level of the salary schedule made applicable to his position which pays the same rate of compensation as he received as an officer or attaché of the superseded justice court, and if there is no equivalent salary in the salary schedule, he shall be placed in the step level having a rate of compensation next higher than his former salary.

74925.5. The officers and attachés of the municipal courts shall be entitled to the same vacation, sick leave, leave of absence and similar benefits and privileges as are now or may hereafter be provided for the employees of the County of Tulare under ordinances and resolutions of the board of supervisors.

74926. All fees collected by the marshals or their deputies for services to the municipal courts shall be deposited with the county treasurer.

74926.5. All officers and attachés of the municipal courts shall devote their full time to the performance of their duties.

74927. All matters affecting the employment of such municipal court officers and attachés which are not specifically determined by this article or other provisions of state law shall be governed and regulated by the then current ordinances and resolutions of the Board of Supervisors of the County of Tulare.

74927.5. This article shall become effective in the Visalia and Porterville Judicial Districts on January 1, 1976, and shall become operative in the Tulare-Pixley Judicial District when it is determined in the manner prescribed by Section 71043 that the population of the judicial district exceeds 40,000.

SEC. 3. Section 76021 of the Government Code is repealed.

SEC. 4. Section 76021 is added to the Government Code, to read:

76021. In a county of the 21st class, each member of the grand jury shall be allowed the amount determined by the county board of supervisors which shall not be less than ten dollars ($10) for each day's attendance upon sessions of the grand jury and for each day's attendance at a meeting of a grand jury committee. No more than one per diem shall be paid to a grand juror for all services rendered

by him on any one day. Grand jurors shall receive reimbursement for each mile actually and necessarily traveled in performing such services at the same mileage rates paid to officers and employees of such county. Members of the grand jury shall not receive a per diem or mileage reimbursement for any travel to a meeting held outside the county.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act, because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 739

An act to amend Section 12841 of the Food and Agricultural Code, relating to pesticides.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12841 of the Food and Agricultural Code is amended to read:

12841. Each registrant shall pay to the director an assessment not to exceed eight mills ($0.008) per dollar of sales for all sales of his registered and labeled economic poisons for use in this state. A registrant is not required to pay an assessment on his products registered and labeled only for use in further manufacturing or formulating of economic poisons. The director may reduce the assessment if he determines that a lesser assessment rate, together with other available funds, will provide adequate revenue to administer and enforce the provisions of Division 6 (commencing with Section 11401) and this chapter, Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division.

Upon application of any registrant, the director shall determine whether a fertilizer or paper product is used as a carrier for economic poison, and is sold in combination, and whether the mill assessment under this section shall be on the economic poison value only, when the product is designed, developed, manufactured, and sold primarily for other than an economic poison use. If the director finds that the combination product has such a major component and is designed, developed, manufactured, and sold primarily for other than an economic poison use, the assessment provided for by this section shall be paid on the equivalent percentage of the sales price of the active ingredients of such an economic poison product. The

director shall establish such percentage of the sales price. Such percentage shall be the ratio of that portion of the sales price attributable to the economic poison portion to the total sales price of such combination product.

For purposes of this section, "active ingredient" means any active ingredient which is required to be stated on the label on any registered economic poison under Section 12883.

CHAPTER 740

An act to amend Section 21222.3 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21222.3 of the Government Code is amended to read:

21222.3. In addition to the increase in allowance authorized by and granted pursuant to the provisions of Section 21222, and notwithstanding the limitation in subdivision (b) of Section 21224, any monthly allowance computed under or limited by Section 21251.1 prior to its repeal by Chapter 266, Statutes of 1972,, shall be increased by 15 percent. Such percentage shall be applied to the allowance payable on July 1, 1974, and the allowance as so increased shall be paid for time on and after that date and until the first day of April, 1975. The base allowance shall be increased by the same percentage for annual adjustments beginning with the adjustment effective for time commencing on April 1, 1975.

Notwithstanding Sections 20019.1 and 20493 of this code, this section shall not apply to allowances based on service in employment in which the member was a school member or a local miscellaneous member.

The amendments to this section during the 1975–76 Regular Session shall be applicable to allowances paid on and after January 1, 1976 to retired state members who did not receive an increase under this section prior to such amendments solely because their effective date of retirement was on or after July 1, 1971.

CHAPTER 741

An act to add Section 5006 45 to the Public Resources Code, relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5006.45 is added to the Public Resources Code, to read:

5006.45. (a) Notwithstanding any other provision of law, the Director of General Services may acquire, on behalf of the state, a fee or lesser interest in such real and personal property located in the vicinity of Ocotillo Wells in San Diego County as is designated in writing to the Director of General Services by the Director of Parks and Recreation. If such property is leased, the lease shall be for such term and for such consideration as is mutually agreed upon by and between the Director of General Services and the lessor, and with the rental to be paid by the Department of Parks and Recreation.

(b) Prior to making any acquisition:

(1) The Director of Parks and Recreation shall recommend to the State Park and Recreation Commission his designation of lands presently owned by the department to be included in the vehicular recreation area provided in subdivision (d), and no acquisition may be made unless and until the commission has concurred in such designation.

(2) The director shall conduct at least one public hearing in San Diego County regarding the designation of lands presently owned by the department to be included in the vehicular recreation area. The director shall consider and be guided by testimony presented at the hearing.

(c) Any interest acquired pursuant to this section shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(d) Upon acquisition of the interest, the Director of General Services shall forthwith transfer the interest to the jurisdiction of the department which shall administer the property as a unit of the state park system. The department shall carry out a program in such unit of development, maintenance, administration, and conservation of trails and areas for the recreational use of off-highway vehicles and for other related state park system purposes. Areas for the recreational use of off-highway vehicles shall be administered pursuant to paragraph (3) of subdivision (d) of Section 5001.5.

(e) Any fees, rentals, or other returns collected by the department in its administration of such unit shall be paid into the

State Treasury to the credit of the Off-Highway Vehicle Fund.

(f) The Director of Parks and Recreation shall review, and report annually to the State Park and Recreation Commission regarding, the development, maintenance, administration, and public usage of the vehicular recreation area and its success, effects on the environment, and appropriateness as a unit of the state park system.

SEC. 2. There is hereby appropriated from moneys in the Off-Highway Vehicle Fund pursuant to the provisions of subdivision (b) of Section 38300 of the Vehicle Code the sum of two million two hundred thousand dollars ($2,200,000) for the purposes of acquiring, developing, and administering the state park system unit established pursuant to Section 5006.45 of the Public Resources Code, allocated as follows:

(a) The sum of two million one hundred thousand dollars ($2,100,000) to the Department of Parks and Recreation for the acquisition of an interest in real and personal property located in San Diego County.

(b) The sum of one hundred thousand dollars ($100,000) to the Department of Parks and Recreation for development and for administrative costs, including, but not limited to, rental, leasing costs, archaeological investigation, operating expenses and equipment, and personal services.

SEC. 3. Funds appropriated in Section 2 of this act shall not be expended for the purchase of any real property or the acquisition of any other interest in real property until the State Public Works Board has determined both of the following:

(a) That the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) That the Department of General Services, in making its investigations and appraisals, has found no evidence that there is any person or group of persons who assert any prescriptive right or claim in the property to be acquired; or, if such prescriptive right or claim has been asserted or established, that the department has appraised the property at a price that reflects the value of such right or claim.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain lands of unique recreational value are presently being used by the public by permission of the private owner, and in order that such public use of the area may continue, it is necessary that this act take effect immediately.

CHAPTER 742

An act making an appropriation for the acquisition of coastal wetlands.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three million four hundred eighty-one thousand dollars ($3,481,000) is hereby appropriated from the General Fund to the Department of Fish and Game for expenditure without regard to fiscal years for the acquisition of the coastal wetlands located in Upper Newport Bay, Orange County.

It is the legislative intent that this appropriation shall come from the sum of four million five hundred thousand dollars ($4,500,000) which was received by the State of California as the state's share of the settlement for the case of the State of California v. Union Oil Company of California and others, and which was deposited in the General Fund.

CHAPTER 743

An act to amend Section 16053 of, and to add Sections 16053.1 and 16053.7 to, the Education Code, relating to education.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16053 of the Education Code is amended to read:

16053. The funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay; provided, however, that the proceeds of property sold or leased in accordance with subdivision (a) or (b) of Section 16053.1 may be deposited in the general fund of the district if, prior to such sale or lease, the school district governing board and the State Allocation Board have determined that the district has no anticipated need for additional sites or building construction for the five-year period following such sale or lease.

SEC. 2. Section 16053.1 is added to the Education Code, to read:

16053.1. The sale or lease with an option to purchase of real property by a school district shall be in accordance with the following priorities and procedures:

(a) First, the property shall be offered for park or recreational purposes pursuant to Article 8 (commencing with Section 54220) of

Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, in any instance in which such article is applicable.

(b) Second, the property shall be offered for sale or lease with an option to purchase, at fair market value;

(1) In writing, to the state, the Regents of the University of California, the Trustees of the California State University and Colleges, the county and city in which the property is situated, and to any public housing authority in the county in which the property is situated; and

(2) By public notice to any public district, public authority, public agency, public corporation, or any other political subdivision in this state, to the federal government, and to nonprofit charitable corporations organized pursuant to Part 3 (commencing with Section 10200) of Division 2 of Title 1 of the Corporations Code. Public notice shall consist of at least publishing its intention to dispose of the real property in a newspaper of general circulation within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district. The notice shall specify that the property is being made available to all public districts, public authorities, public agencies, and other political subdivisions or public corporations in this state, and to other nonprofit charitable corporations.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The written notice required by paragraph (1) of this subdivision shall be mailed no later than the date of the second published notice.

The entity desiring to purchase or lease the property shall, within 60 days after the third publication of notice, notify the school district of its intent to purchase or lease the property. If the entity desiring to purchase or lease the property and the district are unable to arrive at a mutually satisfactory price or lease payment during the 60-day period, the property may be disposed of as otherwise provided in this section. In the event the district receives offers from more than one entity pursuant to this subdivision, the school district governing board may, in its discretion, determine which of such offers to accept.

(c) Third, the property shall be made available in writing to the former owner, in accordance with Section 16058.3. This subdivision shall not be applicable to community college districts.

(d) Fourth, the property may be disposed of in any other manner authorized by law.

SEC. 3. Section 16053.7 is added to the Education Code, to read:

16053.7. The failure to comply with the provisions of this article shall not invalidate the transfer or conveyance of real property to a purchaser or encumbrancer for value.

SEC. 4. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and

Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 744

An act relating to the state park system, making an appropriation therefor.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation may acquire rights-of-way for, and develop, recreational trails, as defined in subdivision (b) of Section 5052 of the Public Resources Code, in the Santa Cruz Mountains of San Mateo and Santa Cruz Counties between Big Basin Redwoods State Park, Butano State Park, Sharp Park State Beach, Portola State Park, San Gregorio State Beach, the State Riding and Hiking Trail, Thornton State Beach, Montara State Beach, and Año Nuevo State Reserve. Such acquisitions shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 2. There is hereby reappropriated from the funds appropriated pursuant to subdivision (a) of Section 2 of Chapter 265 of the Statutes of 1974 to the Department of Parks and Recreation the sum of five hundred thousand dollars ($500,000) for the purposes of this act in accordance with the following schedule:

(a) Acquisition of recreational trail rights-of-way $300,000
(b) Development of recreational trails $200,000

SEC. 3. Funds reappropriated by Section 2 of this act shall not be expended for the purchase of any real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

CHAPTER 745

An act to amend Sections 69613 and 74601 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 69613 of the Government Code is amended to read:

69613. In the County of San Luis Obispo there shall be four judges of the superior court.

SEC. 2. Section 74601 of the Government Code is amended to read:

74601. There shall be three judges. The three judges shall select one of them to be presiding judge of the court. Thereafter, the duties of the presiding judge of the court shall alternate annually between the three judges.

SEC. 3. The sum of sixty-thousand dollars ($60,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to Section 1 of this act.

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no other reimbursement pursuant to Section 2231 nor shall any other appropriation be made for any costs that may be incurred by local agencies pursuant to Section 2 of this act.

CHAPTER 746

An act to add Section 24313.5 to the Education Code, relating to the state university and colleges.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 24313.5 is added to the Education Code, to read:

24313.5. Any librarian employed by the trustees on a 12-month basis in a fiscal year has the right to elect to be employed for one or more fiscal years on a 10-month basis. The compensation of any librarian making the election shall be reduced for any such fiscal year in the same proportion as the compensation of instructional academic employees whose fiscal year employment basis is changed from a 12-month basis to a 10-month basis.

CHAPTER 747

An act to add Section 12532.3 to the Government Code, and Sections 10126 and 11512.6 to the Insurance Code, relating to group insurance.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12532.3 is added to the Government Code, to read:

12532.3. Every group health care service plan entered into, amended, or renewed on or after January 1, 1976, which provides hospital, medical, or surgical expense benefits for employees or subscribers and their dependents and which contains provisions granting the employee or subscriber the right to convert the coverage in the event of termination of employment or membership, shall include in such conversion provisions the same conversion rights and conditions to a covered dependent spouse of the employee or subscriber in the event the covered dependent spouse ceases to be a qualified family member by reason of termination of marriage.

SEC. 2. Section 10126 is added to the Insurance Code, to read:

10126. Every policy of group disability insurance issued, amended, or renewed on or after January 1, 1976, which provides hospital, medical, or surgical expense benefits for employees or members and their dependents and which contains provisions granting the employee or member the right to convert the insurance coverage in the event of termination of employment or membership, shall include in such conversion provisions the same conversion rights and conditions to a covered dependent spouse of the employee or member in the event the covered dependent spouse ceases to be a qualified family member by reason of termination of marriage.

SEC. 3. Section 11512.6 is added to the Insurance Code, to read:

11512.6. Every group hospital service contract entered into, amended, or renewed on or after January 1, 1976, which provides hospital, medical, or surgical expense benefits for employees or members and their dependents and which contains provisions granting the employee or member the right to convert the insurance coverage in the event of termination of employment or membership, shall include in such conversion provisions the same conversion rights and conditions to a covered dependent spouse of the employee or member in the event the covered dependent spouse ceases to be a qualified family member by reason of termination of marriage.

CHAPTER 748

An act to add Section 233 to the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 233 is added to the Revenue and Taxation Code, to read:

233. (a) For the purpose of taxation of goods imported from foreign countries in containers the opening of such containers shall not necessarily, in itself, result in the loss of immunity for such goods to which it is entitled to under the United States Constitution.

(b) The immunity from taxation of goods imported from foreign countries shall not be lost when a container is opened for the following purposes:

(1) To inspect the contents of such container.

(2) To remove the goods belonging to two or more importers for delivery to them.

(3) To remove the goods solely for storage by the importer.

(4) To remove the goods to divert them to separate outlets of the importer in interior states.

(c) The circumstances in which opening a container shall not result in the loss of immunity from taxation is not limited to the list contained in subdivision (b).

(d) For the purposes of this section, the term "containers" is defined in Section 232.

SEC. 2. Goods are often imported from foreign countries in cartons and bales which are bona fide and sturdy packaging devices, which are then placed into containers for shipment. There is no essential difference between the containers and vehicles which are normally used in over-the-road transportation of property, so that the use of containers does not affect the essential nature of the transaction, but relates to the mere formalities of transportation.

SEC. 3. Notwithstanding Section 2229 of the Revenue and Taxation Code, there shall be no reimbursement of local agencies by the state, because local agencies will not incur a loss of revenue pursuant to the assessment procedure contained in this act.

SEC. 4. Any state revenues that a local agency has received by taxing goods imported in containers prior to the enactment of this act shall be maintained by the local agency, but shall not be considered in the determination as to whether a local agency has incurred a loss of revenues in subsequent years pursuant to the assessment procedure contained in this act.

CHAPTER 749

An act to add Section 6226 to the Public Resources Code, relating to state lands.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6226 is added to the Public Resources Code, to read:

6226. (a) The commission shall, in cooperation with other appropriate state agencies, conduct research and investigations into natural and manmade seeps of oil, dry gas, and other hydrocarbon products occurring offshore and which contribute or could contribute to the pollution of beaches, tidelands, and submerged lands of the state. Such research shall include, but not be limited to, all of the following:

(1) Determination of the magnitude and extent of contamination.

(2) Identification of the sources of the pollution.

(3) Documentation of the geophysical aspects of active seepage zones.

(4) Examination of the cause and effect relationship between offshore oil sources and marine pollution.

(5) Methods of reducing, mitigating, or eliminating pollution from such leaks.

(b) For the purpose of this section, the commission may contract, upon such terms and conditions as will be in the best interests of the people of the state, with one or more private persons, firms, associations, organizations, partnerships, corporations, companies, or public agencies to conduct such research and investigation.

(c) The commission may apply to any agency of the federal or state government or private foundation which may now or in the future provide financial assistance for the programs as contemplated by this section.

(d) The commission shall report to the Legislature by January 1, 1978, the results of the research and investigations of seeps of oil, gas, and other hydrocarbons conducted pursuant to the provisions of this section.

CHAPTER 750

An act to add Section 8574.5 to the Government Code, relating to oilspills.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 8574.5 is added to the Government Code, to read:

8574.5. (a) For the purposes of this section:

(1) "Person" means any person, corporation, partnership, association, organization, or other entity.

(2) "Offshore location" is any area of the Pacific Ocean off the coast of California, including bays and estuaries.

(3) "Oilspill plan" means a written plan which adequately describes procedures to be followed by any person who owns or operates a vessel engaged in transporting petroleum products on the territorial waters of this state when such petroleum products are transferred to such vessel at offshore locations, which procedures will reasonably prevent and mitigate the effects of any spillage of such products in, or which might reasonably be expected to reach, the territorial waters of this state.

(4) "Petroleum product" includes crude petroleum and all products derived from petroleum in liquid form.

(b) Any person who transports any petroleum product within, or delivers such product upon, the territorial waters of this state, after such product has been transferred at an offshore location to a vessel owned or operated by such person from an oil production facility or another vessel which carries petroleum products as its principal cargo, unless an oilspill plan applicable to such transfer has been prepared by such person and the oilspill plan has been approved by the Secretary of the Resources Agency or his designee, is guilty of a misdemeanor.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 751

An act to amend Sections 1030, 1030.1, 1032, 1332, 3701, and 4701 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1030 of the Unemployment Insurance Code is amended to read:

1030. (a) Any employer who is entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days after mailing of such notice, submit to the Employment Development Department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period. The period during which the employer may submit such facts may be extended by the Director of Employment Development for good cause.

(b) Any base period employer who is not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after mailing of such notice of computation, submit to the Employment Development Department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period. The period during which the employer may submit such facts may be extended by the Director of Employment Development for good cause.

(c) The Employment Development Department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the claimant's employment. Any ruling may for good cause be reconsidered by the department within 15 days after mailing or personal service of the notice of ruling, except that any ruling which relates to a determination which is reconsidered pursuant to subdivision (a) of Section 1332 may also be reconsidered by the Employment Development Department within the time provided for reconsideration of such determination. For purposes of this section only, if the claimant voluntarily leaves such employer's employ without notification to the employer of the reasons therefor, and if the employer submits all of the facts within its possession concerning such leaving within the applicable time period referred to in this section, such leaving shall be presumed to be without good cause. An individual whose employment is terminated under the compulsory retirement provisions of a collective bargaining agreement to which the employer is a party shall not be deemed to have voluntarily left his employment without good cause. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 1328. The Director of Employment Development shall be an interested party to any appeal.

SEC. 2. Section 1030.1 of the Unemployment Insurance Code is amended to read:

1030.1. (a) If the employment of an individual is terminated due to his absence from work for a period in excess of 24 hours because of his incarceration and he is convicted of the offense for which he was incarcerated or of any lesser included offense, he shall be deemed to have left his work voluntarily without good cause for the purposes of Sections 1030, 3701, and 4701. A plea or verdict of guilty irrespective of whether an order granting probation or other order is made suspending the imposition of the sentence or whether sentence is imposed but execution thereof is suspended, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section.

(b) Notwithstanding any other provision of this division, any ruling made prior to a conviction or other final disposition of the criminal complaint or accusation by the court as to whether an individual who is terminated due to his absence from work because of incarceration voluntarily leaves without good cause may, if no appeal has been taken from the ruling, for good cause be reconsidered by the department during the benefit year or extended duration period or extended benefit period to which the ruling relates. Notice of any reconsidered ruling shall be given to the employer which received notice under Section 1030 or 3701 or 4701, and the employer may appeal therefrom in the manner prescribed in Section 1328 or 3655 or 4655.

SEC. 3. Section 1032 of the Unemployment Insurance Code is amended to read:

1032. If it is ruled under Section 1030 or 1328 that the claimant left the employer's employ voluntarily and without good cause or was discharged by reason of misconduct connected with his work, or that he was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, benefits paid to the claimant subsequent to the termination of employment due to such voluntary leaving or discharge, or due to the termination of the temporary employment of a student whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, which are based upon wages earned from such employer prior to the date of such termination of employment, shall not be charged to the account of such employer unless he failed to furnish the information specified in Section 1030 within the time limit prescribed in that section or unless such ruling is reversed by a reconsidered ruling.

SEC. 4. Section 1332 of the Unemployment Insurance Code is amended to read:

1332. (a) The Employment Development Department may, within 15 days after mailing or personal service of the notice of any determination, for good cause reconsider the determination. The Employment Development Department may, if no appeal has been

taken from any determination which finds that a claimant is ineligible or disqualified, for good cause also reconsider the determination during the benefit year or extended duration period or extended benefit period to which the determination relates. The Employment Development Department shall give notice of any reconsidered determination to the claimant and any employer or employing unit which received notice under Sections 1328 and 1331 and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328.

(b) The Department of Benefit Payments may for good cause reconsider any computation or recomputation provided for in this article during the benefit year or extended duration period to which the notice of computation or recomputation relates, except that no recomputation may be considered with respect to any issue considered or under consideration in an appeal taken from a denial of recomputation. The Department of Benefit Payments shall promptly notify the claimant and each of the claimant's base period employers of the recomputation. The claimant and any base period employer may protest the accuracy of the recomputation as prescribed in Section 1330.

SEC. 5. Section 3701 of the Unemployment Insurance Code is amended to read:

3701. (a) Any employer who is entitled under Section 3654 to notice of the filing of a primary claim or additional claim and who, within 10 days after mailing of such notice, submits to the Employment Development Department any facts within its possession disclosing whether the exhaustee left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work, or whether the claimant was a student employed on a temporary basis and whose employment began within, and ended with his leaving to return to school at the close of, his vacation period, shall be entitled to a ruling as prescribed by this section. The period during which the employer may submit such facts may be extended by the Director of Employment Development for good cause.

(b) The Employment Development Department shall consider such facts together with any information in its possession and promptly notify the employer of its ruling as to the cause of the termination of the exhaustee's most recent employment. Any ruling may for good cause be reconsidered by the Employment Development Department within 15 days after mailing or personal service of the notice of ruling, except that any ruling which relates to a determination which is reconsidered pursuant to subdivision (a) of Section 1332 may also be reconsidered by the Employment Development Department within the time provided for reconsideration of such determination. An appeal may be taken from a ruling or reconsidered ruling in the manner prescribed in Section 3655. The Director of Employment Development shall be an interested party to any appeal.

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(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 6. Section 4701 of the Unemployment Insurance Code is amended to read:

4701. (a) Any employer who is entitled under Section 4654 to notice of the filing of an application or additional claim and who, within 10 days after mailing of such notice, submits to the Employment Development Department any facts within its possession disclosing whether the individual left the most recent employment with such employer voluntarily and without good cause or was discharged from such employment for misconduct connected with his work shall be entitled to a ruling as prescribed by this section.

(b) The Employment Development Department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the individual's most recent employment. Any ruling may for good cause be reconsidered by the Employment Development Department within 15 days after mailing or personal service of the notice of ruling, except that any ruling which relates to a determination which is reconsidered pursuant to subdivision (a) of Section 1332 may also be reconsidered by the Employment Development Department within the time provided for reconsideration of such determination. An appeal may be taken from a ruling or reconsidered ruling in the manner provided in Section 4655. The Director of Employment Development shall be an interested party to any appeal.

(c) Rulings under this section shall have the effect prescribed by Section 1032.

SEC. 7. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 752

An act to amend Sections 2602 and 2677 of, the Unemployment Insurance Code, relating to unemployment disability compensation.

[Approved by Governor September 15, 1975. Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 2602 of the Unemployment Insurance Code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 (commencing with Section 100) of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 shall prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 4 (commencing with Section 1375) and Article 5 (commencing with Section 1401) of Chapter 5 of Part 1, and the provisions of Chapter 6 (commencing with Section 1501) of Part 1 of this division do not apply to this part.

(c) Sections 312, 312.1, 318, 319, 625, 626, 627, 628, 1251, 1253, 1254, 1255, 1262, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 1.5. Section 2602 of the Unemployment Insurance Code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 (commencing with Section 100) of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 shall prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 4 (commencing with Section 1375) and Article 5 (commencing with Section 1401) of Chapter 5 of Part 1, and the provisions of Chapter 6 (commencing with Section 1501) of Part 1 of this division do not apply to this part.

(c) Sections 312, 312.1, 318, 319, 1251, 1253, 1254, 1255, 1262, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 2. Section 2677 of the Unemployment Insurance Code is amended to read:

2677. An individual who is disqualified from receiving unemployment compensation benefits under Section 1262 shall be presumed to be ineligible to receive disability benefits under this part for the same period or periods unless the individual establishes, pursuant to authorized regulations, that his alleged disability was not caused by and did not arise out of the trade dispute. Such an individual shall, except as provided in Section 2709, be subject to examination without cost to him by a medical examiner selected by the department, the insurer or self-insurer as the case may be to determine whether the above conditions have been met.

SEC. 3. This act shall become operative with respect to days of disability commencing on or after the effective date of this act.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 118 are both chaptered and become effective January 1, 1976, both bills amend Section 2602 of the Unemployment Insurance Code, and this bill is chaptered after Assembly Bill No. 118, that the

amendments to Section 2602 proposed by both bills be given effect and incorporated in Section 2602 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 118 are both chaptered and become effective January 1, 1976, both amend Section 2602, and this bill is chaptered after Assembly Bill No. 118, in which case Section 1 of this act shall not become operative.

CHAPTER 753

An act to add Article 8.3 (commencing with Section 5050) to Chapter 1 of Division 3 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 15, 1975 Filed with Secretary of State September 15, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 8.3 (commencing with Section 5050) is added to Chapter 1 of Division 3 of the Vehicle Code, to read:

Article 8.3. Historic and Special Interest Vehicles

5050. The Legislature finds and declares that constructive leisure pursuits by California citizens is most important. This article is intended to encourage responsible participation in the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historic and special interest, which hobby contributes to the enjoyment of the citizen and the preservation of California's automotive memorabilia.

5051. As used in this article, unless the context otherwise requires:

(a) "Collector" is the owner of one or more vehicles described in Section 5004 or of one or more special interest vehicles, as defined in this article, who collects, purchases, acquires, trades, or disposes of such vehicle, or parts thereof, for his own use, in order to preserve, restore, and maintain such vehicle for hobby or historical purposes.

(b) "Special interest vehicle" is a vehicle of any age which is unaltered from the manufacturer's original specifications and, because of its significance, such as an out-of-production vehicle, or a model of less than 2,000 sold in California in any model year, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

(c) "Parts car" is a motor vehicle which is owned by a collector to furnish parts for restoration or maintenance of a special interest vehicle or a vehicle described in Section 5004, thus enabling a collector to preserve, restore, and maintain a special interest vehicle or a vehicle described in Section 5004.

5052. Except as otherwise provided by local ordinance, a collector may maintain one or more vehicles described in Section 5051, whether currently licensed or unlicensed, or whether operable or inoperable, in outdoor storage on private property, if every such vehicle and outdoor storage area is maintained in such manner as not to constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering, or other appropriate means.

CHAPTER 754

An act to add Sections 2541.3 and 2541.6 to the Business and Professions Code, to amend Section 26685 of the Health and Safety Code, and to add Section 14110.5 to the Welfare and Institutions Code, relating to ophthalmic devices.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 2541.3 is added to the Business and Professions Code, to read:

2541.3. The State Department of Health, the State Board of Optometry and the Board of Medical Examiners shall prepare and adopt quality standards and promulgate regulations relating to prescription ophthalmic devices, including, but not limited to, lenses, frames, and contact lenses. Such regulations shall become operative July 1, 1976. In promulgating such rules and regulations, the department and the boards shall adopt the 1972 standards of the American National Standards Institute Z80.1 and Z80.2. Nothing in this section shall prohibit the department and the boards from jointly adopting subsequent standards which are more stringent than the 1972 standards of the American National Standard Institute Z80.1 and Z80.2.

No individual or group which deals with prescription ophthalmic devices, including, but not limited to, distributors, dispensers, manufacturers, laboratories, optometrists or ophthalmologists shall sell, dispense, or furnish any prescription ophthalmic device which does not meet the minimum standards set by the State Department of Health, the State Board of Optometry or the Board of Medical Examiners.

Any violation of the regulations promulgated by the State Department of Health, the State Board of Optometry or the Board of Medical Examiners pursuant to this section shall be a misdemeanor.

Any optometrist, ophthalmologist, or dispensing optician who violates the regulations promulgated by the State Department of

Health, the State Board of Optometry or the Board of Medical Examiners pursuant to this section shall be subject to disciplinary action by his licensing board.

The State Board of Optometry or the Board of Medical Examiners may send any prescription ophthalmic device to the Department of Health for testing as to whether or not such device meets established standards adopted pursuant to this section, which testing shall take precedence over any other prescription ophthalmic device testing being conducted by the department. The department may conduct such testing in its own facilities or may contract with any other facility to conduct such testing.

SEC. 2. Section 2541.6 is added to the Business and Professions Code, to read:

2541.6. Effective January 1, 1977, no prescription ophthalmic device which does not meet the standards promulgated by the State Department of Health, the State Board of Optometry or the Board of Medical Examiners under Section 2541.3 shall be purchased with state funds.

SEC. 2.5. Section 26685 of the Health and Safety Code is amended to read:

26685. No person shall manufacture any drug or device in this state unless he has a valid license from the department. Such license is valid for one calendar year from the date of issue, unless it is revoked. Such license is not transferable.

The department may require any manufacturer, wholesaler, or importer of any prescription ophthalmic device in this state to obtain a license.

SEC. 3. Section 14110.5 is added to the Welfare and Institutions Code, to read:

14110.5. Effective January 1, 1977, no payment for any prescription ophthalmic device shall be made under Medi-Cal if that device does not meet the standards promulgated by the State Department of Health, the State Board of Optometry or the Board of Medical Examiners under Section 2541.3 of the Business and Professions Code.

SEC. 4. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because the provisions of this act will not result in any increased expenditures by local agencies. However, there may be state-mandated costs in the regulations promulgated pursuant to this act which may require reimbursement under that section. These reimbursements can be provided through the regular state budget process.

CHAPTER 755

An act to amend Sections 72640, 72645, and 72646 of the Government Code, relating to municipal courts.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 73A.

SEC. 2. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 69A.

(b) Three inspectors, each of whom shall receive monthly compensation as provided in Schedule 63A.

(c) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 57A.

(d) Thirty lieutenants, each of whom shall receive monthly compensation as provided in Schedule 48F.

(e) Forty sergeants, each of whom shall receive monthly compensation as provided in Schedule 44F.

(f) Fifty-four deputy marshals IV, each of whom shall receive monthly compensation as provided in Schedule 38C.

(g) One hundred twelve deputy marshals III, each of whom shall receive monthly compensation as provided in Schedule 36C.

(h) Two hundred seventy-six deputy marshals II, each of whom shall receive monthly compensation as provided in Schedule 34B, and who shall have completed one full year of service and possess a P.O.S.T. specialized basic certificate.

(i) Forty-nine deputy marshals I, each of whom shall receive monthly compensation as provided in Schedule 32B. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations, provided that notwithstanding the provisions of Section 72649, such deputies shall be subject to a 12-month period of probation.

(j) Thirty deputy marshal-matrons, each of whom shall receive monthly compensation as provided in Schedule 26FBB, and who shall have completed a course of training which meets the requirements of the P.O.S.T. Commission for a specialized law enforcement basic certificate.

SEC. 3. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) One head, administrative services, marshal, who shall receive monthly compensation as provided in Schedule 43C.

(b) One senior staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 36C.

(c) One administrative secretary, marshal, who shall receive monthly compensation as provided in Schedule 29F. Appointment to said position shall be at step 3 of said schedule.

(d) One staff assistant, marshal, who shall receive monthly compensation as provided in Schedule 30C.

(e) One senior stenographic secretary who shall receive monthly compensation as provided in Schedule 28F.

(f) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 27C.

(g) One supply and reproduction supervisor who shall receive monthly compensation as provided in Schedule 26F.

(h) Three automotive services assistants, marshal, who shall receive monthly compensation as provided in Schedule 23F.

(i) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 23F.

(j) Ten administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 22K.

(k) Twenty deputy clerk-custody officers, each of whom shall receive monthly compensation as provided in Schedule 21K.

(*l*) One senior payroll clerk, marshal, who shall receive monthly compensation as provided in Schedule 21K.

(m) One supply and reproduction assistant who shall receive monthly compensation as provided in Schedule 20F.

(n) Fifty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 18L.

(o) Six radiotelephone operators, marshal, who shall receive monthly compensation as provided in Schedule 17FAA.

(p) Three stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 17F.

(q) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 13AAA.

(r) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 7J. Appointments to such positions shall be at step 4 of such schedule.

(s) Such deputies who shall be keepers, as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 756

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72717, 72717.5, 72750.5, 72751, 72751.1, 72751.5, 72752, 72753, 72754, and 72755 of, and to add Sections 72718, 72718.1, and 72718.2 to, the Government Code, relating to municipal courts.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 65D of the salary schedule. Notwithstanding any other provisions of law, whenever any vacancy occurs after March 7, 1973, the judges shall appoint one clerk who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 55C of the salary schedule.

SEC. 3. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 48C.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 48C.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 48C.

(d) One deputy clerk who shall be chief, data processing division, and who shall receive a monthly salary at a rate specified in Schedule 48C.

(e) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 46C.

(f) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 43C.

(g) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 48C.

(h) One deputy clerk who shall be special assistant to the administrative officer, and who shall receive a monthly salary at a

rate specified in Schedule 48C.

(i) One deputy clerk, who shall be criminal courts coordinator, and who shall receive a monthly salary at a rate specified in Schedule 35C.

(j) Five deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 39C.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 4. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 39C.

(b) Ninety-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 64 and each commissioner or traffic referee in excess of 18 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(c) One deputy clerk, executive secretary, presiding judge, who shall receive a monthly salary at a rate specified in Schedule 33F. Appointments to said position shall be at step 3 of said schedule.

(d) One deputy clerk, administrative secretary, clerk, who shall receive a monthly salary at a rate specified in Schedule 29F. Appointments to said position shall be at step 3 of said schedule.

(e) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 23F. Appointments to said positions shall be at step 3 of said schedule.

(f) Seventy-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(g) Five deputy clerks, supervising clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 24C.

(h) One hundred forty-five deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(i) One hundred fifty-five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 5. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One computer operations supervisor, who shall receive a monthly salary at a rate specified in Schedule 42G, Note BB.

(b) One head keypunch operator, who shall receive a monthly salary at a rate specified in Schedule 25F.

(c) Three supervising keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 21F.

(d) Twelve senior keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 17F.

(e) Seventy-five keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 13F.

(f) One EDP data systems analyst who shall receive a monthly salary at a rate specified in Schedule 38J.

(g) One EDP staff aide who shall receive a monthly salary at a rate specified in Schedule 22J.

(h) Six supervising computer operators, each of whom shall receive a monthly salary at a rate specified in Schedule 32G, Note BB.

(i) Six computer systems operators, each of whom shall receive a monthly salary at a rate specified in Schedule 26G, Note BB.

(j) Six computer equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 20K, Note BB.

(k) One senior data control clerk, who shall receive a monthly salary at the rate specified in Schedule 17J.

(*l*) Two data control clerks, each of whom shall receive a monthly salary at the rate specified in Schedule 13J, Note BB.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be on an interim basis and shall expire January 1 of the second calendar year following such adjustments, unless ratified by the Legislature.

Persons occupying positions listed in this section shall be entitled to all employee benefits that are provided for or made applicable to a Los Angeles County employee having an equal period of service.

SEC. 6. Section 72717 of the Government Code is amended to read:

72717. The judges of the Municipal Courts of Los Angeles County may appoint one chief planner at an annual salary of twenty-eight thousand dollars ($28,000) plus employee benefits at the rate of 12.422 percent of salary. All personnel compensation shall be paid from federal funds provided in Office of Criminal Justice Planning Project 1623.

SEC. 7. Section 72717.5 of the Government Code is amended to read:

72717.5. The chief planner may appoint:

(a) Two assistant planners each of whom shall receive an annual salary of twenty-two thousand dollars ($22,000).

(b) Three planning assistants each of whom shall receive an

annual salary of nineteen thousand five hundred dollars ($19,500).

(c) Two judicial secretaries each of whom shall receive a monthly salary at a rate specified in Schedule 23F. Appointments to said position shall be at step 3 of the said schedule.

(d) Fifteen student interns each of whom shall receive compensation at the rate of four dollars ($4) per hour.

(e) One administrative secretary I who shall receive a monthly salary at a rate specified in Schedule 30A. Appointments to said position shall be at step 3 of said schedule.

In addition to the salaries and compensation set forth in this section, each employee, except student interns, shall receive employee benefits at the rate of 12.422 percent of salary. All salaries and employee benefits shall be paid from federal funds provided in Office of Criminal Justice Planning Project 1623.

SEC. 8. Section 72718 is added to the Government Code, to read:

72718. The judges of the Municipal Court of the Los Angeles Judicial District may appoint one witness coordinator at an annual salary of twenty thousand dollars ($20,000) plus employee benefits at the rate of 12.422 percent of salary. All personnel compensation shall be paid from federal funds provided in Law Enforcement Assistance Administration Grant 75DF-99-0019.

SEC. 9. Section 72718.1 is added to the Government Code, to read:

72718.1. The witness coordinator may appoint:

(a) One assistant witness coordinator who shall receive an annual salary of eighteen thousand five hundred dollars ($18,500).

(b) One courtroom coordinator who shall receive an annual salary of fourteen thousand dollars ($14,000).

(c) One judicial secretary who shall receive an annual salary of eleven thousand five hundred ninety-two dollars ($11,592).

(d) One deputy clerk II, bilingual, who shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(e) One day care teacher who shall receive an annual salary of nine thousand three hundred twelve dollars ($9,312).

In addition to the salaries and compensation set forth in this section, each employee shall receive employee benefits at the rate of 12.422 percent of salary. All salaries and employee benefits shall be paid from federal funds provided in Law Enforcement Assistance Administration Grant 75DF-99-0019.

SEC. 10. Section 72718.2 is added to the Government Code, to read:

72718.2. The witness coordinator may also appoint:

(a) Foster grandparents at the rate of two dollars and sixteen cents ($2.16) per hour but not to exceed 1,440 hours total per annum.

(b) Research assistants at the rate of five dollars ($5) per hour, but not to exceed 1,880 hours per annum.

In addition to the salaries and compensation set forth in this section, each employee shall receive workers' compensation benefits at the rate of 2.74 percent of compensation. All salaries,

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compensation and workers' compensation shall be paid from federal funds provided in Law Enforcement Assistance Administration Grant 75DF-99-0019.

SEC. 11. Section 72750.5 of the Government Code is amended to read:

72750.5. In each municipal court district having seven judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 53C.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointment to said positions shall be at step 3 of said schedule.

(b) Thirteen deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Nine deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 23F.

(f) One chief clerk—administrative services, who shall receive a monthly salary at a rate specified in Schedule 40C.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 40C.

(h) One chief clerk—civil, who shall receive a monthly salary at a rate specified in Schedule 40C.

(i) One chief clerk—criminal, who shall receive a monthly salary at a rate specified in Schedule 40C.

(j) One chief clerk—traffic, who shall receive a monthly salary at a rate specified in Schedule 40C.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk-administrative officer as assistant clerk and shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 12. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 51C.

The clerk may appoint:

(a) Ten deputy clerks grade I, each of whom shall receive a

monthly salary at a rate specified in Schedule 9J. Appointment to said positions shall be at step 3 of said schedule.

(b) Twelve deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One chief deputy clerk who shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 13. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 50C.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One chief deputy clerk who shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 14. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 50C.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a

monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One chief deputy clerk who shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 15. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 49C.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to said positions shall be at step 3 of said schedule.

(b) Eleven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner or traffic referee appointed pursuant to Section 72400 or 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One chief deputy clerk who shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 16. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 49C.

The clerk may appoint:

(a) Six deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to said positions shall be at step 3 of said schedule.

(b) Eight deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C.

(e) One chief deputy clerk who shall receive a monthly salary eight schedules less than the schedule specified for the clerk-administrative officer of said court.

SEC. 17. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk-administrative officer appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 47C.

The clerk may appoint:

(a) Two deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 9J. Appointments to said positions shall be at step 3 of said schedule.

(b) Three deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 13A, Note AA.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 18L.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 35C; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 18. Section 72755 of the Government Code is amended to read:

72755. In those positions for which this article provides a five-step rate of compensation, the provisions of this section shall apply.

(a) Except in the case of transfer, demotion, promotion or where otherwise specifically provided, original appointments to such positions shall be at the rate designated for step 1 of the salary schedule pertaining to the position occupied.

(b) The initial rate of compensation shall be increased to the next higher step of the schedule applicable to the position occupied upon the completion of six months' continuous service in the same position. Upon the completion of each ensuing 12 months of such service, such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(c) A step advancement shall not be granted to any person if his superior finds that his work has been unsatisfactory and so notifies

the Civil Service Commission.

(d) When a person is promoted to a position on a five-step basis, he shall receive the first-step rate in the salary schedule of the new position which results in an increase in salary.

(e) A person demoted to a lower position shall be entitled to receive whichever of the following rates is lower:

1. Step 5 of the salary schedule pertaining to the position to which he is demoted.

2. The same rate of pay which he was receiving prior to demotion.

(f) The appointing power who demotes a person for disciplinary reasons may specify any step rate in the salary schedule pertaining to the lower position except that it shall not be higher than the step rate held by the employee in the higher position.

(g) If a person begins employment between the 1st and 15th of any calendar month, inclusive, his step advancement shall be calculated from the first day of that month. Where a person begins employment on or after the 16th day of a calendar month, the step advancement shall be calculated from the first of the next month.

(h) Upon demotion, a person shall retain the anniversary date held in the higher position.

(i) Any deputy clerk grade III who is necessarily assigned to the regular duties of a deputy clerk grade IV because of an absence of such deputy clerk grade IV shall, for any period of such assignment in excess of 30 calendar days, receive compensation at the rate of that higher numbered salary schedule which will increase his basic compensation by two steps.

(j) One deputy clerk I, II, or III in each municipal court of six judges or less, who having passed the stenographic skills proficiency examination given by the County of Los Angeles for the county position of stenographer, shall be entitled to receive a bonus equivalent to a one-step salary increase when regularly required to provide stenographic and secretarial services to the judge or judges of the court.

SEC. 19. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desire legislative authority to act to carry out the program specified in this act.

CHAPTER 757

An act to amend Section 20084 of the Education Code, relating to community colleges.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20084 of the Education Code is amended to read:

20084. A community college district may begin work on, or receive or award bids for, any portion of an approved project prior to the appropriation by the Legislature of the state's share of the funding thereof pursuant to Section 20082, if such district has demonstrated both of the following facts to the satisfaction of the Board of Governors of the California Community Colleges and the Department of Finance:

(a) The capital construction program of the district and the construction dates contained therein support the need of the district to begin work on, or award bids for, the project before the appropriation is made.

(b) The district has the financial capability to complete the work begun before the appropriation is made in the event the Legislature fails to appropriate the necessary state funding.

For the purposes of this section, an "approved project" is a project which has been approved by the chancellor pursuant to Section 20081, and approved by the Department of Finance pursuant to Section 20082 after April 1, 1971.

The Department of Finance shall review preliminary plans for the 1975–76 Capital Outlay Program for a project approved and submitted to it by the chancellor, and the estimated state and district shares in the funding thereof determined by the chancellor. If the Department of Finance approves the preliminary plans, such approval shall not preclude reimbursement of the district by future state funding pursuant to Section 20082, nor shall preferential consideration be granted because of such approval.

CHAPTER 758

An act to amend Section 1760.6 of the Health and Safety Code, relating to emergency medical services.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1760.6 of the Health and Safety Code is amended to read:

1760.6. The Advisory Committee on Emergency Medical Services is hereby created and established in the State Department of Health. The committee shall advise the director on regulations to be adopted by the department for implementation of this article. The committee may give the director general advice in regard to

communications, medical equipment, training, personnel, facilities, and other subjects relating to emergency medical services. The committee shall be composed of 18 members. The Governor shall appoint 16 members as follows: one representative of a private ambulance company, one hospital administrator, three physicians and surgeons, one of whom is currently practicing in emergency medical care, and one of whom is in private practice, three licensed professional nurses who are licensed pursuant to the provisions of Chapter 6 (commencing with Section 2700) or Chapter 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code, one of whom is currently engaged as an emergency nurse, one county health officer, one mobile intensive care paramedic, as defined in subdivision (a) of Section 1481, two public members, one of whom has been active in community efforts to improve emergency medical services, one representative of a public emergency medical services agency, one chief of a city or county fire department or fire protection district, one representative of the Department of the California Highway Patrol, and one representative of the State Department of Health, who shall serve as chairman.

The Senate Rules Committee and the Speaker of the Assembly shall each appoint one public member.

The members of the advisory committee shall receive no compensation for their services, but shall be reimbursed for their actual, necessary traveling and other expenses incurred in the discharge of their duties.

The committee shall meet on the call of the chairman.

CHAPTER 759

An act to amend Section 40303 of the Vehicle Code, relating to arrests.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with

reference to the place where the arrest is made.

(a) Section 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Section 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Section 2800, relating to the refusal to submit vehicle and load to an inspection, measurement, or weighing as prescribed in Section 2802 or a refusal to adjust the load or obtain a permit as prescribed in Section 2803.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 23109, relating to participating in speed contests or exhibition of speed.

(h) Sections 14601 and 14601.1, relating to driving while license is suspended or revoked.

(i) When the person arrested has attempted to evade arrest.

(j) Section 23332, relating to persons upon vehicular crossings.

(k) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

(*l*) Section 21461.5, as it relates to a pedestrian who, after being cited for a violation of Section 21461.5, is, within 24 hours, again found upon the freeway in violation of Section 21461.5 and thereafter refuses to leave the freeway after being lawfully ordered to do so, by a peace officer, and having been informed that his failure to leave could result in his arrest.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant, identifiable cost changes.

CHAPTER 760

An act to amend Section 7504 of, and to add Section 7504.1 to, the Education Code, relating to vocational education.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 7504 of the Education Code is amended to read:

7504. The Legislature hereby recognizes that it is the policy of the people of the State of California to provide an educational opportunity to the end that every student leaving school shall have the opportunity to be prepared to enter the world of work; that every student who graduates from any state-supported educational institution should have sufficient marketable skills for legitimate remunerative employment; that every qualified and eligible adult citizen shall be afforded an educational opportunity to become suitably employed in some remunerative field of employment; and that such opportunities are a right to be enjoyed without regard to race, creed, color, national origin, sex, or economic status.

The Legislature further recognizes that all students need to be provided with opportunities to explore and make career choices and to seek appropriate instruction and training to support those choices. The Legislature therefore finds that fairs as community resource and youth leadership activities are integral to assisting and guiding students in making such choices and therefore encourage the further expansion of cooperative activities between schools, youth leadership activities, and community resources. Among community resources of particular significance in providing information on various career opportunities are vocational and occupational exhibits, demonstrations and activities conducted at fairs.

SEC. 2. Section 7504.1 is added to the Education Code, to read:

7504.1. In order to carry out the intent of Section 7504, the Department of Education shall annually encourage school districts to plan programs and activities which utilize the resources of fairs and youth leadership activities as an integral part of the vocational instructional program and career decisionmaking.

CHAPTER 761

An act to amend Section 73433 of the Government Code, relating to municipal courts.

[Became law without Governor's signature September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 73433 of the Government Code is amended to read:

73433. The clerk of the municipal court may appoint the following subordinates, each of whom shall receive biweekly salaries in accordance with Sections 73433.5 and 73441:

(a) Four deputy municipal court clerks IV, who shall act as the supervisors of the civil, criminal, traffic, and accounting divisions of the court, respectively, and each of whom shall receive the biweekly salary specified in range 41 of the salary schedule.

(b) Nine deputy municipal court clerks III, each of whom shall receive the biweekly salary specified in range 39 of the salary schedule.

(c) One account clerk III, municipal court, who shall receive the biweekly salary specified in range 38 of the salary schedule.

(d) Six deputy municipal court clerks II, each of whom shall receive the biweekly salary specified in range 36 of the salary schedule.

(e) One account clerk II, municipal court, who shall receive the biweekly salary specified in range 36 of the salary schedule.

(f) Fourteen deputy municipal court clerks I or junior deputy municipal court clerks. Deputy municipal court clerks I shall receive the biweekly salary specified in range 31 of the salary schedule. Junior deputy municipal court clerks shall receive the biweekly salary specified in range 28.

Junior deputy municipal court clerk may be the entrance position to the clerk's staff. The clerk may advance any junior deputy municipal court clerk to the position of deputy municipal court clerk I without further examination, if the junior deputy has served for six months and otherwise meets the qualifications for deputy municipal court clerk I and if the clerk is satisfied with the junior deputy's performance during the six-month period.

The salaries specified in subdivisions (a) through (f), inclusive, of this section may be adjusted pursuant to the provisions of Section 73433.5.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 762

An act to amend Sections 4832, 4838, 4841.5, and 4842.5 of the Business and Professions Code, relating to animal health technicians.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4832 of the Business and Professions Code is amended to read:

4832. (a) There is hereby created within the jurisdiction of the board, an Animal Health Technician Examining Committee, hereinafter referred to as the examining committee.

(b) The examining committee shall consist of seven members appointed by the Governor. The examining committee shall consist of four veterinarians licensed to practice veterinary medicine in the State of California, one of whom shall be involved in educating animal health technicians, one public member and two members who shall be registered as animal health technicians in the State of California, who shall serve at the pleasure of the Governor. Appointments may be made from lists, if any, submitted by appropriate professional associations and societies.

(c) All members of the examining committee shall be citizens of the United States and residents of the State of California. All doctors of veterinary medicine who are appointed members of the examining committee, shall have been licensed to practice veterinary medicine at least five years preceding their appointments.

(d) The members of the examining committee shall be appointed by the Governor and shall serve for a term of four years, except that the original examining committee appointments may be staggered to achieve rotational terms. No person may serve as a member of the committee for more than two consecutive terms.

(e) The first two animal health technicians appointed to the committee shall upon appointment become registered animal health technicians, provided they meet the eligibility requirements to take the written and practical examination as established in Section 4841.5.

SEC. 2. Section 4838 of the Business and Professions Code is amended to read:

4838. Effective with the 1976 renewal period, if the board determines that the public health and safety would be served by requiring all registrants under the provisions of this article to continue their education after receiving such registration, it may require, as a condition of renewal, that they submit assurances satisfactory to the board that they will, during the succeeding renewal period, inform themselves of the developments in the field of animal health technology since the issuance of their certificate of registration by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of registration at the end of each annual renewal period until compliance with the assurances provided for in this section is accomplished.

SEC. 3. Section 4841.5 of the Business and Professions Code is amended to read:

4841.5. To be eligible to take the written and practical

examination for registration as an animal health technician, the applicant shall:

(a) In the opinion of the board, be of good moral character.

(b) Be at least 18 years of age.

(c) Furnish satisfactory evidence of graduation from a two-year curriculum in animal health technology, or the equivalent thereof as determined by the board, in a college or other institution approved by the board, except that in lieu of such graduation, a person who files his application within four years of the effective date of this section, may furnish satisfactory evidence that within the seven-year period between January 1, 1972, and January 1, 1979, he has received three years of equivalent practical experience under a licensed veterinarian who will attest by affidavit that such person has had such training.

SEC. 4. Section 4842.5 of the Business and Professions Code is amended to read:

4842.5. The amount of fees prescribed by the provisions of this chapter is that fixed by the following schedule:

(a) The fee for filing an application for examination shall be set by the board at not more than fifty dollars ($50).

(b) The fee for registration shall be set by the board at not more than forty dollars ($40).

(c) The renewal fee shall be set by the board at not more than twenty-five dollars ($25).

(d) The delinquency fee shall be ten dollars ($10).

(e) Any charge made for duplication or other services shall be set at the cost of rendering such services.

CHAPTER 763

An act to amend Section 10245 of the Business and Professions Code, and to amend Section 2954.9 of the Civil Code, relating to prepayment of loans.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10245 of the Business and Professions Code is amended to read:

10245. The provisions of this article, exclusive of the provisions of Section 10242.6, do not apply to any bona fide loan secured directly or collaterally by a first trust deed, the principal of which is sixteen thousand dollars ($16,000) or more, or to any bona fide loan secured directly or collaterally by any lien junior thereto, the principal of which is eight thousand dollars ($8,000) or more.

SEC. 2. Section 2954.9 of the Civil Code is amended to read:

2954.9. (a) (1) Except as otherwise provided by statute where the original principal obligation is one hundred thousand dollars ($100,000) or less, the borrower under any note or evidence of indebtedness secured by a deed of trust or mortgage or any other lien on real property shall be entitled to prepay the whole or any part of the balance due, together with accrued interest, at any time.

(2) Nothing in this subdivision shall prevent a borrower from obligating himself, by an agreement in writing, to pay a prepayment charge.

(3) This subdivision does not apply during any calendar year to a bona fide loan secured by a deed of trust or mortgage given back during such calendar year to the seller by the purchaser on account of the purchase price if such seller does not take back four or more such deeds of trust or mortgages during such calendar year. Nothing in this subdivision shall be construed to prohibit a borrower from making a prepayment by an agreement in writing with the lender.

(b) Except as otherwise provided in Section 10242.6 of the Business and Professions Code, the principal and accrued interest on any loan secured by a mortgage or deed of trust on real property containing only a single-family, owner-occupied dwelling may be prepaid in whole or in part at any time but only a prepayment made within five years of the date of execution of such mortgage or deed of trust may be subject to a prepayment charge and then solely as herein set forth. An amount not exceeding 20 percent of the original principal amount may be prepaid in any 12-month period without penalty. A prepayment charge may be imposed on any amount prepaid in any 12-month period in excess of 20 percent of the original principal amount of the loan which charge shall not exceed an amount equal to the payment of six months' advance interest on the amount prepaid in excess of 20 percent of the original principal amount.

SEC. 3. This act shall be applicable only to loans secured by mortgages or deeds of trust executed after January 1, 1976.

CHAPTER 764

An act to add Chapter 6 (commencing with Section 41240) to Part 2 of Division 31 of of the Health and Safety Code, relating to housing.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 41240) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 6. URBAN HOMESTEAD PROGRAM

41240. The Legislature finds and declares that an urban homestead program, as authorized by this chapter, will aid in the rehabilitation of deteriorating areas throughout the state, while concommitantly providing an opportunity for homeownership to many persons who lack the financial resources to purchase a satisfactory home but who have the skills required to rehabilitate a dwelling structure. Urban homesteading can serve as a partial solution to many problems experienced by cities, including urban blight, lack of low-cost housing, housing segregation, desertion of central cities, and unnecessary suburban expansion.

Because such program will be conducted with property acquired from the United States Department of Housing and Urban Development at no cost to the state, the benefit to be derived will not require the expenditure of more than a nominal amount of state moneys for administration of the program.

41241. For the purpose of conducting a program of urban homesteading pursuant to this chapter, the department may accept grants of improved real property from the United States Department of Housing and Urban Development. However, the department shall conduct such programs only in cities and cities and counties the governing bodies of which have, by resolution, consented thereto.

41242. The department shall conditionally convey such properties to eligible purchasers for nominal consideration upon the following conditions:

(a) The purchaser will occupy such property as a principal residence for not less than three years.

(b) The purchaser will make any repairs necessary to make the structure lawful for occupancy prior to occupying the structure.

(c) The purchaser will make all other necessary repairs as may be necessary to fully comply with applicable state or local housing standards within 18 months of the date of initial occupancy.

(d) The purchaser will permit inspection at reasonable intervals by agents or employees of the department or of the city housing or building department for the purpose of determining compliance with the terms and conditions of the conveyance.

41243. (a) Upon any material breach in the terms and conditions of the conditional conveyance, it shall be revoked or otherwise terminated by the department.

(b) Upon compliance with all the terms and conditions of the conditional conveyance, fee simple title will be conveyed by the department to the purchaser without additional consideration.

41244. The department shall adopt eligibility criteria for purchasers and priorities based upon need and ability to comply with the terms and conditions specified in this chapter, and shall adopt and implement equitable selection procedures.

41245. The department may contract with the United States

Department of Housing and Urban Development for the purposes of this chapter, including contracts for technical assistance in the administration of the program.

41246. If required by the United States Department of Housing and Urban Development as a condition to a grant of property under Section 810 of the Housing and Community Development Act of 1974, the department may contract with, or solicit assurances from, any city or city and county with respect to planning in areas designated for an urban homestead program or with respect to upgrading of community services and facilities.

CHAPTER 765

An act to amend Section 6947 of, and to add Section 6947.1 to, the Business and Professions Code, and to amend Section 675 of the Code of Civil Procedure, relating to debts.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6947 of the Business and Professions Code is amended to read:

6947. Nothing in this chapter shall be deemed to authorize a collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law.

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Chapter 4 (commencing with Section 537) of Title 7 of Part 2 of the Code of Civil Procedure, or from enforcing a judgment carrying it into execution.

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists, except that this subdivision shall not be construed to prohibit the confidential

distribution of trade lists containing debtor information.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(e) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(f) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(g) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(h) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(i) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

(j) Engage in any unfair or misleading practices or resort to any illegal means or methods of collection.

(k) Use profanity, obscenity, or vulgarity, while engaged in the collection of claims.

(*l*) Condition in any manner, whether directly or indirectly, the filing, recording, or delivery of an acknowledgment of satisfaction of judgment upon the performance of any act or the payment of any amount by a judgment debtor in excess of that to which the judgment creditor or assignee is entitled pursuant to the judgment.

SEC. 1.5. Section 6947 of the Business and Professions Code, as amended by Chapter 1516 of the Statutes of 1974, is amended to read:

6947. Nothing in this chapter shall be deemed to authorize a collection agency licensee to perform any act or acts, either directly or indirectly, constituting the practice of law.

No suit may be instituted on behalf of a collection agency licensee in any court on any claim assigned to it in its own name as the real party in interest unless it appears by a duly authorized and licensed attorney at law.

A collection agency may not appear as an assignee party in any proceeding involving claim and delivery, replevin, or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other lien. Nothing herein contained shall prohibit a licensee from making an oral or written demand for the return or surrender of personal property or from having property attached in an action at law pursuant to the provisions of Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure, or from enforcing a judgment carrying it into execution.

No licensee or employee shall:

(a) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency or to receive compensation therefrom.

(b) Publish or post, or cause to be published or posted, any list of debtors, commonly known as "deadbeat" lists, except that this subdivision shall not be construed to prohibit the confidential distribution of trade lists containing debtor information.

(c) Collect or attempt to collect by the use of any methods contrary to the postal laws and regulations of the United States.

(d) Commingle the money of his customers with his own, except insofar as may be authorized by rules and regulations established hereunder.

(e) Have in his possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(f) Print, publish or otherwise prepare for distribution for the use of, or sell or offer to sell or furnish or offer to furnish to, any person any system of collection letters, demand forms or other printed matter upon his stationery, or upon stationery upon which the licensee's name appears in such manner as to indicate that a demand is being made by the licensee for the payment of any sum or sums due or asserted to be due, where such forms containing such message are to be sold or furnished to any person to be used by such person at any address different from the address of the licensee as shown on the face of the license.

(g) Distribute collection letters, demand forms, or other printed matter which are made to be similar to or resemble governmental forms or documents, or legal forms used in civil or criminal proceedings.

(h) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof, nor agree to

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do so for the purpose of solicitation of claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under the order of a court of competent jurisdiction.

(i) Use any name while engaged in the collection of claims, other than his true name, except under conditions prescribed by rules and regulations adopted by the director.

(j) Engage in any unfair or misleading practices or resort to any illegal means or methods of collection.

(k) Use profanity, obscenity, or vulgarity, while engaged in the collection of claims.

(*l*) Condition in any manner, whether directly or indirectly, the filing, recording, or delivery of an acknowledgment of satisfaction of judgment upon the performance of any act or the payment of any amount by a judgment debtor in excess of that to which the judgment creditor or assignee is entitled pursuant to the judgment.

SEC. 2. Section 6947.1 is added to the Business and Professions Code, to read:

6947.1. (a) Any licensee or employee who intentionally violates any of the provisions of subdivisions (a) through (k), inclusive, of Section 6947 shall be liable to any aggrieved person for all actual damages which the person may sustain by reason of such violation.

(b) Any licensee or employee who intentionally violates any of the provisions of subdivision (*l*) of Section 6947 shall be liable to any aggrieved person for all actual damages which the person may sustain by reason of such violation, but in no event shall this be less than two hundred fifty dollars ($250) for each violation.

(c) In any action maintained pursuant to subdivision (a) or (b), the court shall award reasonable attorney's fees to the prevailing party.

(d) The damages provided for in this section are not in derogation of any other damages or penalties to which an aggrieved person may be entitled by law.

SEC. 3. Section 675 of the Code of Civil Procedure is amended to read:

675. (a) Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior court and in municipal courts such entry shall be made in the register of actions; in justice courts, in the docket in the justice court.

(b) Except in cases where demand has been made pursuant to subdivision (c), when an abstract of the judgment has been recorded with the recorder of any county, acknowledgment of satisfaction thereof by execution or other means shall be filed in the manner provided in subdivision (a) or delivered to the judgment debtor by the judgment creditor or assignee not later than 30 days after the judgment has been in fact paid in full. Such acknowledgment shall identify the county in which the abstract has been recorded and the book and page of the official records thereof, and contain a statement that such acknowledgment will have to be recorded in such county in order to release the judgment lien. Such acknowledgment shall also show the full name of the judgment debtor being released and shall identify the judgment debtor as such. The judgment debtor's name shall appear on the acknowledgment as it appears on the abstract of judgment. Any such judgment creditor or assignee of record who fails without just cause to file or deliver such acknowledgment of satisfaction shall be liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such failure, and shall also forfeit to him or them the sum of one hundred dollars ($100).

(c) Any judgment creditor or assignee who, for a period of 15 days after actual receipt of a demand in writing for acknowledgment of satisfaction of judgment, which demand is made after the judgment has in fact been paid in full, refuses without just cause to execute, acknowledge and deliver such acknowledgment of satisfaction to the judgment debtor, or to the owner of the real property upon which the judgment has become a lien by reason of the recording of an abstract of a judgment in accordance with Section 674, is liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars ($100).

(d) Any judgment creditor or assignee who intentionally conditions the delivery of an acknowledgment of satisfaction of judgment upon the performance of any act or the payment of any amount by a judgment debtor in excess of that to which the judgment creditor or assignee is entitled pursuant to the judgment, shall be liable to the judgment debtor or his grantees or heirs, for all damages sustained by reason of such action, but in no event shall this be less than two hundred fifty dollars ($250).

This subdivision shall not apply where a judgment creditor or assignee has agreed to deliver an acknowledgment of satisfaction of judgment to the judgment debtor prior to full satisfaction of the judgment in consideration for the judgment debtor having agreed either to furnish security or to execute a promissory note, or both, the

principal amount of which does not exceed that to which the judgment creditor or assignee is entitled pursuant to the judgment.

(e) Whenever a certificate has been recorded with the recorder of any county by a state agency under Article 4 (commencing with Section 18881), Chapter 19, Part 10, Division 2 of, or Article 2 (commencing with Section 26161), Chapter 23, Part 11, Division 2 of, the Revenue and Taxation Code, or under Article 1 (commencing with Section 1701), Chapter 7, Part 1, Division 1 of the Unemployment Insurance Code, acknowledgment of satisfaction thereof by execution or other means shall be recorded by the state agency no later than 30 days after the delinquency evidenced by such certificate is satisfied.

(f) In any action maintained pursuant to subdivisions (b), (c), or (d) the court shall award reasonable attorney's fees to the prevailing party.

(g) The damages provided for in this section are not in derogation of any other damages or penalties to which an aggrieved person may be entitled by law.

SEC. 4. Section 1 of this act shall be operative until the operative date of Chapter 1516 of the Statutes of 1974, at which time it is repealed.

SEC. 5. Section 1.5 of this act shall become operative on the operative date of Chapter 1516 of the Statutes of 1974.

CHAPTER 766

An act to amend Section 1134 of the Code of Civil Procedure and amend Sections 26821, 26821.2, 26822, 26822.2, 26823, 26824, 26825, 26826, 26826.2, 26827, 26827.2, and 26830 of the Government Code, relating to filing fees.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1134 of the Code of Civil Procedure is amended to read:

1134. In courts other than justice courts, the statement must be filed with the clerk of the court in which the judgment is to be entered, who must endorse upon it, and enter a judgment of such court for the amount confessed with the costs hereinafter set forth. At the time of filing, the plaintiff shall pay as court costs which shall become a part of the judgment the following fees: in superior courts fifteen dollars ($15) and in municipal courts ten dollars ($10). No fee shall be collected from the defendant. No fee shall be paid by the clerk of the court in which said confession of judgment is filed for the law library fund nor for services of any court reporter. The statement

and affidavit, with the judgment endorsed thereon, becomes the judgment roll.

SEC. 2. Section 26821 of the Government Code is amended to read:

26821. The fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is twenty-five dollars ($25); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

SEC. 3. Section 26821.2 of the Government Code is amended to read:

26821.2. In any county with a population exceeding 1,000,000, as determined by the 1970 federal decennial census, the fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is thirty dollars ($30); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

SEC. 4. Section 26822 of the Government Code is amended to read:

26822. The fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is twenty-five dollars ($25).

SEC. 5. Section 26822.2 of the Government Code is amended to read:

26822.2. In any county with a population exceeding 1,000,000, as determined by the 1970 federal decennial census, the fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is thirty dollars ($30).

SEC. 6. Section 26823 of the Government Code is amended to read:

26823. When the venue in a case in a superior court is changed, the fee for making up and transmission of transcript and papers is ten dollars ($10) and a further sum equal to the fee for filing in the court to which the case is transferred. The clerk shall transmit the filing fee with the papers in the case to the clerk or judge of the court to which the case is transferred.

SEC. 7. Section 26824 of the Government Code is amended to read:

26824. The fee for filing the papers transmitted on appeal from a justice court in a civil action or a special proceeding is fifteen dollars ($15).

SEC. 8. Section 26825 of the Government Code is amended to read:

26825. The fee for filing the papers transmitted on appeal from a municipal court in a civil action or a special proceeding is fifteen dollars ($15).

SEC. 9. Section 26826 of the Government Code is amended to read:

26826. Upon filing the first paper in the action on behalf of any

defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is ten dollars ($10).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 10. Section 26826.2 of the Government Code is amended to read:

26826.2. In any county with a population exceeding 1,000,000, as determined by the 1970 federal decennial census, upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is fifteen dollars ($15).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 11. Section 26827 of the Government Code is amended to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is twenty-five dollars ($25). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, letters of conservatorship, or a first account of a testamentary trustee, or a petition to contest any will or codicil, in the same proceeding, by a person other than the original petitioner, the fee is twenty-five dollars ($25). When the subsequent petition is filed and the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

SEC. 12. Section 26827.2 of the Government Code is amended to read:

26827.2. In each county with a population exceeding 1,000,000, as determined by the 1970 federal decennial census, the fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is thirty dollars ($30). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or

letters of conservatorship, or a first account of a testamentary trustee, or a petition to contest any will or codicil, in the same proceeding, by a person other than the original petitioner, the fee is thirty dollars ($30). When the subsequent petition is filed and the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

SEC. 13. Section 26830 of the Government Code is amended to read:

26830. The fee for filing any notice of intention to move for a new trial of any civil action or special proceeding is ten dollars ($10).

CHAPTER 767

An act to amend Section 1558 of, and to add Section 1558.5 to, the Unemployment Insurance Code, relating to the Unemployment Administration Fund.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1558 of the Unemployment Insurance Code is amended to read:

1558. Except as provided by Section 1558.5, all money in the Unemployment Administration Fund shall be expended solely for the purpose of defraying the cost of the administration of this division, including, but not limited to, payments authorized under Sections 1786 and 1788, and for no other purpose whatsoever, and all money, except money received pursuant to Section 1528.5, received from the federal government for the fund pursuant to Section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor for the proper and efficient administration of this division.

SEC. 2. Section 1558.5 is added to the Unemployment Insurance Code, to read:

1558.5. Money in the Unemployment Administration Fund may be expended for any cost of administration under this code of the department or of the Department of Benefit Payments, in accordance with a plan or system of accrual cost accounting approved by the United States Department of Labor under which expenditures from the Unemployment Administration Fund are subsequently reimbursed from another fund or funds to which the actual costs of such expenditures are chargeable.

CHAPTER 768

An act to amend Section 1253.1 of, and to add Section 1253.12 to, the Unemployment Insurance Code, relating to unemployment compensation benefits.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1253.1 of the Unemployment Insurance Code is amended to read:

1253.1. An unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits shall not be deemed ineligible for any week in which, for not exceeding two working days, he cannot reasonably be expected to work because:

(a) He is unlawfully detained.

(b) He is lawfully detained or arrested, but the charge against such individual is subsequently dismissed.

(c) Notwithstanding any other provision of this division, any determination made pursuant to subdivision (b) of this section may, if no appeal has been filed therefrom, be reconsidered by the department within 15 days from the date that the charge is dismissed. Notice of any reconsidered determination shall be given to the claimant and any employer or employing unit which received notice under Section 1328 or 1331, and the claimant or employer may appeal therefrom in the manner prescribed in Section 1328.

SEC. 2. Section 1253.12 is added to the Unemployment Insurance Code, to read:

1253.12. An unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits, shall not be deemed ineligible for any week in which:

(a) For not exceeding two working days, he cannot reasonably be expected to work because there has been a death in his immediate family in California.

(b) For not exceeding four working days, he cannot reasonably be expected to work because there has been a death in his immediate family outside of California.

CHAPTER 769

An act to amend and renumber Section 12819 of, and to repeal Section 12105 of, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12105 of the Public Utilities Code is repealed.

SEC. 2. Section 12819 of the Public Utilities Code, as added by Chapter 1119 of the Statutes of 1974, is amended and renumbered to read:

12820. (a) A district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have the authority and powers conferred by Section 830.12 of the Penal Code upon peace officers. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

(b) Every security officer employed by a district shall conform to the standards for peace officers of the Commission on Peace Officers Standards and Training. Any officer who fails to conform to such standards shall not continue to have the powers of a security officer.

CHAPTER 770

An act to amend Sections 607, 6101, 6102, 6103, 6103.2, 6103.4, 6103.6, and 6103.8 of the Public Resources Code, relating to state lands

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 607 of the Public Resources Code is amended to read:

607. The work of the department shall be divided into at least four divisions, known as the Division of Forestry, the Division of Mines and Geology, the Division of Oil and Gas, and the Division of Resource Conservation.

SEC. 1.5. Section 607 of the Public Resources Code is amended to read:

607. The work of the department shall be divided into at least three divisions, known as the Divisions of Mines and Geology, the Division of Oil and Gas, and the Division of Resource Conservation.

SEC. 2. Section 6101 of the Public Resources Code is amended to read:

6101. There is a State Lands Commission in the Resources Agency, consisting of the Controller, the Lieutenant Governor, and the Director of Finance.

SEC. 3. Section 6102 of the Public Resources Code is amended to read:

6102. The commission is the successor to, and is vested with all the powers, duties, purposes, responsibilities and jurisdiction formerly vested in the Department of Finance as successor to the Surveyor General, Register of the State Land Office, and State Land Office, and of the Division of State Lands in the Resources Agency (formerly in the Department of Conservation). Whenever, by any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the Surveyor General, Register of the State Land Office, or State Land Office, or upon the Department of Finance as successor thereto, or upon the Chief of the Division of State Lands, or the Division of State Lands, such duty, jurisdiction, and authority are hereby transferred to, imposed and conferred upon the commission and the appropriate officers and employees thereof with the same force and effect as though the title of the State Lands Commission had been specifically set forth and named therein in lieu of the Surveyor General, Register of the State Land Office, State Land Office, Department of Finance, Chief of the Division of State Lands, or Division of State Lands, as the case may be.

SEC. 4. Section 6103 of the Public Resources Code is amended to read:

6103. The commission shall administer all laws and statutes committed to it through the Division of State Lands in the Resources Agency, which division is continued in existence. The commission is vested with all the powers conferred upon heads of departments of the state contained in Article 2 (commencing with Section 11150) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

The commission may appoint and, with the approval of the Director of Finance, may fix the salaries of the officers and employees in the division.

SEC. 5. Section 6103.2 of the Public Resources Code is amended to read:

6103.2. (a) The State Lands Commission and the Division of State Lands are hereby transferred from the Department of Conservation to the Resources Agency, and, as agencies in the Resources Agency, are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in them as agencies of the Department of Conservation.

(b) Any reference in any law to the State Lands Commission or to the Division of State Lands in the Department of Finance or the Department of Conservation shall be considered a reference to the State Lands Commission or to the Division of State Lands, as the case may be, in the Resources Agency unless the context otherwise requires.

SEC. 6. Section 6103.4 of the Public Resources Code is amended to read:

6103.4. The State Lands Commission and the Division of State Lands may, as agencies of the Resources Agency, use the

unexpended balances of funds available for use by them as agencies of the Department of Conservation in connection with the performance of the functions vested in them by Section 6103.2 as agencies of the Resources Agency. Such funds shall be used by them only for the purposes for which they were originally appropriated or otherwise made available to them as agencies of the Department of Conservation.

SEC. 7. Section 6103.6 of the Public Resources Code is amended to read:

6103.6. All officers and employees of the State Lands Commission and the Division of State Lands who, on the operative date of this section, are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function of the commission or division as an agency of the Department of Conservation which is vested in the commission or division by Section 6103.2 as an agency of the Resources Agency, shall be transferred to the State Lands Commission and the Division of State Lands in the Resources Agency. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the State Lands Commission and the Division of State Lands in the Resources Agency pursuant to the State Civil Service Act, except as to positions exempt from civil service in the State Lands Commission and the Division of State Lands in the Department of Conservation.

SEC. 8. Section 6103.8 of the Public Resources Code is amended to read:

6103.8. The State Lands Commission and the Division of State Lands, as agencies of the Resources Agency, shall have the possession and control of all records, papers, offices, moneys, funds, appropriations, lands and other property, real or personal, held for the benefit or use of the State Lands Commission and the Division of State Lands as agencies of the Department of Conservation in connection with the performance of the duties, powers, purposes, responsibilities, and jurisdiction of the State Lands Commission and the Division of State Lands as agencies of the Department of Conservation that are transferred to or vested in them by Section 6103.2 as agencies of the Resources Agency.

SEC. 9. It is the intent of the Legislature, if this bill and Assembly Bill No. 400 are both chaptered and become effective January 1, 1976, both bills amend Section 607 of the Public Resources Code, and this bill is chaptered after Assembly Bill No. 400, that the amendments to Section 607 proposed by both bills be given effect and incorporated in Section 607 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 400 are both chaptered and become effective January 1, 1976, both amend Section 607, and this bill is chaptered after Assembly Bill No. 400, in which case Section 1 of this act shall not become operative.

CHAPTER 771

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of act inconsistent herewith" approved by electors November 7, 1922 by amending Sections 5 and 12 thereof, relating to chiropractic and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the act cited in the title is amended to read:

Sec. 5. License to Practice: Fee: Educational Requirements. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. Any person wishing to practice chiropractic in this state shall make application to the board 15 days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of fifty dollars ($50) and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed, each applicant shall be a graduate of an approved chiropractic school or college which teaches a course of not less than 4,000 hours, extended over a period of four school terms of at least nine months each, and shall present to the board at the time of making such application a diploma from a high school, or proof, satisfactory to the board, of education equivalent in training power to a high school course.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, except as herein otherwise provided:

Group 1	
Anatomy, including embryology and histology	18 to 20%
Group 2	
Physiology.....	6 to 8%
Group 3	
Biochemistry, inorganic and organic chemistry	6 to 8%
Group 4	
Pathology and bacteriology	10 to 12%
Group 5	
Public health, hygiene and sanitation	3 to 4%

Group 6	
Diagnosis, pediatrics, dermatology, syphilology and psychiatry	12 to 18%
Group 7	
Obstetrics and gynecology	3 to 4%
Group 8	
Principles and practice of chiropractic, physiotherapy and office procedure	25 to 28%
Total	83 to 100%
Electives	17 to 0%

SEC. 2. Section 12 of the act cited in the title is amended to read:

Sec. 12. Each person practicing chiropractic within this state shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said Board of Chiropractic Examiners a renewal fee of fifty dollars ($50). The secretary shall, on or before November 1st of each year, mail to all licensed chiropractors in this state a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California to pay said annual fee during the time his or her license remains in force shall, after a period of 60 days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor and the payment to the said board of a fee of twice the annual amount of the renewal fee in effect at the time the restoration application is filed, except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of 60 days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

SEC. 3. This is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Board of Chiropractic Examiners may apply the increases in fees authorized by this act to applicants for examinations to be held in September 1975 and to licensees of the Chiropractic Act who are renewing such licenses in December 1975, it is necessary that this act go into immediate effect.

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CHAPTER 772

An act to amend Section 7090 of the Business and Professions Code, relating to contractors.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 7090 of the Business and Professions Code is amended to read:

7090. The registrar may upon his own motion and shall upon the verified complaint in writing of any person, investigate the actions of any contractor or home improvement salesman within the state and may temporarily suspend or permanently revoke any license or registration if the holder, while a licensee or registrant or applicant hereunder, is guilty of or commits any one or more of the acts or omissions constituting causes for disciplinary action.

The registrar may proceed to take disciplinary action as in this article provided against a person licensed or registered under the provisions of this chapter even though the grounds or cause for such disciplinary action arose upon projects or while the licensee or registrant was acting in a capacity or under circumstances or facts which, under the provisions of Sections 7044, 7045, 7046, and 7048, would otherwise exempt him or his operations from the provisions of this chapter.

Notwithstanding any provision of this chapter, if the registrar finds that any contractor licensed or registered under the provisions of this chapter has willfully and deliberately violated any state or local law relating to the issuance of building permits, other than failure to obtain a county or city permit for repair, maintenance, and adjustment of equipment where such repair, maintenance, or adjustment is valued at less than five hundred dollars ($500) for labor or materials, or where the repair of a part or component part of mechanical equipment consists of replacing such part or component part of mechanical equipment in need of repair with the identical part or component part, the registrar shall suspend or revoke the contractor's license.

For the purpose of this section, there shall be a rebuttable presumption affecting the burden of proof that construction performed without a permit is a willful and deliberate violation.

CHAPTER 773

An act to amend Section 3742 of the Public Resources Code, relating to geothermal resources.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 3742 of the Public Resources Code is amended to read:

3742. There is hereby created in the Department of Conservation a Geothermal Resources Board. The board shall consist of the following or their respective designees: The Director of Conservation, who shall serve as chairman of the board; the State Geologist, who shall serve as secretary to the board; the State Oil and Gas Supervisor; the Executive Officer of the State Lands Commission; the Chairman of the State Water Resources Control Board; the Director of Water Resources; the President of the Public Utilities Commission; and the Director of Fish and Game.

CHAPTER 774

An act to amend Sections 1407, 1413, 1418 and 1418.5 of the Penal Code, relating to property and evidence in criminal cases.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1407 of the Penal Code is amended to read:

1407. When property, alleged to have been stolen or embezzled, comes into the custody of a peace officer, he shall hold it subject to the provisions of this chapter relating to the disposal thereof.

SEC. 2. Section 1413 of the Penal Code is amended to read:

1413. (a) The clerk or person having charge of the property section for any police department in any incorporated city or town, or for any sheriff's department in any county, shall enter in a suitable book a description of every article of property alleged to be stolen or embezzled, and brought into the office or taken from the person of a prisoner, and shall attach a number to each article, and make a corresponding entry thereof. He may engrave or imbed an identification number in property described in Section 537e for the purposes thereof.

(b) The clerk or person in charge of the property section may, upon satisfactory proof of the ownership of property held pursuant to Section 1407, and upon presentation of proper personal

identification, deliver it to the owner. Such delivery shall be without prejudice to the state or to the person from whom custody of the property was taken or to any other person who may have a claim against the property. Prior to such delivery such clerk or person in charge of the property section shall make and retain a complete photographic record of such property. The person to whom property is delivered shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the clerk or person in charge of the property section. This subdivision shall not apply to any property subject to forfeiture under any provision of law. This subdivision shall not apply unless the clerk or person in charge of the property section has served upon the person from whom custody of the property was taken a notice of a claim of ownership and a copy of the satisfactory proof of ownership tendered and has allowed such person reasonable opportunity to be heard as to why such property should not be delivered to the person claiming ownership.

(c) The magistrate before whom the complaint is laid, or who examines the charge against the person accused of stealing or embezzling the property, or the court before which a trial is had for stealing or embezzling it, shall upon application by the person from whom custody of the property was taken, review the determination of the clerk or person in charge of the property section, and may order the property taken into the custody of the court upon a finding that the person to whom the property was delivered is not entitled thereto. Such court shall make its determination in the same manner as a determination is made when the matter is before the court pursuant to Sections 1408 to 1410, inclusive.

(e) The clerk or person in charge of the property section shall not be liable in damages for any official action performed hereunder in good faith.

SEC. 3. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party at any time after the final determination of the action or proceedings; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of six months from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what

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exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall transfer the property to the county purchasing and stores agency or other proper county agency for sale to the public.

At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer shall be sold by the proper receiving agency for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, the clerk shall not transfer it but shall immediately deposit it in the general fund of the county.

If any property is transferred to the county purchasing agent pursuant to this section it may be sold in the manner provided by Article 7 (commencing with Section 25500) of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If the county purchasing and stores agency or other proper county agency determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the agency and need not be sold.

SEC. 4. Section 1418.5 of the Penal Code is amended to read:

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of six months from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibits would prejudice the state.

In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out.

No exhibit shall be destroyed or otherwise disposed of until 60 days after the clerk of the court has posted a notice conspicuously in three public places in the county, referring to the order for the disposition,

describing briefly the exhibit, and indicating the date after which the exhibit will be destroyed or otherwise disposed of.

CHAPTER 775

An act making an appropriation for the state park system.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the Collier Park Preservation Fund in the State Treasury to the Department of Parks and Recreation the sum of ten thousand dollars ($10,000) for repairs to the School Street Adobe in the City of Santa Cruz for the state park system

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CHAPTER 776

An act to amend Section 13655 of the Education Code, relating to classified school employees.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13655 of the Education Code is amended to read:

13655. Any classified employee of any school district or county superintendent of schools who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with another school district or county superintendent of schools within one year of such termination of his former employment, shall have transferred with him to the second district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which he is entitled under Section 13651.1. This transfer shall be in the same manner as is provided for certificated employees.

In any case where an employee was terminated as a result of action initiated by the employer for cause, such a transfer may be made if agreed to by the governing board of the district or the county superintendent of schools newly employing the employee.

All or any part of the previous service, not separated by a break in service greater than one year as of the last day of paid service, may,

if agreed to by the employing entity, be construed to have been served in the new district or county superintendent of schools of employment for seniority purposes, except that such previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the board.

No governing board shall adopt any policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferring to its district to waive any part or all benefits which they may be entitled to have transferred in accordance with this section.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 777

An act to add Section 25275.5 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25275.5 is added to the Vehicle Code, to read:

25275.5. Any bus operated either by a public agency or under the authority of a certificate of public convenience and necessity issued by the Public Utilities Commission may be equipped with a system of crime alarm lights. The system of crime alarm lights shall consist of the installation of additional lamp sources, not exceeding 32 standard candlepower or 30 watts, in the front and rear clearance lamps required or permitted by Section 25100. Such lamps shall be approved by the department and shall be operated by a flasher unit or units that are not audible inside the bus. When actuated, both rear crime alarm lights shall flash simultaneously and both front crime alarm lights shall flash simultaneously. Crime alarm lights shall be actuated only when a crime is in progress on board the bus or has recently been committed on board the bus.

CHAPTER 778

An act to amend Section 31453 of the Government Code, relating to county retirement systems.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31453 of the Government Code is amended to read:

31453. An actuarial valuation shall be made within one year after the date on which any system established under this chapter becomes effective, and thereafter at not to exceed three-year intervals. The valuation shall be conducted under the supervision of an actuary and shall cover the mortality, service, and compensation experience of the members and beneficiaries, and shall evaluate the assets and liabilities of the retirement fund. Upon the basis of the investigation, valuation, and recommendation of the actuary, the board shall recommend to the board of supervisors such changes in the rates of interest, in the rates of contributions of members, and in county and district appropriations as are necessary. With respect to the rates of interest to be credited to members and to the county or district, the board may, in its sound discretion, recommend a rate which is higher or lower than the interest assumption rate established by the actuarial survey. No adjustment shall be included in the new rates for time prior to the effective date of the revision.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 779

An act to amend Section 6827 of the Public Resources Code, relating to state lands.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6827 of the Public Resources Code is amended to read:

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, or joint bidders, as provided in this chapter. Such a lease shall include

all oil and gas deposits in the leased land and be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased land, or lessee shall be diligently conducting production, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land. Any lease heretofore issued under this chapter for a term of 20 years, or any renewal or extension thereof, may at any time or times prior to its expiration be extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the state or as the Legislature may provide; provided further, that upon the lessee's timely application therefor the commission may issue a new lease in exchange for any lease issued for a term of 20 years, or any renewal or extension thereof; such new lease shall be issued at the same royalty and upon the same terms and conditions as the lease for which it is exchanged, unless the commission and the lessee shall otherwise agree, except that the term of such exchange lease shall be for a term of five years and for so long thereafter as oil or gas is produced in paying quantities, or lessee shall be conducting production, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land.

When state lands, including tide and submerged lands, are offered for lease by the commission, the commission shall specify a sliding scale royalty on oil commencing at not less than 16⅔ percent up to a maximum percentage specified in the invitation to bid to be paid on the average production of oil per well per day under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands. Such royalties shall be paid in kind or as a percentage of the current market price at the well of, and of any premium or bonus paid on, the production removed or sold from the leased land, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying all other provisions of the lease.

As alternatives to the procedure set forth in the preceding paragraph, the commission, if it so provides in the invitation to bid, may: (1) specify a sliding scale royalty on oil commencing at 16⅔ percent up to a maximum percentage specified in the invitation to bid, to be paid on the average production of oil per well per day under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under

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such lease, except gas used for lease use or reinjection into the leased lands, and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who bids the highest factor to be applied to the scale of oil royalties specified in the offer to bid, in addition to satisfying all other provisions of the lease, unless the commission decides to reject all bids pursuant to Section 6836; or (2) specify that bidding shall be on the basis of a flat rate of royalty and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest flat rate of royalty, but not less than 16⅔ percent, on oil, to be paid on the production of oil under such lease, and a royalty of not less than 16⅔ percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, unless the commission decides to reject all bids pursuant to Section 6836; or (3) specify, with respect to a proposed lease for the extraction of gas, that bidding shall be on the basis of a flat rate of royalty, and award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest flat rate of royalty, but not less than 16⅔ percent, on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection into the leased lands, unless the commission decides to reject all bids pursuant to Section 6836; or (4) as an additional alternative, the commission, if it so provides in the invitation to bid, may award the lease of the parcel or tract which is the subject of the bid to the qualified bidder who undertakes to pay the highest percentage of net profits derived from oil, dry gas, and other products extracted under the lease, in addition to satisfying all other provisions of the lease, unless the commission decides to reject all bids pursuant to Section 6836, and under such alternative, an annual rental of not less than one dollar ($1) for each acre of land subject to the lease shall be payable in advance on the rental date. Under alternatives (1), (2), and (3), the royalties shall be paid in kind or as a percentage of the current market price at the well of the production removed or sold from the leased lands, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per barrel for royalty oil, and an annual rental payable in advance of not less than one dollar ($1) for each acre of the land subject to the lease at the rental date.

If, at any time or from time to time, before or after the expiration of the primary term of such lease, the leased lands cease to produce oil or gas, the lease shall; nevertheless, continue in full force and effect if within six months after the cessation of production, or such longer period of time as the commission may authorize, lessee shall commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations for the purpose of restoring production of oil or gas from the leased lands.

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CHAPTER 780

An act to amend Sections 6531, 6532, 8042, and 8044 of, and to repeal Sections 6530, 8042.5, and 8044.5 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6530 of the Fish and Game Code is repealed.

SEC. 2. Section 6531 of the Fish and Game Code is amended to read:

6531. In addition to the fees provided for in this article, every person operating under an allotment shall pay a privilege tax of two cents ($0.02) per packed gallon or fraction thereof of shucked oysters harvested by him from his allotment. If the oysters are marketed in the shell, the tax shall be based on the equivalent yield of shucked oyster meat.

In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat.

SEC. 3. Section 6532 of the Fish and Game Code is amended to read:

6532. The privilege tax imposed by Section 6531 shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a ten-percent (10%) penalty shall be paid.

The commission shall revoke a license and declare the allotment abandoned unless the allottee presents to the commission reasonable cause for failure to pay such privilege tax within 90 days after the close of the month in which it is due.

Blanks for the purpose of making privilege tax returns shall be supplied by the department.

SEC. 4. Section 8042 of the Fish and Game Code is amended to read:

8042. The annual fees for licenses issued pursuant to this article are:

(a) For a fish canners and processors license issued to any person engaged in canning fish, except frozen or coldpack crustaceans, or manufacturing fish scraps, fishmeal, fish oil, chickenfeed, fertilizer, or other products from fish or fish offal, one hundred fifty dollars ($150).

(b) For a wholesale fish dealers and preservers license issued to any person preserving fish by the common methods of freezing, coldpacking, drying, salting, pickling, or smoking, or dealing by

wholesale in fish taken from the waters of this state or brought into this state in a fresh condition, fifty dollars ($50).

Any person engaged in activities covered by both subdivision (a) and subdivision (b) is required to hold only the license designated in subdivision (a).

SEC. 5. Section 8042.5 of the Fish and Game Code is repealed.

SEC. 6. Section 8044 of the Fish and Game Code is amended to read:

8044. Notwithstanding the other provisions of this article, every broker or importer of fish, mollusks or crustaceans who (a) sells to other brokers, importers or wholesalers only, (b) who buys from other brokers, importers or wholesalers only, (c) who does not receive fish from fishermen except fishermen who are also wholesalers, and (d) who is not required by Sections 8045 or 8046 to pay a privilege tax, shall procure a fish broker and importer's license for each place of business.

Any person qualifying under the provisions of this section may procure a fish broker and importer's license in lieu of a license under Section 8040 and, upon doing so, shall not be required to comply with the provisions of Sections 8045 and 8046.

The annual fee for the license issued pursuant to this section is one hundred dollars ($100). The license year shall be from July 1 to June 30 of the year following, or, if issued after the beginning of such term, for the remainder thereof.

SEC. 7. Section 8044.5 of the Fish and Game Code is repealed.

CHAPTER 781

An act to amend Section 1176 of the Insurance Code, relating to insurers.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1176 of the Insurance Code is amended to read:

1176. Such insurers may invest in notes or bonds secured by mortgage or other first lien upon unincumbered real property, if:

(a) There exists no condition or right of reentry or of forfeiture under which such lien can be cut off, subordinated, or otherwise disturbed, and

(b) (1) The principal so loaned or the entire note or bond issue so secured, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed 75 percent of the market value of such real property, or of such real property together with improvements which are taken as

security at the date of investment, or

(2) Where the loan is insured by an admitted mortgage guaranty insurer conforming to the provisions of Chapter 2A (commencing with Section 12640.01) of Part 6 of Division 2, the unguaranteed portion of the loan, plus the amount of the liens of any public bond, assessment, or tax assessed upon the property loaned upon, does not exceed 75 percent of the market value of such real property, or of such real property together with improvements which are taken as security at the date of investment, or

(3) Where the loan is made or the notes or bonds are issued for a building loan on real property, the principal so loaned, or the entire outstanding notes or bonds so issued, plus the amount of the lien of any public bond, assessment, or tax assessed upon the property loaned upon, at no time exceeds 75 percent of the market value of the real property together with the actual cost of the improvements thereon taken as security.

Real property is not incumbered within the meaning of this section if subject only to one or more of the following: (a) the lien of taxes and assessments not delinquent at the time of investment, (b) the lien for delinquent taxes or assessments delinquent at the time of investment, which are being contested by any legal proceedings; provided, that indemnity has been given pursuant to the indenture under which the bonds and notes are issued, or otherwise, for the payment of any amount which may be found to be due upon the final adjudication of such contest, (c) the lien of taxes and assessments becoming delinquent subsequent to the time of investment, (d) outstanding mineral, oil or timber rights, (e) easements or rights-of-way, (f) sewer rights, (g) rights in walls, (h) building restrictions or other restrictive covenants, or conditions or regulations of use, or leases under which rents or profits are reserved to the owner.

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent.

CHAPTER 782

An act to add Section 24015 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24015 is added to the Business and Professions Code, to read:

24015. Notwithstanding any other provision of law, in the case of a protest of the issuance of a license to engage in the sale of alcoholic

beverages filed pursuant to Sections 24013 to 24016, inclusive, the hearing shall be held not more than 60 days after receipt of the protest by the State Office of Administrative Hearings.

SEC. 2. The Alcoholic Beverage Control Appeals Board is requested to comply with the provisions of Section 23086 of the Business and Professions Code.

CHAPTER 783

An act to amend Sections 6755.2, 6803.3, and 6902.055 of the Education Code, relating to special education.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6755.2 of the Education Code is amended to read:

6755.2. Whenever any pupil is being evaluated for placement in a program for the educationally handicapped by an admission committee pursuant to Section 6755 or a review and recommendation procedure is being conducted by an admission committee pursuant to Section 6755.1, the parent or guardian of the pupil shall have the right to be present at all meetings of the admission committee concerning only that pupil, the right to a 48-hour prior written notice of such meetings, and the right to have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

SEC. 2. Section 6803.3 of the Education Code is amended to read:

6803.3. Whenever any pupil is being evaluated for placement in a program conducted pursuant to this chapter by an admission committee established by a school district or county superintendent of schools, the parent or guardian of the pupil shall have the right to be present at all meetings of the admission committee concerning only that pupil, the right to a 48-hour prior written notice of such meetings, and may have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking

power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

SEC. 3. Section 6902.055 of the Education Code is amended to read:

6902.055. Whenever any pupil is being evaluated for placement in a program for mentally retarded pupils by an admission committee pursuant to Section 6902.05, the parent or guardian of the pupil shall have the right to be present at all meetings of the admission committee concerning only that pupil, the right to a 48-hour prior written notice of such meetings, and may have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 784

An act to amend Section 1011 of the Fish and Game Code, relating to Department of Fish and Game.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1011 of the Fish and Game Code is amended to read:

1011. The department may:

(a) Procure insurance for its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workers' compensation insurance.

(b) Procure insurance for its employees against injury or death in the course of performance of their duties arising from airplane accidents.

(c) Procure insurance on vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

(d) Procure insurance for itself and landowners who agree to

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permit the department to use their land as cooperative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of such hunting, fishing, conservation or recreational areas.

(e) Procure insurance for itself against any liability resulting from departmental activities or operations.

(f) Procure insurance for its employees or other persons authorized by the department to conduct hunter safety training courses against any public liability or property damage resulting from such training.

(g) Procure insurance for its employees against injury or death in the course of the performance of their duties arising from diving, which includes SCUBA or deep sea diving.

The cost of such insurance shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

CHAPTER 785

An act to amend Section 5653 of the Fish and Game Code, relating to suction dredge permits, and making an appropriation therefor.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 5653 of the Fish and Game Code is amended to read:

5653. Before any person uses any vacuum or suction dredge equipment in any river, stream or lake of this state, such person shall submit an application for a permit for such a dredge to the Department of Fish and Game specifying the type and size of equipment to be used and such other information as the department may require.

The department may designate waters or areas wherein vacuum or suction dredges may be used pursuant to a permit, waters or areas closed to such dredges, the maximum size of such dredges which may be used, and the time of year when such dredges may be used. If the department determines that such operation will not be deleterious to fish it shall issue a permit to the applicant. If any person operates any equipment other than that authorized by the permit or conducts such operation in any waters or area, or at any time which is not authorized by the permit, or if any person conducts such operation without securing such permit, such person shall be guilty of a misdemeanor.

The department shall require as a fee for such permits, five dollars ($5) when an onsite investigation of the project size is not deemed necessary by the department, and seventy-five dollars ($75) when

the department deems an onsite investigation is necessary.

CHAPTER 786

An act to amend Sections 3002 and 4500 of, to amend the heading of Chapter 5 (commencing with Section 4500) of Part 3 of Division 4 of, and to repeal Sections 4500.5 and 4501 of, the Fish and Game Code, relating to marine mammals.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3002 of the Fish and Game Code is amended to read:

3002. It is unlawful to shoot at any game bird or mammal, including a marine mammal as defined in Section 4500, from a powerboat, sailboat, motor vehicle, or airplane.

SEC. 2. The heading of Chapter 5 (commencing with Section 4500) of Part 3 of Division 4 of the Fish and Game Code is amended to read:

CHAPTER 5. MARINE MAMMALS

SEC. 3. Section 4500 of the Fish and Game Code is amended to read:

4500. (a) It is unlawful to take any marine mammal except in accordance with provisions of the Marine Mammal Protection Act of 1972 (Chapter 31 (commencing with Section 1361) of Title 16 of the United States Code) or provisions of Title 50 of the Code of Federal Regulations, or pursuant to subdivision (b) of this section.

(b) At such time as federal laws or regulations permit the state to assume jurisdiction over marine mammals, the commission may adopt regulations governing marine mammals and the taking thereof.

(c) For purposes of this chapter, "marine mammals" means sea otters, whales, dolphins, porpoises, seals, and sea lions.

SEC. 4. Section 4500.5 of the Fish and Game Code is repealed.

SEC. 5. Section 4501 of the Fish and Game Code is repealed.

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CHAPTER 787

An act making an appropriation for the state park system, and in this connection to amend and supplement the Budget Act of 1974 (Chapter 375, Statutes of 1974) by adding Section 2.8D thereto, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

I am deleting the $3,000,000 appropriation contained in Section 3 of Senate Bill No 48

This appropriation is unnecessary in view of the funds authorized in Section I of the bill

With this deletion, I approve Senate Bill No 48

Sincerely,

EDMUND G BROWN JR , Governor

The people of the State of California do enact as follows:

SECTION 1. Section 2.8D is added to the Budget Act of 1974 (Chapter 375, Statutes of 1974), to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8D. The following sum of money, or so much thereof as may be necessary, hereby appropriated for expenditure during the 1974–75, 1975–76, and 1976–77 fiscal years. Such appropriation shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

CAPITAL OUTLAY

Resources

410.7D—For capital outlay, Department of Parks and Recreation, for purposes set forth in subdivision (e) of Section 5096.85 of the Public Resources Code, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 3,000,000

(a) Pan Pacific Park, acquisition 3,000,000

provided, that none of the funds which are appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency; and provided, further, that such

acquisition shall be accomplished in cooperation with the County of Los Angeles.

SEC. 2. Of the funds appropriated to the Bagley Conservation Fund by Item 383.5 of the Budget Act of 1974 (Chapter 375, Statutes of 1974), the sum of three million dollars ($3,000,000), or so much thereof as is necessary, is hereby reappropriated to the Department of Parks and Recreation for the acquisition of Pan Pacific Park for the state park system; provided that this reappropriation shall be operative only if there are not sufficient moneys in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 to carry out the provisions of Section 1 of this act; and provided, further, that such acquisition shall be accomplished in cooperation with the County of Los Angeles.

SEC. 3. The sum of three million dollars ($3,000,000) is hereby appropriated from the General Fund to the Department of Parks and Recreation for the acquisition of Pan Pacific Park for the state park system; provided, that this appropriation shall be operative only if there are not sufficient moneys in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 or in the Bagley Conservation Fund to carry out the provisions of Sections 1 and 2 of this act; and provided, further, that, if Assembly Bill No. 1722 of the 1975–76 Regular Session of the Legislature is enacted and the issuance of state bonds thereunder is approved by the electors, General Fund moneys expended pursuant to the appropriation made by this section shall be reimbursed by a transfer to the General Fund from the State and Urban Park Fund of an amount equal to such expenditure; and provided, further, that such acquisition shall be accomplished in cooperation with the County of Los Angeles.

SEC. 4. The acquisition of lands made pursuant to this act shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the provisions of this act to be able to enable the early acquisition of greatly needed lands for park purposes, it is necessary that this act go into immediate effect.

CHAPTER 788

An act to add Section 20930.6 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20930.6 is added to the Government Code, to read:

20930.6. "Public service" also means any time during which a state member, other than a school member, was excused from performance of his duties on approved leave for the purpose of further education. Any member electing to receive credit for such public service shall, in addition to contributions and interest otherwise required by this article, contribute an amount equal to (1) the contribution that would have been made by his employer in respect to him had he not been absent, assuming that the employer rate of contribution in effect at the time of election had been in effect during the absence and (2) the amount of interest that would have accrued to the member and employer contributions if they had been deposited at the beginning date of the member's first subsequent period of service in membership until the date of completion of payments at the interest rate in effect on the date of election. Credit granted under this section may not exceed two years.

This section shall be applicable to persons who are members or became members of this system on and after January 1, 1975.

CHAPTER 789

An act to add Article 11 (commencing with Section 10930.5) to Chapter 1 of Division 9 of the Education Code, relating to school athletic programs.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 10930.5) is added to Chapter 1 of Division 9 of the Education Code, to read:

Article 11. Athletic Programs

10930.5. It is the intent of the Legislature that opportunities for participation in athletics be provided on an equitable basis to all students.

It is the further intent of the Legislature that females be given the same opportunity to participate in athletics and compete with other females in individual and team sports as is available to males who compete with other males in individual and team sports.

10930.6. Insofar as practicable, in apportioning public funds

school district governing boards shall apportion amounts available for athletics to ensure that equitable amounts will be allocated for all students, except that allowances may be made for differences in the costs of various athletic programs.

10930.7. Notwithstanding any other provision of law, no public funds shall be used in connection with athletic programs conducted under the auspices of a school district governing board or any student organization within the district, which do not provide facilities and opportunities for participation by both sexes on an equitable basis. Facilities and opportunities for participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

CHAPTER 790

An act to amend Section 790.03 of the Insurance Code, relating to insurance.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 790.03 of the Insurance Code is amended to read:

790.03. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance

(a) Making, issuing, circulating, or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance.

(b) Making or disseminating or causing to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatsoever, any statement containing any assertion, representation or statement

with respect to the business of insurance or with respect to any person in the conduct of his insurance business, which is untrue, deceptive or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive or misleading.

(c) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(d) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public any false statement of financial condition of an insurer with intent to deceive.

(e) Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(f) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(g) Making or disseminating, or causing to be made or disseminated, before the public in this state, in any newspaper or other publication, or any other advertising device, or by public outcry or proclamation, or in any other manner or means whatever, whether directly or by implication, any statement that a named insurer, or named insurers, are members of the California Insurance Guarantee Association, or insured against insolvency as defined in Section 119.5. This subdivision shall not be interpreted to prohibit any activity of the California Insurance Guarantee Association or the commissioner authorized, directly or by implication, by Article 14.2 (commencing with Section 1063) of this chapter.

(h) Knowingly committing or performing with such frequency as to indicate a general business practice any of the following unfair claims settlement practices:

(1) Misrepresenting to claimants pertinent facts or insurance policy provisions relating to any coverages at issue.

(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies.

(3) Failing to adopt and implement reasonable standards for the prompt investigation and processing of claims arising under

insurance policies.

(4) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss requirements have been completed and submitted by the insured.

(5) Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear.

(6) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds, when such insureds have made claims for amounts reasonably similar to the amounts ultimately recovered.

(7) Attempting to settle a claim by an insured for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application.

(8) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of, the insured, his representative, agent, or broker.

(9) Failing, after payment of a claim, to inform insureds or beneficiaries, upon request by them, of the coverage under which payment has been made.

(10) Making known to insureds or claimants a practice of the insurer of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(11) Delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either, to submit a preliminary claim report, and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information.

(12) Failing to settle claims promptly, where liability has become apparent, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

(13) Failing to provide promptly a reasonable explanation of the basis relied on in the insurance policy, in relation to the facts or applicable law, for the denial of a claim or for the offer of a compromise settlement.

(14) Directly advising a claimant not to obtain the services of an attorney.

(15) Misleading a claimant as to the applicable statute of limitations.

CHAPTER 791

An act to add Section 374 to the Education Code, and to amend Section 12519 of the Vehicle Code, relating to driving instruction, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 374 is added to the Education Code, to read:

374. The Department of Education shall develop a course for the training of farm labor vehicle drivers that will provide them with the skills and knowledge necessary to prepare them for an examination for certification pursuant to Section 12519 of the Vehicle Code. The department shall seek the advice and assistance of the Department of Motor Vehicles and the Department of the California Highway Patrol in developing such a course.

The department shall train the necessary instructional personnel to conduct the course, shall furnish all instructional and training materials used in the course, and shall assure that the course is properly taught and conducted.

The department may enter into agreements with any public agency in order to implement the provisions of this section.

SEC. 2. Section 12519 of the Vehicle Code is amended to read:

12519. (a) Prior to September 1, 1975, no person shall operate a farm labor truck or a farm labor bus unless he has in his possession a driver's license for the appropriate class of vehicle to be driven, such license to be endorsed or have attached to it a certificate issued by the department to permit the operation of farm labor vehicles unless such operation is expressly exempted under this code.

(b) On and after September 1, 1975, no person, other than a person who possesses a valid schoolbus driver's certificate, shall operate a farm labor truck or a farm labor bus unless he has in his possession a driver's license for the appropriate class of vehicle to be driven, and a certificate issued by the department to permit the operation of farm labor vehicles.

Applicants shall present evidence that they have successfully completed the driver training course developed by the Department of Education pursuant to Section 374 of the Education Code, and approved by the Department of Motor Vehicles and the Department of the California Highway Patrol before a permanent certificate will be issued. The certificate shall be issued only to applicants qualified by examinations prescribed by the Department of Motor Vehicles. Such examinations shall be conducted by the Department of the California Highway Patrol. Such certificate shall be valid for not to

exceed two years, but may be renewed under such conditions as the Department of Motor Vehicles may prescribe.

SEC. 3. The Department of Education and the Department of Motor Vehicles shall report to the Legislature by December 1, 1976, on the implementation of the provisions of this act, to include, but not be limited to, the following: the success attained in training drivers; the number of licenses issued to permit the operation of farm vehicles; the success of the program in improving safe operation of farm vehicles; and recommendations for the improvement of the program.

SEC. 4. The sum of forty thousand dollars ($40,000) is hereby appropriated from the Driver Training Penalty Assessment Fund to the General Fund in the State Treasury and from the General Fund to the Department of Education for the purposes of Section 374 of the Education Code.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

On and after September 1, 1975, a farm labor vehicle driver will be required to have in his possession a certificate issued by the Department of Motor Vehicles. In order to obtain such a certificate an applicant must present evidence that he has successfully completed an approved driver training course. Inasmuch as such training is not presently available in the state, it is necessary that this act, providing for the training of farm labor vehicle drivers and extending the deadline for securing the required certificate, take effect immediately.

CHAPTER 792

An act to add Section 10173.2 to the Insurance Code, relating to life insurance.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10173.2 is added to the Insurance Code, to read:

10173.2. When a policy of life insurance is, after the effective date of this section, assigned in writing as security for an indebtedness, the insurer shall, in any case in which it has received written notice of the name and address of the assignee, mail to such assignee a written notice, postage prepaid and addressed to the assignee's address filed with the insurer, not less than 10 days prior to the final lapse of the policy, each time the insured has failed or refused to transmit a

premium payment to the insurer before the commencement of the policy's grace period or before such notice is mailed. The insurer shall give such notice to the assignee in the proper case while such assignment remains in effect, unless the assignee has notified the insurer in writing that such notice is waived. The insurer shall be permitted to charge the insured directly or against the policy the reasonable cost of complying with this section, but in no event to exceed two dollars and fifty cents ($2.50) for each such notice.

As used in this section, "final lapse of the policy" means the date after which the policy will not be reinstated by the insurer without requiring evidence of insurability or written application.

CHAPTER 793

An act to amend Section 311.2 of the Penal Code, relating to obscene matter

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 311.2 of the Penal Code is amended to read:

311.2. (a) Every person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, or prints, with intent to distribute or to exhibit to others, or who offers to distribute, distributes, or exhibits to others, any obscene matter is guilty of a misdemeanor.

(b) The provisions of this section with respect to the exhibition of, or the possession with intent to exhibit, any obscene matter shall not apply to a motion picture operator or projectionist who is employed by a person licensed by any city or county and who is acting within the scope of his employment, provided that such operator or projectionist has no financial interest in the place wherein he is so employed.

(c) Except as otherwise provided in subdivision (b), the provisions of subdivision (a) with respect to the exhibition of, or the possession with intent to exhibit, any obscene matter shall not apply to any person who is employed by a person licensed by any city or county and who is acting within the scope of his employment, provided that such employed person has no financial interest in the place wherein he is so employed and has no control, directly or indirectly, over the exhibition of the obscene matter.

CHAPTER 794

An act to add Section 18401 to, and to amend and repeal Section 18502 of, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18401 is added to the Health and Safety Code, to read:

18401. The enforcement agency shall notify the mobilehome owner or occupant, whose name appears in the register required by Section 18600, of any violations of the provisions of this part or of any rules or regulations issued pursuant to this part applicable to a mobilehome, accessory structure, or other appurtenance owned, occupied, or under such person's control. The notification shall include a statement that any willful violation of such provisions is a misdemeanor under Section 18700 of the Health and Safety Code.

SEC. 2. Section 18502 of the Health and Safety Code, as amended by Section 6.5 of Chapter 1103 of the Statutes of 1973, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the commission.

(b) Plan checking fees equal to one-half of the construction, mechanical and electrical permit fees, except that the minimum fee shall be ten dollars ($10).

(c) Except for a temporary trailer park, annual operating permit fee of twenty-five dollars ($25) and an additional two dollars ($2) per lot or two dollars ($2) per camping party for the maximum number of camping parties to be accommodated at any one time in an incidental camping area.

(d) Temporary trailer park operating permit fee of twenty-five dollars ($25), with no additional fee for the lots.

(e) Change in name fee or transfer of ownership or possession fee of ten dollars ($10).

(f) Duplicate permit fee or amended permit fee of ten dollars ($10).

SEC. 3. Section 18502 of the Health and Safety Code, as added by Section 6.7 of Chapter 1103 of the Statutes of 1973, is repealed.

CHAPTER 795

An act relating to preschool programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Department of Education the sum of one hundred ninety-nine thousand three hundred three dollars ($199,303) for the purpose of continuing to fund scholarships under the Head Start Supplementary Training Program and for administrative expenses in connection therewith not to exceed 3 percent of the amount appropriated; provided that such appropriation shall become operative only if it is determined that federal funds for the program are no longer to be available.

SEC. 2. If the appropriation made by Section 1 becomes operative, during the 1975–76 fiscal year the department shall allow up to three hundred fifty dollars ($350) per person to not more than 1,200 persons for tuition and books for programs which qualified under the federal law and regulations under the Head Start Supplementary Training Program. All recipients of awards shall have qualified as to income under the pertinent federal regulations.

SEC. 3. The department shall study the costs and procedures required to develop a comprehensive training and scholarship program for persons employed in all state and federally funded child development programs and shall report thereon to the Legislature on or before December 31, 1975.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit this act to be operative for the entire 1975–76 fiscal year, and so facilitate the orderly funding of the scholarship program, it is necessary that this act take effect immediately.

CHAPTER 796

An act to amend Section 13723 of the Education Code, relating to school classified employees.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13723 of the Education Code is amended to read:

13723. All vacancies in the classified service shall be filled pursuant to this article (commencing with Section 13701) and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. Appointments shall be made from the first three applicants on the eligibility list who are ready and willing to accept the position. In examinations for classes designated as technical, professional, administrative, or executive by the commission, final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position.

CHAPTER 797

An act to amend Section 87200 of, and to add Sections 83117.5 and 83117.6 to, the Government Code, relating to public officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 83117.5 is added to the Government Code, to read:

83117.5. It shall be unlawful for a member of the commission to receive a gift of ten dollars ($10) or more per month.

"Gift" as used in this section means a gift made directly or indirectly by a state candidate, an elected state officer, a legislative

official, an agency official, or a lobbyist or by any person listed in Section 87200.

SEC. 2. Section 83117.6 is added to the Government Code, to read:

83117.6. Members of the commission in office on the effective date of this section shall file their first financial disclosure statement disclosing their investments and interests in real property within 30 days of the effective date of this section.

SEC. 3. Section 87200 of the Government Code is amended to read:

87200. This article is applicable to elected state officers, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, members of the Fair Political Practices Commission, and to candidates for any of these offices at any election.

SEC. 4. Section 87200 of the Government Code is amended to read.

87200. This article is applicable to elected state officers, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Zone Conservation Commission, members of the board of supervisors and chief administrative officers of counties, mayors, city managers, chief administrative officers and members of city councils of cities, members of each of the six regional coastal zone conservation commissions, and to candidates for any of these offices at any election.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 959 are both chaptered and amend Section 87200 of the Government Code, and this bill is chaptered after Assembly Bill No. 959, that Section 87200 of the Government Code, as amended by Section 3 of this act shall remain operative only until the operative date of Assembly Bill No. 959, and that on the operative date of Assembly Bill No. 959 Section 87200 of the Government Code as amended by Section 3 of this act be further amended in the form set forth in Section 4 of this act to incorporate the changes in Section 87200 proposed by Assembly Bill No. 959. Therefore, Section 4 of this act shall become operative only if Assembly Bill No. 959 is chaptered before this bill and amends Section 87200, and in such case Section 4 of this act shall become operative on the operative date of Assembly Bill No. 959.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Political Reform Act of 1974 is now effective and in order to carry out its intent and to provide the fullest possible disclosure of possible conflicts of interests existing at the highest levels of state

government it is necessary that the members of the commission entrusted with enforcing its provisions should themselves be subject to all its applicable provisions in order to protect the public interest.

CHAPTER 798

An act to amend Sections 13581.2 and 13581.5 of the Education Code, relating to school district employees.

[Approved by Governor September 16, 1975. Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13581.2 of the Education Code is amended to read:

13581.2. (a) Positions not requiring certification qualifications created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 13581 or Section 13712 of the Education Code.

Persons employed in such positions shall be classified employees and shall enjoy all of the rights, burdens and benefits accorded other classified employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 13723 or 13723.05:

(a) The position of instructional aide, as defined in Section 13599.3.

(b) Any other position involving personal contacts with pupils or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or

prevention of behavioral problems.

Persons employed in positions properly classified as "restricted" shall be classified employees for all purposes except:

(1) They shall not be accorded employment permanency under Section 13583 or Section 13739 of the Education Code, whichever is applicable.

(2) They shall not acquire seniority credits for the purposes of Sections 13737 and 13746 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.

(3) The provisions of Sections 13727 and 13728 shall not apply to "restricted" employees.

(4) They shall not be eligible for promotion into the regular classified service or, in districts that have adopted the merit system, shall not be subject to the provisions of Section 13703, until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a "restricted" position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If such person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he continues to serve in a "restricted" position.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain such positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

SEC. 2. Section 13581.5 of the Education Code is amended to read:

13581.5. If the governing board of any school district establishes positions in the categories described below and restricts initial appointments of new employees to persons in low-income groups or residing in specifically designated areas of the community, then such positions shall, in addition to the regular class title, be classified as "restricted." The positions shall be part of the classified service and persons so employed shall be classified employees for all purposes

except that (1) they shall not be subject to the provisions of Section 13723 or 13723.05, and (2) they shall not acquire permanent status or seniority credit and shall not be eligible for promotion into the regular classified service until they have complied with the provisions of subdivision (c) of Section 13581.2.

The categories of positions for which the governing board may establish restrictions under this section are:

(a) The position of instructional aide, as defined in Section 13599.3.

(b) Any other position involving personal contacts with pupils or parents, that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library, or health; or the correction or prevention of behavioral problems.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

This section shall remain in effect only until January 31, 1979, and as of that date is repealed.

CHAPTER 799

An act to amend Section 859 of, and to add Section 1430 to, the Penal Code, relating to arrest.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 859 of the Penal Code is amended to read:

859. When the defendant is charged with the commission of a public offense over which the superior court has original jurisidiction, by a written complaint subscribed under oath and on file in a court within the county in which the public offense is triable, he shall, without unnecessary delay, be taken before a magistrate of the court in which such complaint is on file. The magistrate shall immediately deliver to him a copy of the complaint, inform him that he has the right to have the assistance of counsel, ask him if he desires the assistance of counsel, and allow him reasonable time to send for counsel. However, in a capital case, the court shall inform the defendant that he must be represented in court by counsel at all stages of the preliminary and trial proceedings and that such representation will be at his expense if he is able to employ counsel or at public expense if he is unable to employ counsel, inquire of him whether he is able to employ counsel and, if so, whether he desires to employ counsel of his choice or to have counsel assigned for him, and allow him a reasonable time to send for his chosen or assigned

counsel. The magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the judicial district in which the court is situated. The officer shall, without delay and without a fee, perform that duty. If the defendant desires and is unable to employ counsel, the court shall assign counsel to defend him; in a capital case, if the defendant is able to employ counsel and either refuses to employ counsel or appears without counsel after having had a reasonable time to employ counsel, the court shall assign counsel to defend him. If it appears that the defendant may be a minor, the magistrate shall ascertain whether such is the case, and if the magistrate concludes that it is probable that the defendant is a minor, he shall immediately either notify the parent or guardian of the minor, by telephone or messenger, of the arrest, or appoint counsel to represent the minor. Upon the first court appearance of counsel, or upon a determination by a magistrate that the defendant can represent himself, the prosecuting attorney shall, within two calendar days, deliver to, or make accessible for inspection and copying by, the defendant or his counsel, copies of police, arrest and crime reports. Portions of such reports containing privileged information need not be disclosed if the defendant or his counsel has been notified that privileged information has not been disclosed. If the charges against the defendant are dismissed prior to the time the above-mentioned documents are delivered or made accessible, the prosecuting attorney need not deliver or make accessible such documents unless otherwise so compelled by law.

SEC. 2. Section 1430 is added to the Penal Code, to read:

1430. Upon the first court appearance of counsel, or upon a determination by a magistrate that the defendant can represent himself, the prosecuting attorney shall within two calendar days in all criminal cases triable in the municipal and justice courts, deliver to, or make accessible for inspection and copying by, the defendant or his counsel copies of police, arrest, and crime reports. Portions of such reports containing privileged information need not be disclosed if the defendant or his counsel has been notified that privileged information has not been disclosed. If the charges against the defendant are dismissed prior to the time the above-mentioned documents are delivered or made accessible, the prosecuting attorney need not deliver or make accessible such documents unless otherwise so compelled by law.

SEC. 3. It is the intent of the Legislature that nothing in this act shall be construed to limit or impair any rights of discovery in a criminal case.

CHAPTER 800

An act to amend Section 13086 of the Education Code, relating to public schools.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13086 of the Education Code is amended to read.

13086. Public school employers and employee organizations shall not interfere with, intimidate, restrain, coerce or discriminate against public school employees because of their exercise of their rights under Section 13082, nor shall any public school employer require, request, or suggest, as a condition of initial or continuing employment of any person, any limitation or restriction of rights under Section 13082.

CHAPTER 801

An act relating to postsecondary education, and making an appropriation therefor.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. No comprehensive studies exist with respect to the effectiveness of educational opportunity programs offered undergraduate students attending the University of California, the California State University and Colleges, and the California community colleges. In addition, a study of educational opportunity grant programs is needed in order to determine whether the money expended could be more effectively used. It is, therefore, the intent of the Legislature that a comprehensive study of educational opportunity programs for students attending the University of California, the California State University and Colleges, and the California community colleges shall be made.

SEC. 2. The California Postsecondary Education Commission, in consultation with the State Scholarship and Loan Commission, shall conduct a study of educational opportunity programs offered students attending the University of California, the California State University and Colleges, and the California community colleges under any educational opportunity grant program. The commission shall report its findings not later than July 1, 1976, to the Legislature and the Governor. The study shall, at a minimum:

(a) Tabulate the makeup of recipients with respect to income, ethnic background, and academic abilities of students served;

(b) Assess the unmet financial need of student recipients;

(c) Examine the resources needed to administer the programs; and

(d) Examine the desirability of making the financial assistance available through other means, including the consolidating of existing state-funded grant programs.

SEC. 3. There is hereby appropriated from the General Fund to the California Postsecondary Education Commission the sum of twenty thousand dollars ($20,000) for the purpose of conducting the study described in Section 2 of this act.

CHAPTER 802

An act to add Section 92 to the Education Code, relating to public schools

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 92 is added to the Education Code, to read:

92. (a) The Legislature finds and declares that female students are not accorded opportunities for participation in school-sponsored athletic programs equal to those accorded male students. It is the intent of the Legislature that opportunities for participation in athletics be provided equally to male and female students.

(b) Notwithstanding any other provisions of law, no public funds shall be used in connection with any athletic program conducted under the auspices of a school district governing board or any student organization within the district, which does not provide equal opportunity to both sexes for participation and for use of facilities. Facilities and participation include, but are not limited to, equipment and supplies, scheduling of games and practice time, compensation for coaches, travel arrangements, per diem, locker rooms, and medical services.

(c) Nothing in this section shall be construed to require a school district to require competition between male and female students in school-sponsored athletic programs.

CHAPTER 803

An act to amend Sections 18550, 18552, 18554, 18605, and 18611 of, to amend and repeal Sections 18040 and 18300 of, and to repeal Sections 18050, 18051, 18053, and 18054 of, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18040 of the Health and Safety Code, as amended by Section 1 of Chapter 1103 of the Statutes of 1973, is amended to read:

18040. The department shall enforce every provision of this part and the rules and regulations promulgated thereunder.

SEC. 2. Section 18040 of the Health and Safety Code, as added by Section 1.5 of Chapter 1103 of the Statutes of 1973, is repealed.

SEC. 3. Section 18050 of the Health and Safety Code is repealed.

SEC. 4. Section 18051 of the Health and Safety Code is repealed.

SEC 5. Section 18053 of the Health and Safety Code is repealed.

SEC. 6. Section 18054 of the Health and Safety Code is repealed

SEC. 7. Section 18300 of the Health and Safety Code, as amended by Section 6 of Chapter 1103 of the Statutes of 1973, is amended to read:

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county, whether general law or chartered, applicable to the provisions of this part. The commission may adopt regulations to interpret and make specific the provisions of this part and when adopted such regulations shall apply to all parts of the state. Upon 30 days' written notice from the governing body to the department, any city, county, or city and county, may assume the responsibility for the enforcement of this part and the regulations adopted pursuant thereto.

Except as provided in this part, assumption of responsibility for enforcement of this part by a city, county, or city and county does not authorize such city, county, or city and county to impose more restrictive requirements than those imposed by this part and the regulations adopted pursuant thereto or to prescribe fees for permits.

In the event of nonenforcement of this part or the regulations adopted pursuant thereto, the provisions of this part and the regulations adopted pursuant thereto shall be enforced by the department in any such city, county, or city and county after the department has given 30 days' written notice to the governing body of such city, county, or city and county setting forth in what respects the city, county, or city and county has failed to discharge its

responsibility, and has failed to initiate corrective measures to carry out its responsibility.

Any city, city and county, or county, upon written notice from the governing body to the department, may cancel its assumption of responsibility for the enforcement of this part. The department, upon receipt of such notice, shall assume such responsibility within 30 days.

Every city, county, or city and county, within its jurisdiction, shall enforce all of the provisions of this part and the regulations adopted pursuant thereto, as they relate to mobilehomes and to mobilehome accessory buildings or structures located outside of mobilehome parks.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a fee therefor by local ordinance commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not

require the issuance of a permit therefor by the department.

SEC. 8. Section 18300 of the Health and Safety Code, as added by Section 6.3 of Chapter 1103 of the Statutes of 1973, is repealed.

SEC. 7. Section 18550 of the Health and Safety Code is amended to read:

18550. It shall be unlawful for any person to use or cause, or permit to be used for occupancy, any of the following mobilehomes, wherever such mobilehomes are located:

(a) Any mobilehome from which any axle or wheel hub has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel, gas, water, electricity, or sewage connections, unless such connections and installations conform to regulations of the commission.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its occupants against the elements.

(g) Any mobilehome which does not have the space directly beneath it kept clean and free from refuse, rubbish, or other impediments. Such space shall not be used for storage purposes. It may be enclosed. Such enclosures, however, shall not unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with no less than two square feet of opening for each 25 linear feet.

(h) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer requiring plumbing, mechanical, gas, or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas, or electrical system of the mobilehome.

(i) Any mobilehome which does not have a current annual vehicle license.

SEC. 10. Section 18552 of the Health and Safety Code is amended to read:

18552. The commission shall adopt regulations for mobilehome accessory buildings or structures. Such regulations shall provide for the construction, location, and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public, and shall be enforced by the appropriate enforcement agency.

SEC. 11. Section 18554 of the Health and Safety Code is amended

to read:

18554. It is unlawful to permit any wastewater or material from any plumbing fixtures in a mobilehome to be deposited upon the surface of the ground. All plumbing fixtures, when in use, shall be connected to a sewage disposal system meeting the requirements established by the commission. The commission is hereby empowered to promulgate such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

SEC. 12. Section 18605 of the Health and Safety Code is amended to read:

18605. The commission shall adopt regulations to govern the use and occupancy of mobilehomes and recreational vehicles. Such regulations shall establish minimum requirements to protect the health and safety of the occupants and the public, and shall also provide for the repair or abatement of any unsafe or unsanitary condition of the vehicle or of the electrical, mechanical, or plumbing installations therein.

SEC. 13. Section 18611 of the Health and Safety Code is amended to read:

18611. (a) The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, eight feet from side to rear, and six feet from rear to rear; provided, however, that each mobilehome shall not be located closer than three feet from the rear or side lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the regulations adopted pursuant to Section 18620.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the regulations adopted pursuant to Section 18552.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, no mobilehome shall be located closer than six feet from any permanent building or another mobilehome. The subdivision does not, however, apply to a building which contains only a private toilet or bath, or both, that is constructed for the exclusive use of the occupants of the mobilehome lot.

SEC. 14. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because there are savings as well as costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 804

An act to amend Sections 14792, 14807, and 14809 of the Government Code, relating to purchases by state agencies.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 14792 of the Government Code is amended to read:

14792. Except as provided in Article 1, every purchase of supplies or equipment in excess of one hundred dollars ($100) for any state agency shall be made by or under the supervision of the Department of General Services; provided, that the state agency may specify the quality of the supplies or equipment to be purchased. Should the Department of General Services determine that the quality specified by the agency is inconsistent with the statewide purchasing standards established by the Director of General Services under Section 14792.5, it shall change the order to make it consistent with the standards, and it shall notify the state agency, within a reasonable time, before a purchase order is issued. If the agency is of the opinion the interests of the state would not be served by the purchase of supplies or equipment of a lesser quality or different than that specified by the agency, the agency may request a hearing before the Board of Control and the board shall determine which supplies or equipment will best serve the interests of the state, whereupon the department shall issue a purchase order for the supplies or equipment specified by the Board of Control.

SEC. 2. Section 14807 of the Government Code is amended to read:

14807. Except in cases when the agency and the department agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the agency, or in cases where the Board of Control has made such determination pursuant to Section 14792, all contracts and purchases of supplies in an amount of five thousand dollars ($5,000) or more shall be made or entered into with the lowest responsible bidder meeting specifications.

The department may, however, prescribe that contracts or purchases in amounts less than five thousand dollars ($5,000) but not less than one thousand dollars ($1,000) for certain specific types or classes of materials, supplies, or equipment shall be made or entered into only with the lowest responsible bidder meeting specifications in lieu of any other method of procurement.

If an agency or a vendor is of the opinion that the method of procurement prescribed by the department for purchases of specified types or classes of materials, supplies and equipment in amounts less than five thousand dollars ($5,000) will not best serve

the interests of the state, the agency or vendor may request a hearing before the Board of Control and the board shall determine which method of procurement will best serve the interests of the state, whereupon the department shall proceed in accordance with the board's determination

For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid.

SEC. 3. Section 14809 of the Government Code is amended to read:

14809 Except in cases of emergency where immediate purchase of supplies or equipment without bid is necessary for the protection of the public health, welfare, or safety, whenever the Department of General Services purchases supplies or equipment in excess of five thousand dollars ($5,000), or whenever the department pursuant to Section 14807 requires that contracts or purchases in amounts less than five thousand dollars ($5,000) be made or entered into with the lowest responsible bidder meeting specifications, all vendors who have notified the department in writing they desire to bid on such supplies or equipment, and who have been prequalified in accordance with the provisions of this section, shall be furnished with complete specifications as to the type, quality, quantity, and whenever practicable the date, place and method of delivery of the equipment or supplies to be purchased. In addition to notifying all such persons, the department shall post in a public place a copy of such specifications which shall remain posted until seven (7) days after an award has been made. Whenever a purchase in excess of five thousand dollars ($5,000) is made under this section or Section 14807 without the taking of bids, the department shall report to the Board of Control the fact of such purchase together with a written statement of the facts requiring the purchase of the supplies or equipment without the taking of bids.

CHAPTER 805

An act to amend Sections 74662, 74663, 74664, 74665, 74666, 74674 and 74677 of, and to add Section 74666 5 to, the Government Code, relating to municipal courts.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 57 0 The clerk may appoint:

(a) One chief deputy court clerk who shall receive a salary as specified in range 52.0.

(b) One administrative assistant—municipal court who shall receive a salary as specified in range 51.5.

(c) Five deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 46.0.

(d) Twenty-four deputy court clerks, grade III, each of whom shall receive a salary as specified in range 45.0.

(e) Forty deputy court clerks, grade II, each of whom shall receive a salary as specified in range 39.0.

(f) Twenty-one deputy court clerks, grade I, each of whom shall receive a salary as specified in range 36 0.

(g) One Spanish-English interpreter who shall receive a salary as specified in range 41 0.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663 In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 54.0. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 49.5.

(b) Five deputy court clerks, grade III, each of whom shall receive a salary as specified in range 45.0.

(c) Seven deputy court clerks, grade II, each of whom shall receive a salary as specified in range 39 0.

(d) Five deputy court clerks, grade I, each of whom shall receive a salary as specified in range 36.0.

SEC. 3 Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 54.0. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 49.5.

(b) Two deputy court clerks, grade III, who shall receive a salary as specified in range 45.0.

(c) Four deputy court clerks, grade II, each of whom shall receive a salary as specified in range 39.0.

(d) Six deputy court clerks, grade I, each of whom shall receive a salary as specified in range 36.0

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 54.0. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 49.5.

(b) Four deputy court clerks, grade III, each of whom shall

receive a salary as specified in range 45.0

(c) Eight deputy court clerks, grade II, each of whom shall receive a salary as specified in range 39.0.

(d) Three deputy court clerks, grade I, each of whom shall receive a salary as specified in range 36.0.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 55.0. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a salary as specified in range 50.5.

(b) Eight deputy court clerks, grade III, each of whom shall receive a salary as specified in range 45.0.

(c) Twelve deputy court clerks, grade II, each of whom shall receive a salary as specified in range 39.0.

(d) Ten deputy court clerks, grade I, each of whom shall receive a salary as specified in range 36.0

SEC. 6. Section 74666.5 is added to the Government Code, to read:

74666.5. Notwithstanding any other provision of this article, the judge or a majority of judges in each of any two municipal court districts in Santa Clara County, or, if there be an even number of judges in a district, the senior judge of such district, may, with the approval of the Board of Supervisors of Santa Clara County, appoint one clerk to act as clerk for both judicial districts. Such clerk shall receive a salary specified in range 57. This clerk shall also act as secretary to the judges of both courts, and shall have the same powers and duties with respect to each municipal court district as would the clerk of each district.

SEC. 7. Section 74674 of the Government Code is amended to read:

74674 In each of the municipal court districts in the County of Santa Clara, official reporters appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary as specified in range 52.0, which shall be a charge against the general fund of the county. Should the board of supervisors increase salaries or adopt a pay plan for official reporters in the superior court pursuant to Section 70046.1, the salary increase or pay plan shall apply equally for all official reporters in municipal courts, but all such changes or adjustments shall be effective only until January 1, 1978. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law, and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 8. Section 74677 of the Government Code is amended to read:

74677 Each clerk and each of his respective assistants, deputies, and other employees shall receive salaries computed in accordance with the range established for the position or classifications in order to provide compensation comparable to other positions and classifications in the county service as such comparability is determined by the board of supervisors Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Salary range number	Hourly rate	Biweekly rate					Equivalent monthly rate	
	Step 1	Step 1	Step 2	Step 3	Step 4	Step 5	Step 1	Step 5
35	$3 276	$262 08	$275 36	$289 52	$303 68	$318 64	$568	$690
35 5	3 359	268 72	282 48	296 64	311 20	326 56	582	708
36	3 442	275 36	289 52	303 68	318 64	334 48	597	725
36 5	3 531	282 48	296.64	311 20	326 56	342 80	612	743
37	3 619	289 52	303 68	318 64	334 48	351 12	627	761
37 5	3 708	296 64	311 20	326 56	342 80	359 84	643	780
38	3 796	303 68	318 64	334 48	351 12	368.56	658	799
38 5	3 890	311 20	326 56	342 80	359 84	377 76	674	818
39	3 983	318 64	334 48	351 12	368 56	386 88	690	838
39 5	4 082	326 56	342 80	359 84	377 76	396 48	708	859
40	4 181	334 48	351 12	368 56	386 88	406 00	725	880
40 5	4 285	342 80	359 84	377 76	396 48	416 00	743	901
41	4 389	351 12	368 56	386 88	406 00	426 00	761	923
41 5	4 498	359 84	377 76	396 48	416 00	436 80	780	946
42	4 607	368 56	386 88	406 00	426 00	447 60	799	970
42 5	4 722	377 76	396 48	416 00	436 80	458 88	818	994
43	4 836	386 88	406 00	426 00	447 60	470 08	838	1,019
43 5	4 956	396 48	416 00	436 80	458 88	481 76	859	1,044
44	5 075	406 00	426 00	447.60	470 08	493 36	880	1,069
44 5	5 200	416 00	436 80	458 88	481 76	505 84	901	1,096
45	5 325	426 00	447 60	470 08	493 36	518 32	923	1,123
45 5	5 460	436 80	458 88	481 76	505 84	531 20	946	1,151
46	5 595	447 60	470 08	493 36	518 32	544.16	970	1,179
46 5	5 736	458 88	481 76	505 84	531 20	557 84	994	1,209
47	5 876	470 08	493 36	518 32	544 16	571 60	1,019	1,238
47 5	6 022	481 76	505 84	531 20	557 84	585 76	1,044	1,269
48	6 167	493 36	518 32	544 16	571 60	599 84	1,069	1,300
48 5	6 323	505 84	531 20	557 84	585 76	614 88	1,096	1,332
49	6 479	518 32	544 16	571 60	599 84	629 84	1,123	1,365
49 5	6 640	531 20	557 84	585 76	614 88	645 60	1,151	1,399
50	6 802	544 16	571 60	599 84	629 84	661 44	1,179	1,433
50 5	6 973	557 84	585 76	614 88	645 60	678 08	1,209	1,469
51	7 145	571 60	599 84	629 84	661 44	694 72	1,238	1,505
51 5	7 322	585 76	614 88	645 60	678 08	712 16	1,269	1,543

52	7 498	599.84	629.84	661 44	694 72	729.68	1,300	1,581
52 5	7.636	614 88	645 60	678 08	712 16	748.00	1,332	1,621
53	7 873	629.84	661 44	694.72	729 68	766.24	1,365	1,660
53.5	8 070	645 60	678.08	712 16	748 00	785 44	1,399	1,702
54	8 268	661.44	694.72	729.68	766 24	804 56	1,433	1,743
54 5	8.476	678 08	712 16	748 00	785.44	824 48	1,469	1,786
55	8.684	694 72	729 68	766 24	804 56	844.48	1,505	1,830
55 5	8 902	712 16	748 00	785 44	824.48	865 68	1,543	1,876
56	9 121	729 68	766.24	804 56	844 48	886.88	1,581	1,922
56 5	9.350	748.00	785.44	824 48	865 68	908.96	1,621	1,969
57	9 578	766 24	804.56	844 48	886.88	931 04	1,660	2,017
57 5	9 818	785 44	824 48	865 68	908 96	954 32	1,702	2,068
58	10 057	804 56	844.48	886 88	931 04	977 60	1,743	2,118
58 5	10 306	824 48	865 68	908 96	954 32	1,002 16	1,786	2,171
59	10 556	844 48	886 88	931 04	977 60	1,026 72	1,830	2,225
59 5	10.821	865 68	908 96	954 32	1,002 16	1,052 48	1,876	2,280
60	11.086	886 88	931.04	977.60	1,026 72	1,078 24	1,922	2,336
60 5	11 362	908 96	954 32	1,002 16	1,052 48	1,106 28	1,969	2,395
61	11 638	931 04	977 60	1,026 72	1,078.24	1,132 32	2,017	2,453
61 5	11 929	954.32	1,002.16	1,052 48	1,105 28	1,160 64	2,068	2,515

The above salary schedule is an excerpt of the basic pay plan as adopted by the board of supervisors on August 27, 1974, and includes the same range numbers and rates of pay utilized for all employees of Santa Clara County.

Should the board of supervisors increase or decrease salaries, or adopt a revised pay plan, the new schedule of salaries and ranges shall apply equally and be effected for all employees of municipal courts in the same manner and on the same date as for other county officers and employees, but all such changes or adjustments shall be effective only until January 1, 1978.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 806

An act to amend Section 13828 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13828 of the Education Code is amended to read:

13828. "Beneficiary" means any person receiving a survivor's allowance, death benefit, retirement allowance under option, or any other benefit. "Beneficiary" does not include a member, former member or retirant unless specifically named as a beneficiary or by operation of law. A corporation, trust, eleemosynary or parochial institution or public entity may only be designated as a beneficiary to receive death benefits under Sections 14070, 14180, 14185, and 14186.3 except as otherwise provided in this chapter.

CHAPTER 807

An act to amend Sections 8651.5 and 8651.6 of, and to add Sections 8651.7 and 9258 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 8651.5 of the Revenue and Taxation Code is amended to read:

8651.5. Notwithstanding the provisions of Section 8651, on or after January 1, 1966 the excise tax imposed upon liquefied petroleum gas shall be at the rate of six cents ($0.06) for each gallon of fuel used. All references in this code to Section 8651 shall be deemed, with respect to the rate imposed upon liquefied petroleum gas on or after January 1, 1966, to also refer to this section. Neither the tax imposed by this section nor the tax imposed by Section 8651 shall apply to the use of liquefied petroleum gas in a vehicle during any period of time for which the owner or operator of the vehicle has paid the annual flat rate fuel tax as provided in Section 8651.7.

SEC. 2. Section 8651.6 of the Revenue and Taxation Code is amended to read:

8651 6. Notwithstanding the provisions of Sections 8651 and 8651.5, on or after January 1, 1971, the excise tax imposed upon natural gas shall be at the rate of seven cents ($0.07) for each 100 cubic feet of compressed natural gas used, measured at standard pressure and temperature, and at a rate of six cents ($0.06) for each gallon of liquid natural gas used. All references in this code to Section 8651 shall, with respect to the rate imposed upon natural gas on or after January 1, 1971, also refer to this section. Neither the tax imposed by this section nor the tax imposed by Section 8651 shall apply to the use of compressed natural gas or liquid natural gas used in a vehicle during any period of time for which the owner or

operator of the vehicle has paid the annual flat rate fuel tax as provided in Section 8651.7.

SEC. 3. Section 8651.7 is added to the Revenue and Taxation Code, to read:

8651.7 (a) The owner or operator of a vehicle propelled by a system using liquefied petroleum gas, liquid natural gas, or compressed natural gas may pay his fuel tax for the use of such fuels by paying an annual flat rate fuel tax according to the following schedule:

Unladen weight	Fee
All passenger cars and other vehicles 4,000 lbs. or less	$36
More than 4,000 lbs. but less than 8,001 lbs.	72
More than 8,000 lbs. but less than 12,001 lbs.	120
12,001 lbs. or more	168

(b) The annual flat rate fuel tax described in subdivision (a) shall be an annual tax for a calendar year. If the annual flat rate tax is paid after the end of January of any year the amount of the tax under this section shall be reduced by one-twelfth for each month which shall have elapsed since the beginning of such year.

(c) The board shall adopt an identification procedure for vehicles with respect to which the annual flat rate tax described in subdivision (a) of this section has been paid.

SEC. 4. Section 9258 is added to the Revenue and Taxation Code, to read:

9258. On or after January 1, 1976, any person who equips a vehicle with a system using liquefied petroleum gas, compressed natural gas or liquid natural gas to propel the vehicle, or who transfers any vehicle so equipped shall notify the board within 10 days after so equipping or transferring the vehicle.

SEC. 5. There is hereby appropriated from the Motor Vehicle Fuel Account in the Transportation Tax Fund to the State Board of Equalization for the 1975–1976 fiscal year the sum of sixty thousand dollars ($60,000) to prepare to administer and to administer the provisions of this act.

SEC. 6. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, and shall become operative January 1, 1976.

CHAPTER 808

An act to amend Section 213.6 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 213.6 of the Revenue and Taxation Code is amended to read:

213.6. (a) Personal property owned and operated by an organization incorporated by an act of the United States Congress whose purposes are to provide adequate facilities to assist in meeting local and national emergencies and to promote the public welfare and provide aviation and aerospace education and training which is used exclusively for such purposes shall be exempt from taxation; provided that the organization qualifies for exemption under Section 501(c)(3) of the Internal Revenue Code of 1954.

(b) Pursuant to Section 2229 of this code, this section shall remain in effect to and including the lien date in 1980, after which it shall have no further force or effect unless a later enacted statute chaptered on or before March 1, 1980, deletes or extends such date.

SEC. 2. Section 1 of this act is a clarification of existing law as enacted by Chapter 31 of the Statutes of 1974 in order to implement the intent of the Legislature to exempt from taxation personal property owned by the Civil Air Patrol beginning with the 1975–76 fiscal year.

SEC. 3 This act does not require state reimbursement of local governments under Section 2229 of the Revenue and Taxation Code because there is no actual loss of revenue since the property exempted by this act has never in fact been taxed.

SEC. 4. Any tax or penalty or interest thereon for any fiscal year commencing during the 1975 calendar year on personal property owned by any organization which would have qualified for the exemption provided in Section 213.6 of the Revenue and Taxation Code as amended by this act, had that section been in existence on the lien date in 1975, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been levied or charged erroneously; and if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of Division 1 of the Revenue and Taxation Code as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made provided an appropriate application for exemption is filed within 60 days of the effective date of this act.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local agencies by this act are minor in nature and will not cause any financial burden to such local agencies.

SEC. 6. This act is an urgency statute necessary for the

immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of a technical oversight in the enactment of Chapter 31 of the Statutes of 1974, the Civil Air Patrol could not avail itself of the property tax exemption for the 1975–76 fiscal year expressly intended by the Legislature in that enactment. But for that technical oversight the organization would qualify for the exemption. If required to meet the tax obligation for the 1975–76 fiscal year, the ability of such organization to function effectively in providing air rescue support at times of local and national emergencies will be seriously impaired to the great detriment of our state. This act will remedy the situation, and in so doing, the public policy of the state will be subserved and the state as a whole will benefit.

CHAPTER 809

An act to amend Section 13832 of the Education Code and to amend Section 20022 of the Government Code, relating to school employee retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 1975 Filed with Secretary of State September 16, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13832 of the Education Code is amended to read:

13832. "Compensation" and "salary" mean remuneration in cash payable by the employer to the member, plus any payments in cash by the employer to one other than the member for the purpose of purchasing an annuity contract for the member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States, plus any amount deducted from a member's wages for participation in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 of the Government Code or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

"Compensation" and "salary" do not mean and shall not include:

(a) Job-related expenses.

(b) Money paid to the employee for overtime service.

(c) Compensatory damages and money paid to the member in excess of regular salary as a compromise settlement of a dispute arising from termination of a member's employment contract.

(d) Lump sum payments for accumulated sick leave or accumulated vacation leave.

(e) Money paid for summer school employment.

(f) Money paid as a bonus.

(g) Money not available for payment of salaries and which is applied by an employer for the purchase of annuity contracts or for other insurance programs including those which meet the requirements of Section 403(b) of the Internal Revenue Code of the United States.

Any such moneys paid under subdivisions (a) through (g) shall not be included as a part of the member's compensation subject to contributions reported to this system.

SEC. 2. Section 20022 of the Government Code is amended to read:

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the employer, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services or for time during which the member is excused from work because of holidays, sick leave, vacation, compensating time off, or leave of absence, plus any payments in cash by his employer to one other than an employee for the purpose of purchasing an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States, plus any amount deducted from a member's wages for participation in a deferred compensation plan established pursuant to Chapter 8 (commencing with Section 18310) of Part 1 of Division 5 of Title 2 or pursuant to Article 1.1 (commencing with Section 53212) of Chapter 2 of Part 1 of Division 2 of Title 5; provided, however, that "compensation" shall not include the provision by an employer of any medical or hospital service or care plan or insurance plan (other than the purchase of annuity contracts referred to in this section) for its employees, any contribution by an employer to meet the premium or charge for such plan, or any payment into a private fund to provide health and welfare benefits for its employees, or any payment by an employer of the employee portion of taxes imposed by the Federal Insurance Contribution Act.

"Compensation" shall not include amounts not available for payment of salaries and which is applied by an employer for the purchase of annuity contracts including those which meet the requirements of Section 403(b) of the Internal Revenue Code of the United States.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent unnecessary and undesirable financial burdens to school district employees, this act must take effect immediately.

CHAPTER 810

An act to add Section 21628.5 to the Business and Professions Code, relating to business machines.

[Became law without Governor's signature September 17, 1975. Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21628.5 is added to the Business and Professions Code, to read:

21628.5. (a) Every business machine dealer shall report all used business machines which he has purchased, taken in trade, accepted for sale or consignment, or which he has repaired, to the chief of police or to the sheriff in accordance with the provisions of Section 21628 and Section 21630.

No report of repair shall be required from a dealer servicing or repairing a machine in the possession of the owner to whom that dealer sold that machine when it was new.

(b) As used in this section, the term "business machines" includes, but is not limited to, typewriters, adding machines, check writing devices, cash registers, calculators, addressing machines, copying and accounting equipment, letter sorting and folding devices, and recording equipment, but does not include office furniture or fixtures.

CHAPTER 811

An act to amend Sections 1480, 1481.1, 1481.2, and 1482 of the Health and Safety Code, relating to paramedics.

[Became law without Governor's signature September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1480 of the Health and Safety Code is amended to read:

1480. Any county may conduct a pilot program which provides services utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency, during transport to a general acute care hospital, while in the emergency department of the general acute care hospital until care responsibility is assumed by the regular staff of the general acute care hospital, and during training within the facilities of a participating general acute care hospital. A county may contract with a general acute care hospital which has the approval of the county health officer to participate in the pilot program.

SEC 2. Section 1481.1 of the Health and Safety Code is amended to read:

1481.1. The training program for mobile intensive care paramedics shall consist of a minimum of 200 hours of didactic training, a minimum of 100 hours of clinical experience, and a field internship of at least 200 hours.

However, all or any portion of the required training program for a mobile intensive care paramedic may be waived by the county health officer of the county giving certification if the applicant passes the performance and written examinations required for certification.

SEC 3. Section 1481.2 of the Health and Safety Code is amended to read:

1481.2. Each county conducting a pilot program pursuant to this article shall submit an annual report to the Legislature and to the State Department of Health, not later than January 31 of each calendar year, evaluating any such pilot program conducted by the county. The report shall include an evaluation of the competency and effectiveness of the performance by the mobile intensive care paramedics in their duties in staffing rescue units and in the rendering of medical and nursing care pursuant to this article. The report may include recommendations relating to the extension or modification of the provisions of this article

SEC. 4. Section 1482 of the Health and Safety Code is amended to read:

1482. Notwithstanding any other provision of law, mobile intensive care paramedics may do any of the following:

(1) Render rescue, first aid and resuscitation services.

(2) Perform cardiopulmonary resuscitation and defibrillation.

(3) During training and while caring for patients in a participating general acute care hospital under the direct supervision of a physician or registered nurse, or while at the scene of a medical emergency where voice contact or a telemetered electrocardiogram is monitored by a physician or a certified mobile intensive care nurse where authorized by a physician, and where direct communication is maintained, upon order of such physician or such nurse:

(a) Administer intravenous saline, glucose or volume expanding agents or solutions.

(b) Perform gastric suction by intubation.

(c) Perform pulmonary ventilation by use of esophageal airway.

(d) Obtain blood for laboratory analysis.

(e) Apply rotating tourniquets.

(f) Administer parenterally, orally or topically any of the following classes of drugs or solutions:

(i) Antiarrhythmic agents.

(ii) Vagolytic agents.

(iii) Chronotropic agents.

(iv) Analgesic agents.

(v) Alkalinizing agents.

(vi) Vasopressor agents.
(vii) Narcotic antagonists.
(viii) Diuretics.
(ix) Anticonvulsants.
(x) Ophthalmic agents.
(xi) Oxytocic agents.
(xii) Antihistaminics.
(xiii) Bronchodilators.
(xiv) Emetics.
(g) Assist in childbirth.

CHAPTER 812

An act to repeal Sections 25611 and 25611.5 of the Business and Professions Code, relating to alcoholic beverages.

[Became law without Governor's signature September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25611 of the Business and Professions Code is repealed.

SEC. 2. Section 25611.5 of the Business and Professions Code is repealed.

CHAPTER 813

An act to amend the heading of Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, and to amend Sections 5500, 5501, 5502, 5503, 5507, 5509, 5518, 5523, 5535, 5536, 5540, 5542.5, 5544.2, 5547, 5553, 5560, 5560.5, 5560.6, 5560.7, 5560.8, 5563, and 5572.1 of, and to add Sections 5512.5 and 5533.5 to, the Public Resources Code, relating to regional districts.

[Became law without Governor's signature September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of the Public Resources Code is amended to read:

Article 3. Regional Park, Park and Open-Space, and Open-Space Districts

SEC. 2. Section 5500 of the Public Resources Code is amended to read:

5500. "District," as used in this article, means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to this article.

SEC. 3. Section 5501 of the Public Resources Code is amended to read:

5501. A district may be created pursuant to, and it may exercise the powers granted by, this article.

SEC. 4. Section 5502 of the Public Resources Code is amended to read:

5502. (a) Three or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, may organize and incorporate. All the territory in the proposed district shall be contiguous.

(b) Notwithstanding subdivision (a), one or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, the territory of all of which when combined has a population of at least 50,000, may organize and incorporate. All the territory in the proposed district shall be contiguous.

SEC. 5. Section 5503 of the Public Resources Code is amended to read:

5503. Whenever it is desired to form a district, a petition requesting the creation and maintenance of a district, and describing the exterior boundaries of the proposed district shall be signed by at least 5,000 electors residing within the territory proposed to be included in the district and shall be presented to the board of supervisors of the county containing the largest area within the proposed district.

SEC. 6. Section 5507 of the Public Resources Code is amended to read:

5507. If the clerk's certificate or certificates indicate that the petition has been properly signed, the board of supervisors of the county or counties not having the largest area within the proposed district shall, by resolution, fix a time and place for a hearing upon the question whether the territory described within the boundaries of its county will be benefited and should be included in the proposed district.

SEC. 7. Section 5509 of the Public Resources Code is amended to read:

5509. The hearing may be continued from time to time, not exceeding four weeks in all. At the conclusion of the hearing the board of supervisors conducting it shall pass a resolution, either approving in whole or in part the inclusion within the proposed district of the territory within its county described in the petition, or

disapproving it. If the board approves it in part only, it shall in the resolution describe the territory in its county the inclusion of which it approves. It shall then cause a certified copy of the resolution to be immediately transmitted to the clerk of the board of supervisors of the county having the largest area within the proposed district.

SEC. 8. Section 5512.5 is added to the Public Resources Code, to read:

5512.5. (a) Except as provided in Section 5506.6, the question whether the district shall be named a regional park district, regional park and open-space district, or regional open-space district shall be considered at the hearing conducted by the board of supervisors of the county having the largest area within the proposed district. At the conclusion of such hearing, the board of supervisors shall pass a resolution naming the district.

(b) Except as provided in Section 5506.6, after formation of a district, the directors may change the name of the district, at the conclusion of a hearing held for that purpose, by resolution approved by four-fifths of the directors of the district. Notice of the hearing, specifying the time and place, shall be published at least once in a newspaper of general circulation in the district; or if there be none, in the county having the largest population within the district.

SEC. 9. Section 5518 of the Public Resources Code is amended to read:

5518. The ballots for the election shall contain such instructions as are required by law, and in addition the following:

Shall the (giving the name) district be created and established?	YES	
	NO	

The ballots shall also contain the names of the persons nominated in each ward to serve as a member of the board of directors from the ward, showing separately each ward and its nominees. Any person may be nominated for the office of director upon written petition of 50 or more qualified electors of the ward or subdistrict in which the nominee resides.

SEC. 10. Section 5523 of the Public Resources Code is amended to read:

5523. The directors shall hold their respective offices only until the first Monday after the first day of January next following the first general election held at least 11 months after the election at which the district was formed, and until their successors are elected and qualified.

SEC. 11. Section 5533.5 is added to the Public Resources Code, to read:

5533.5. Notwithstanding the provisions of Section 5533, with respect to any district formed after December 31, 1974, the board of

directors shall at its first meeting determine by lot which three wards in a five-ward district or four wards in a seven-ward district, and which two wards in a five-ward district or three wards in a seven-ward district, shall have four- and two-year terms, respectively, at the next general election. Thereafter, at each biennial general election, a number of directors corresponding to the number whose term of office expires shall be elected for terms of four years. The terms shall commence on the first Monday after the first day of January next following the election.

SEC. 12. Section 5535 of the Public Resources Code is amended to read:

5535. The board of directors shall choose one of its members president, and another vice president, who shall act for the president during his absence or disability. The board of directors shall also choose either one of its members to serve as secretary and another to serve as treasurer, or one or more administrative secretaries or clerks to perform the duties of secretary or treasurer, or both. The board shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board, whether regular or special, shall be open to the public. A majority of the board constitutes a quorum for the transaction of business.

SEC. 13. Section 5536 of the Public Resources Code is amended to read:

5536. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of fifty dollars ($50). They shall not receive any other compensation, and a director shall not receive pay for more than two meetings in any one calendar month.

The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member, or the establishment of new wards; but whenever a vacancy exists for 30 days the Governor shall fill the vacancy. The person appointed to fill any vacancy shall hold office for the remainder of the unexpired term of his predecessor; except that in the case of newly created wards, the directors shall, prior to making appointments, determine by lot for the purpose of fixing the terms of the first directors to be elected in such wards which ward shall have a four-year term and which ward shall have a two-year term, and the persons appointed to fill vacancies caused by the establishment of new wards shall hold office until the next general election following their appointment and until their successors are elected and qualified for the terms previously determined by lot.

SEC. 14. Section 5540 of the Public Resources Code is amended to read:

5540. A district may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in

real and personal property, within or without the district, necessary to the full exercise of its powers.

A district may not validly convey any interest in any real property actually dedicated and used for park or open-space, or both, purposes without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose Consent need not first be obtained for a lease of any real property for a period not exceeding 25 years; and consent need not first be obtained for a transfer of any real property if the Legislature by concurrent resolution authorizes a transfer after a resolution of intention has been adopted by at least a two-thirds vote of the board of directors of the district, specifically describing the property to be conveyed.

SEC. 15. Section 5542.5 of the Public Resources Code is amended to read:

5542.5. (a) Notwithstanding any other provision of law to the contrary, and except as provided in subdivision (b), when property, whether owned in fee or lesser title interest, leased, or operated under a license, management agreement, or otherwise, is appropriated or otherwise acquired for public use as a regional park or regional open space or both operated by a district, there is a rebuttable presumption of its having been appropriated or otherwise acquired for the best and most necessary public use. The presumption established by this subdivision is a presumption affecting the burden of proof.

(b) When such property is sought to be acquired for city or county road, street, or highway purposes, and such property was dedicated to or established for park, recreational, or open-space purposes prior to the initiation of road, street, or highway route location studies, an action for declaratory relief may be brought by the district in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after publication by the city or county, as the case may be, in a newspaper of general circulation pursuant to Section 6061 of the Government Code, and delivery of a written notice to the district by the city or county that a proposed route or site or an adopted route includes such property. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply When a declaratory relief action with respect to such property being sought for city or county road, street, or highway purposes may not be brought pursuant to this section, the provisions of subdivision (a) shall not apply.

SEC. 16 Section 5544.2 of the Public Resources Code is amended to read:

5544.2. A district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for the next four-year period derived pursuant to Section 5545; or, with respect to the East Bay Regional Park District only, the anticipated tax income for the next two-year period derived pursuant to Sections 5545 and 5545.5. All such indebtedness which is incurred on or after July 1, 1968, shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6½ percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a portion of the taxes levied and collected pursuant to Sections 5545 and 5545.5 shall be levied and collected and set aside sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

SEC. 17. Section 5547 of the Public Resources Code is amended to read:

5547. The board of directors shall act only by ordinance, resolution, or a motion duly recorded in the minutes of the meeting. The ayes and noes shall be taken upon the passage of all ordinances or resolutions, and entered upon the journal of the proceedings of the board.

An ordinance, resolution or motion shall not be passed or become effective without the affirmative votes of at least a majority of all of the members of the board

The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the Board of Directors of the (giving the name) District."

All resolutions and ordinances shall be signed by the president of the board and attested by the secretary, and all ordinances shall be published once within 30 days after adoption, in a newspaper of general circulation printed, published, and circulated in the district.

SEC. 18. Section 5553 of the Public Resources Code is amended to read·

5553. The controller shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all checks and warrants to pay claims made against the district after the claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the board or by the general manager. Payment of employee salaries and benefits and other recurring claims may be authorized annually by the board.

SEC. 19. Section 5560 of the Public Resources Code is amended to read:

5560. Any violation of any ordinance, rule, or regulation lawfully made by the board is a misdemeanor. Any judge of a justice court within any judicial district lying wholly or in part within the district, or any municipal court which may be established within the district, shall have jurisdiction of all prosecutions under this article for violations of any ordinances, rules, or regulations adopted by the board of directors of any district.

SEC. 20. Section 5560.5 of the Public Resources Code is amended to read:

5560.5. (a) A district may enact in its ordinances clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five days after such arrest.

(c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the

time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 21. Section 5560.6 of the Public Resources Code is amended to read:

5560.6. A district may enact in its ordinances clauses which prohibit any person from willfully violating his written promise to appear in court regardless of the disposition of the charge upon which he was originally arrested.

SEC. 22. Section 5560.7 of the Public Resources Code is amended to read:

5560.7. A district may further provide in its ordinance that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 5560.5, the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

SEC 23. Section 5560.8 of the Public Resources Code is amended to read:

5560.8 A district may enact the foregoing as a separate and distinct ordinance which shall apply to all or one or more of its ordinances

SEC. 24. Section 5563 of the Public Resources Code is amended to read.

5563. If, in the opinion of the board, any land or property owned by the district, or any interest therein, becomes unnecessary for the purposes of the district, the board may, subject to the provisions of Section 5540, sell such lands or property, or interest therein. When land or property is temporarily unnecessary for park or open-space purposes, it may be leased for other purposes for a term not

exceeding 25 years with an express provision in the lease that should the board by ordinance determine to use the lands for park, open-space, or other district purposes, the lease shall thereby be terminated. The proceeds of any sale or lease of lands or property, or any interest therein, shall be used for and applied to such purposes of the district as the board may, by resolution, determine.

SEC. 25. Section 5572.1 of the Public Resources Code is amended to read:

5572.1. Where the annexation of territory to a district would otherwise be valid, except that such annexed territory was not within the boundaries of a municipal utility district organized and existing under Chapter 218 of the Statutes of 1921, or the Municipal Utility District Act, such annexation shall be valid. This section shall be applied retroactively to validate the annexation of such territory to a district as of the date that the annexation would otherwise have been valid.

CHAPTER 814

An act to amend Sections 1136 and 1190 of the Harbors and Navigation Code, relating to pilots.

[Became law without Governor's signature September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1136 of the Harbors and Navigation Code is amended to read:

1136. Every pilot licensed pursuant to the terms of this division shall take an oath of office in the manner prescribed by law and shall, once each month, on forms furnished by the board, render a verified account to the board of all moneys received by him as a result of pilotage services, or by any other person for him, or on his account, and he shall pay to the board, exclusive of the amounts received which are attributable to the increase in pilotage rates made by the amendment of Section 1190 enacted at the 1975–76 Regular Session of the Legislature, 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board, with the approval of the Department of Finance, in full compensation of the board for its official services, for the services of its secretary and treasurer, and for all its incidental expenses.

SEC. 2. Section 1190 of the Harbors and Navigation Code is amended to read:

1190. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo, and Suisun:

(a) Seven dollars and thirty-five cents ($7.35) per draft foot of the

vessel's deepest draft and fractions of a foot pro rata, and an additional charge of 13 mills ($0.013) per high gross registered ton.

(b) A minimum charge for bar pilotage shall be two hundred dollars ($200) for each vessel piloted.

(c) The vessel's deepest draft shall be the maximum draft attained, on a still water basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 3. It is the intent of the Legislature that moneys received pursuant to the increase in pilotage rates made by this act be used to cover increased pilot operating and boat building expenses. It is further the intent of the Legislature that an accounting of such moneys shall be made by the pilots, at no cost to the state, to the board or to any interested party upon proper request.

CHAPTER 815

An act to amend Section 76022 of the Government Code, relating to jurors.

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 76022 of the Government Code is amended to read:

76022. In a county of the 22nd class, trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fifteen cents ($0.15) in all cases, for each mile traveled one way each day.

Grand jurors shall receive ten dollars ($10) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fifteen cents ($0.15) for each mile traveled one way each day.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

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CHAPTER 816

An act to amend Section 967 of, to add Chapter 1.5 (commencing with Section 10931) to Division 9 of, and Chapter 1.5 (commencing with Section 25430) to Division 18.5 of, to repeal Sections 1037, 22504.5, and 25422.8 of, and to repeal Article 6 (commencing with Section 10751) of Chapter 1 of Division 9 of, the Education Code, relating to pupil records.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 967 of the Education Code is amended to read:

967. Notwithstanding the provisions of Section 966 of this code and Section 54950 of the Government Code, the governing body of a school district shall, unless a request by the parent has been made pursuant to this section, hold executive sessions to consider the expulsion, suspension, or disciplinary action or any other action in connection with any pupil of the school district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Sections 10944 and 10947.

Before calling such executive session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such executive session. Unless the pupil, or his parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters may be conducted by the governing board in executive session. If such written request is served upon the clerk or secretary of the governing board, the meeting shall be public. Whether the matter is considered at an executive session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

SEC. 1.5. Section 967 of the Education Code is amended to read:

967. Notwithstanding the provisions of Section 966 of this code and Section 54950 of the Government Code, the governing body of a school district shall, unless a request by the parent has been made pursuant to this section, hold executive sessions if the board is considering the suspension of, or disciplinary action or any other action except expulsion in connection with any pupil of the school district, if a public hearing upon such question would lead to the

giving out of information concerning school pupils which would be in violation of Section 10751 or Sections 10944 and 10947.

Before calling such executive session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such executive session. Unless the pupil, or his parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters shall be conducted by the governing board in executive session. If such written request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting or on behalf of whom such meeting is requested, shall be in executive session. Whether the matter is considered at an executive session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

SEC. 2. Section 1037 of the Education Code is repealed.

SEC. 3. Article 6 (commencing with Section 10751) of Chapter 1 of Division 9 of the Education Code is repealed.

SEC. 4. Chapter 1.5 (commencing with Section 10931) is added to Division 9 of the Education Code, to read:

CHAPTER 1.5. PUPIL RECORDS

Article 1. Legislative Intent

10931. It is the intent of the Legislature to resolve potential conflicts between California law and the provisions of Public Law 93-380 regarding parental access to, and the confidentiality of, pupil records in order to insure the continuance of federal education funds to public educational institutions within the state, and to revise generally and update the law relating to such records.

This chapter shall have no effect regarding public community colleges, other public or private institutions of higher education, other governmental or private agencies which receive federal education funds unless described herein, or, except for Sections 10939 and 10940 and subdivision (b) (5) of Section 10947, private schools.

The provisions of this chapter shall prevail over the provisions of Section 554 of this code and Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code to the extent that they may pertain to access to pupil records.

Article 2. Definitions

10932. As used in this chapter:

(a) "Parent" means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the pupil may consent to release records to others pursuant to Section 10946, provided, however, that either parent may grant consent if both parents have notified, in writing, the school or school district that such an agreement has been made. Whenever a pupil has attained the age of 18 years or is attending an institution of postsecondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the pupil shall thereafter only be required of, and accorded to, the pupil.

(b) "Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, which is maintained by a school district or required to be maintained by any employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

"Pupil record" shall not include informal notes related to a pupil compiled by a school officer or employee which remains in the sole possession of the maker and is not accessible or revealed to any other person.

(c) "Directory information" means one or more of the following items: student's name, address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

(d) "School district" means any school district maintaining any of grades kindergarten through 12, any public school providing instruction in any of grades kindergarten through 12, the office of the county superintendent of schools, or any special school operated by the Department of Education.

(e) "Access" means a personal inspection and review of a record or an accurate copy of a record, or an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record.

Article 3. General Provisions

10933. School districts shall establish, maintain, and destroy pupil records according to regulations adopted by the State Board of Education. Such regulations shall establish state policy as to what items of information shall be placed into pupil records and what information is appropriate to be compiled by individual school officers or employees under the exception to pupil records provided in subdivision (b) of Section 10932. No pupil records shall be destroyed except pursuant to such regulations or as provided in

subdivisions (b) and (c) of Section 10941.

10934. School districts shall notify parents of their rights under this chapter upon the date of the pupil's initial enrollment, and thereafter at the same time as notice is issued pursuant to Section 10921. The notice shall be, insofar as is practicable, in the home language of the pupil. The notice shall take a form which reasonably notifies parents of the availability of the following specific information:

(a) The types of pupil records and information contained therein which are directly related to students and maintained by the institution

(b) The name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have such access.

(c) The policies of the institution for reviewing and expunging those records.

(d) The right of the parent to access to pupil records.

(e) The procedures for challenging the content of pupil records.

(f) The cost if any which will be charged to the parent for reproducing copies of records.

(g) The categories of information which the institution has designated as directory information pursuant to Section 10944 and the parties to whom such information will be released unless the parent objects.

(h) Any other rights and requirements set forth in this chapter.

10935. A log or record shall be maintained for each pupil's record which lists all persons or organizations requesting or receiving information from the record excepting school personnel and the reasons therefor. The log shall be open to inspection only by a parent and the school official or his designee responsible for the maintenance of pupil records.

10936. Any school district may make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any pupil record; provided, however, that no charge shall be made for furnishing (1) up to two transcripts of former pupils' records or (2) up to two verifications of various records of former pupils.

10937. (a) When grades are given for any course of instruction taught in a school district, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a pupil participating in a physical education class, however, may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil.

10938. The governing board of each school district shall prescribe regulations requiring the evaluation of each pupil's achievement for each marking period and requiring a conference with, or a written

report to, the parent of each pupil whenever it becomes evident to the teacher that the pupil is in danger of failing a course. The refusal of the parent to attend the conference, or to respond to the written report, shall not preclude failing the pupil at the end of the grading period.

Notwithstanding the provisions of subdivision (a) of Section 10932, the provisions of this section shall apply to the parent of any pupil without regard to the age of the pupil.

10939. Whenever a pupil transfers from one school district to another or to a private school, or transfers from a private school to a school district within the state, the pupil's permanent enrollment and scholarship record or a copy thereof shall be transferred by the former district or private school upon a request from the district or private school where the pupil intends to enroll. Any school district requesting such a transfer of a record shall notify the parent of his right to receive a copy of the record and a right to a hearing to challenge the content of the record. The State Board of Education is hereby authorized to adopt rules and regulations concerning the transfer of records.

Article 4. Rights of Parents

10940. Parents of currently enrolled or former pupils have an absolute right to access to any and all pupil records related to their children which are maintained by school districts or private schools. The editing or withholding of any such records is prohibited.

Each school district shall adopt procedures for the granting of requests by parents to inspect and review records during regular school hours, provided that access shall be granted no later than five days following the date of the request. Procedures shall include the notification to the parent of the location of all official pupil records if not centrally located and the providing of qualified certificated personnel to interpret records where appropriate.

10941. Following an inspection and review of a pupil's records, the parent of a pupil or former pupil of a school district may challenge the content of any pupil record.

(a) The parent of a pupil may file a written request with the superintendent of the district to remove any information recorded in the written records concerning his child which he alleges to be: (1) inaccurate, (2) an unsubstantiated personal conclusion or inference, (3) a conclusion or inference outside of the observer's area of competence, or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of such request, the superintendent or his designee shall meet with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district. The superintendent shall then sustain or deny the allegations.

If the superintendent sustains the allegations, he shall order the

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removal and destruction of the information

If the superintendent denies the allegations and refuses to order the removal of the information, the parent may, within 30 days of the refusal, appeal the decision in writing to the governing board of the school district.

(c) Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the parent and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the school district, determine whether or not to sustain or deny the allegations.

If the governing board sustains the allegations, it shall order the superintendent to immediately remove and destroy the information from the written records of the pupil

The decision of the governing board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the parent initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the district superintendent, the parent shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the pupil's school record until such time as the information objected to is removed.

10942. (a) To assist in making determinations pursuant to Section 10941, a district superintendent or governing board may convene a hearing panel composed of the following persons, provided that the parent has given written consent to release information from the relevant pupil's records to the members of the panel so convened:

(1) The principal of a public school other than the public school at which the record is on file.

(2) A certificated employee appointed by the chairman of the certificated employee council of the district, or, if no such council exists, a certificated employee appointed by the parent.

(3) A parent appointed by the superintendent or by the governing board of the district, depending upon who convenes the panel.

(b) The persons appointed pursuant to paragraphs (2) and (3) of subdivision (a) shall, if possible, not be acquainted with the pupil, his parent or guardian, or the certificated employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph (2).

(c) The principal appointed to the hearing panel shall serve as its chairman.

(d) The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certificated employee who recorded the information in question, if any, and if

such employee is presently employed by the school district.

The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

Written findings shall be made setting forth the facts and decisions of the panel, and such findings shall be forwarded to the superintendent or the governing board, depending upon who convened the panel.

The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

10943. Whenever there is included in any pupil record information concerning any disciplinary action taken by school district personnel in connection with the pupil, the school district maintaining such record or records shall allow the pupil's parent to include in such pupil record a written statement or response concerning the disciplinary action.

Article 5. Privacy of Pupil Records

10944. School districts shall adopt a policy identifying those categories of directory information as defined in subdivision (c) of Section 10932 which may be released. The district shall determine which officials or organizations may receive directory information, provided, however, that no information may be released to a private profitmaking entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of pupils enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided to a private school or college operating under the provisions of Division 21; provided, however, that no such private school or college shall use such information for other than purposes directly related to the academic or professional goals of the institution, and provided further that any violation of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500), and, in addition, the privilege of the school or college to receive such information shall be suspended for a period of two years from the time of discovery of the misuse of such information. Any district may, in its discretion, limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of pupils.

Directory information may be released according to local policy as to any pupil or former pupil, provided that notice is given at least on an annual basis of the categories of information which the school plans to release and of the recipients. No directory information shall be released regarding any pupil when a parent has notified the school district that such information shall not be released.

10945. Nothing in this chapter shall preclude a school district from providing, in its discretion, statistical data from which no pupil may be identified to any public agency or entity or private nonprofit

college, university, or educational research and development organization when such actions would be in the best educational interests of pupils

10946. A school district may permit access to pupil records to any person for whom a parent of the pupil has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The recipient must be notified that the transmission of the information to others is prohibited. The consent notice shall be permanently kept with the record file.

10947. A school district is not authorized to permit access to pupil records to any person without written parental consent or under judicial order except that:

(a) Access shall be permitted to the following:

(1) School officials and employees of the district and members of a school attendance review board appointed pursuant to Section 12501, provided that any such person has a legitimate educational interest to inspect a record.

(2) Officials and employees of other public schools or school systems, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the pupil intends to or is directed to enroll, subject to the rights of parents as provided in Section 10939.

(3) Federal education officials, the United States Office for Civil Rights, the Superintendent of Public Instruction, or the county superintendent of schools, or their respective designees, where such information is necessary to audit or evaluate a state or federally funded program or pursuant to a federal or state law.

(4) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law.

(5) Parents of an 18-year-old pupil who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(6) A pupil 16 years of age or older or having completed the 10th grade who requests such access.

(b) School districts may release information from education records to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

(2) Agencies or organizations in connection with a student's application for, or receipt of, financial aid.

(3) Accrediting associations.

(4) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is

conducted.

(5) Officials and employees of private schools or school systems where the pupil is enrolled or intends to enroll, subject to the rights of parents as provided in Section 10939. Such information shall be in addition to the pupil's permanent enrollment and scholarship record transferred pursuant to Section 10939.

No person, persons, agency, or organization permitted access to pupil records pursuant to this section shall permit access to any information obtained from such records by any other person, persons, agency, or organization without the written consent of the pupil's parent; provided, however, that this paragraph shall not be construed as to require prior parental consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or organization obtaining access, so long as such persons have an equal legitimate interest in the information.

10948. Information concerning a student shall be furnished in compliance with a court order The parent and the pupil shall be notified in advance of such compliance by the school employee who complies and releases the information if lawfully possible within the requirements of the judicial order.

10949. The service of a subpoena upon a public school employee solely for the purpose of causing him to produce a school record pertaining to any pupil may be complied with by such employee, in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.

SEC. 5. Section 22504.5 of the Education Code is repealed.

SEC. 6. Section 25422.8 of the Education Code is repealed.

SEC. 7. Chapter 1.5 (commencing with Section 25430) is added to Division 18.5 of the Education Code, to read:

CHAPTER 1.5. STUDENT RECORDS

Article 1. Legislative Intent

25430. It is the intent of the Legislature to resolve potential conflicts between California law and the provisions of Public Law 93-380 regarding the confidentiality of student records in order to insure the continuance of federal education funds to public community colleges within the state, and to revise generally and update the law relating to such records.

Article 2. Definitions

25430.1. As used in this chapter:

(a) "Student record" means any item of information directly related to an identifiable student, other than directory information, which is maintained by a community college or required to be maintained by any employee in the performance of his duties whether recorded by handwriting, print, tapes, film, microfilm or other means.

"Student record" shall not mean information provided by a student's parents relating to applications for financial aid or scholarships, nor shall it mean information related to a student compiled by a community college officer or employee which remains in the sole possession of the maker and is not accessible or revealed to any other person, including information related to a student created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment; provided, however, that such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(b) "Student record" shall not mean information maintained by a law enforcement unit if the personnel of the unit do not have access to student records pursuant to Section 25430.15, if the information maintained by the unit is kept apart from information maintained pursuant to subdivision (a) of this section, if the information is maintained solely for law enforcement purposes, and if the information is not made available to persons other than law enforcement officials of the same jurisdiction.

(c) "Directory information" means one or more of the following items: student's name, address, telephone number, date and place of birth, major field of study, class schedule, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous public or private school attended by the student, and any other information authorized in writing by the student.

(d) "Access" means a personal inspection and review of a record or an accurate copy of a record, or an oral description or communication of a record or an accurate copy of a record, or a request to release a copy of any record.

Article 3. General Provisions

25430.2 Community college districts shall establish, maintain, and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. Such

regulations shall establish state policy as to what items of information shall be placed into student records and what information is appropriate to be compiled by individual community college officers or employees under the exception to student records provided in subdivisions (a) and (b) of Section 25430.1. No student records shall be destroyed except pursuant to such regulations or as provided in subdivisions (b) and (c) of Section 25430.10.

25430.3. Community college districts shall notify students of their rights under this chapter upon the date of the student's enrollment next following its effective date, and at least annually thereafter. The notice shall be, insofar as is practicable, in the home language of the student. The notice shall take a form which reasonably notifies students of the availability of the following specific information:

(a) The types of student records and information contained therein which are directly related to students and maintained by the institution.

(b) The official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have such access.

(c) The policies of the institution for reviewing and expunging those records.

(d) The right of the student to access to his records.

(e) The procedures for challenging the content of student records.

(f) The cost if any which will be charged for reproducing copies of records

(g) The categories of information which the institution has designated as directory information pursuant to Section 25430.12 and the parties to whom such information will be released unless the student objects.

(h) Any other rights and requirements set forth in this chapter.

25430.4. A log or record shall be maintained for each student's record which lists all persons or organizations requesting or receiving information from the record excepting school personnel and the reasons therefor. The log shall be open to inspection only by the student and the community college official or his designee responsible for the maintenance of student records.

25430.5. Any community college may make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any student record; provided, however, that no charge shall be made for furnishing (1) up to two transcripts of former students' records or (2) up to two verifications of various records of former students.

25430.6. (a) When grades are given for any course of instruction taught in a community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

(b) No grade of a student participating in a physical education class, however, may be adversely affected due to the fact that the

student does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the student.

25430.7. Whenever a student transfers from one community college or public or private institution of postsecondary education to another within the state, appropriate records or a copy thereof shall be transferred by the former community college, college or university, or school or school district upon a request from the community college, college or university, or school or school district where the student intends to enroll; provided, however, that the community college, college or university, or school or school district from which the student is transferring may notify the community college, college or university, or school or school district making such a request that the student's records will be transferred upon payment by the student of all fees and charges due the community college, college or university, or school or school district. Any community college, college or university, or school or school district making such a transfer of such records shall notify the student of his right to receive a copy of the record and his right to a hearing to challenge the content of the record.

The Board of Governors of the California Community Colleges may adopt rules and regulations concerning transfer of such records to, from, or between schools under its jurisdiction.

Article 4. Rights of Students

25430.8. Any currently enrolled or former student has a right to access to any and all student records relating to him maintained by community colleges. The editing or withholding of any such records is prohibited.

Each community college district shall adopt procedures for the granting of requests by students to inspect and review records during regular school hours, provided that access shall be granted no later than five days following the date of the request. Procedures shall include notification of the location of all official student records if not centrally located and the providing of qualified personnel to interpret records where appropriate.

25430.9. A student may be requested to waive his right to access to student records devoted solely to confidential recommendations for career placement or postsecondary admission, provided that the student shall be notified, upon request, of the names of all persons making confidential recommendations. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from a community college.

25430.10. (a) Any student may file a written request with the chief administrative officer of a community college district to remove information recorded in his student records which he alleges to be: (1) inaccurate; (2) an unsubstantiated personal conclusion or

inference; (3) a conclusion or inference outside of the observer's area of competence; or (4) not based on the personal observation of a named person with the time and place of the observation noted.

(b) Within 30 days of receipt of such request, the chief administrative officer or his designee shall meet with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the community college district. The chief administrative officer shall then sustain or deny the allegations.

If the chief administrative officer sustains the allegations, he shall order the removal and destruction of the information.

If the chief administrative officer denies the allegations and refuses to order the removal of the information, the student may, within 30 days of the refusal, appeal the decision in writing to the governing board of the community college district.

(c) Within 30 days of receipt of such an appeal, the governing board shall, in closed session with the student and the certificated employee who recorded the information in question, if any, and if such employee is presently employed by the community college district, determine whether to sustain or deny the allegations.

If the governing board sustains the allegations, it shall order the chief administrative officer to immediately remove and destroy the information.

The decision of the governing board shall be final.

Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the governing board, unless the student initiates legal proceedings relative to the disputed information within the prescribed period.

(d) If the final decision of the governing board is unfavorable to the student, or if the student accepts an unfavorable decision by the chief administrative officer, the student shall have the right to submit a written statement of his objections to the information. This statement shall become a part of the student's record until such time as the information objected to is removed.

25430 11 Whenever there is included in any student record information concerning any disciplinary action taken by community college personnel in connection with the student, the student shall be allowed to include in such record a written statement or response concerning the disciplinary action.

Article 5. Privacy of Student Records

25430 12. Community college districts shall adopt a policy identifying those categories of directory information as defined in subdivision (c) of Section 25430.1 which may be released. The district shall determine which officials or organizations may receive directory information, provided, however, that no information may be released to a private profitmaking entity other than prospective

employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. The names and addresses of students may be provided to a private school or college operating under the provisions of Division 21, provided, however, that no such private school or college shall use such information for other than purposes directly related to the academic or professional goals of the institution, and provided further that any violations of this provision is a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars ($2,500), and, in addition, the privilege of the school or college to receive such information shall be suspended for a period of two years from the time of discovery of the misuse of such information.

Any community college district may, in its discretion, limit or deny the release of specific categories of directory information to any public or private nonprofit organization based upon a determination of the best interests of students.

Directory information may be released according to local policy as to any student currently attending the community college, provided that public notice is given at least annually of the categories of information which the district plans to release and of the recipients. No directory information shall be released regarding any student when the student has notified the school that such information shall not be released.

25430.13. Nothing in this chapter shall preclude a community college from providing, in its discretion, statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of students.

25430.14. A community college district may permit access to student records to any person for whom the student has executed written consent specifying the records to be released and identifying the party to whom the records may be released. The recipient must be notified that the transmission of the information to others is prohibited. The consent notice shall be permanently kept with the record file.

25430.15. A community college or community college district is not authorized to permit access to student records to any person without the written consent of the student or under judicial order except that:

(a) Access shall be permitted to the following:

(1) Officials and employees of the college or district, provided that any such person has a legitimate educational interest to inspect a record.

(2) Federal or state education officials or the county superintendent of education, or their respective designees, or the United States Office for Civil Rights, where such information is necessary to audit or evaluate a state or federally funded program or

pursuant to a federal or state law.

(3) Other state and local officials to the extent that information is specifically required to be reported pursuant to state law.

(4) Parents of a student who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(b) Access may be permitted to the following:

(1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other persons.

(2) Officials and employees of other public or private schools or school systems, including local, county, or state correctional facilities where educational programs are provided, where the student has been enrolled, intends to enroll, or is directed to enroll, subject to the rights of students as provided in Section 25430.7 of this code.

(3) Agencies or organizations in connection with a student's application for, or receipt of, financial aid.

(4) Accrediting associations carrying out accrediting functions.

(5) Organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

No person, persons, agency or organization permitted access to student records pursuant to this section shall permit access to any information obtained from such records by any other person, persons, agency, or organization without the written consent of the student; provided, however, that this paragraph shall not be construed as to require prior student consent when information obtained pursuant to this section is shared with other persons within the educational institution, agency or organization obtaining access, so long as such persons have an equal legitimate interest in the information.

25430.16. Information concerning a student shall be furnished in compliance with a court order. The student shall be notified in advance of such compliance by the college employee who complies and releases the information if lawfully possible within the requirements of the judicial order.

25430.17. The service of a subpoena upon a community college employee solely for the purpose of causing him to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as a witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the community college

or community college office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.

25430.18. The Board of Governors of the California Community Colleges shall adopt appropriate rules and regulations to insure the orderly implementation of this chapter. A community college district governing board may adopt rules and regulations which are not inconsistent with this chapter or with those adopted by the board of governors in order to ensure the orderly implementation of this chapter.

SEC. 7.5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1770 are both chaptered and become effective January 1, 1976, both bills amend Section 967 of the Education Code, and this bill is chaptered after Assembly Bill No. 1770, that the amendments to Section 967 proposed by both bills be given effect and incorporated in Section 967 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 1770 are both chaptered and become effective January 1, 1976, both amend Section 967, and this bill is chaptered after Assembly Bill No. 1770, in which case Section 1 of this act shall not become operative.

SEC 8. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act merely affirms for the state that which has been declared existing law or regulation through action by the federal government.

CHAPTER 817

An act to amend Section 11850 of the Public Utilities Code, relating to municipal utility districts

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 11850 of the Public Utilities Code is amended to read:

11850. Notwithstanding any other provision of this chapter, in any district formed prior to January 1, 1974, and containing a population of 1,000,000 or more on such date, the number of directors on the district board shall be increased from five to seven as provided in this article, and candidates for the office of director shall be elected by the voters of the ward each represents and shall not be voted upon at large. In any such district nomination papers may be circulated only within the ward from which the candidate is to be

elected, and shall be signed either by 1 percent of the voters within the ward or by 100 voters whichever is the lesser number but in no event by more than 200 voters within the ward.

The amendment of this section enacted at the 1975–76 Regular Session of the Legislature shall not affect the term of office of district directors elected prior to the effective date of such amendment, but the nomination and election of directors after such effective date, including the two additional directors provided for by this article, shall be in accordance with the provisions of this section.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 818

An act to amend Sections 7102 and 7113.5 of the Business and Professions Code, relating to the Contractors License Law.

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 7102 of the Business and Professions Code is amended to read:

7102. After suspension of the license upon any of the grounds set forth in this article, the registrar may reinstate the license upon proof of compliance by the contractor with all provisions of the decision as to reinstatement or, in the absence of such decision or any provisions therein as to reinstatement, in the sound discretion of the registrar.

After revocation of a license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the final decision of revocation and then only on proper showing that all loss caused by the act or omission for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with. When such loss has been reduced to a monetary obligation or debt, however, the satisfaction of such monetary obligation or debt as a prerequisite for the issuance, reissuance, or reinstatement of a license, shall not be required where such monetary obligation or debt has been adjudicated in a bankruptcy proceeding

SEC. 2. Section 7113.5 of the Business and Professions Code is amended to read:

7113.5. The avoidance or settlement by a licensee for less than their full amount of the lawful obligations of such licensee incurred

as a contractor, whether by (a) composition, arrangement, or reorganization with creditors under state law, (b) composition, arrangement, or reorganization with creditors under any agreement or understanding, (c) receivership as provided in Chapter 5 (commencing at Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, (d) the making of an assignment for the benefit of creditors as provided in Title 3 (commencing at Section 3449) of Part 2 of Division 4 of the Civil Code, (e) common law assignment for the benefit of creditors, (f) trusteeship, or (g) dissolution constitutes a cause for disciplinary action.

This section shall not apply to an individual settlement of the obligation of a licensee by such licensee with a creditor which is not a part of or in connection with a settlement with other creditors of such licensee.

No disciplinary action shall be commenced against a licensee for avoiding or settling in bankruptcy, or by composition, arrangement, or reorganization with creditors under federal law, the licensee's lawful obligations incurred as a contractor for less than the full amount of such obligations.

CHAPTER 819

An act to amend Section 502 of the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 502 of the Welfare and Institutions Code is amended to read:

502. (a) The purpose of this chapter is to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents. This chapter shall be liberally construed to carry out these purposes.

(b) The purpose of this chapter also includes the protection of the public from the consequences of criminal activity, and to such purpose probation officers, peace officers, and juvenile courts shall take into account such protection of the public in their determinations under this chapter

CHAPTER 820

An act to amend Section 34 5 of the Civil Code, relating to contraceptives for minors.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 34.5 of the Civil Code is amended to read:

34.5. Notwithstanding any other provision of the law, an unmarried minor may give consent to the furnishing of hospital, medical and surgical care related to the prevention or treatment of pregnancy, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent or parents of such minor shall not be necessary in order to authorize such hospital, medical and surgical care.

The provisions of this section shall not be construed to authorize a minor to be sterilized without the consent of his or her parent or guardian.

CHAPTER 821

An act to add Section 5205.5 to the Education Code, relating to the system of public instruction.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5205.5 is added to the Education Code, to read:

5205.5. All public schools and educational institutions throughout the state shall, on January 15th of each year, the anniversary of the birth of Dr. Martin Luther King, Jr., hold suitable exercises commemorating, and directing attention to the history of, the civil rights movement in the United States, and particularly the role therein of Dr. Martin Luther King, Jr.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 822

An act to amend Section 53609 of the Government Code, relating to local agencies deferred compensation fund investments.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53609 of the Government Code is amended to read:

53609. Notwithstanding the provisions of this chapter or any other provisions of this code, funds held by local agency pursuant to a written agreement between the agency and employees of the agency to defer a portion of the compensation otherwise receivable by the agency's employees and pursuant to a plan for such deferral as adopted by the governing body of the agency, may be invested in the types of investments set forth in Sections 53601 and 53602 of this code, and may additionally be invested in corporate stocks, bonds, and securities, mutual funds, savings and loan accounts, credit union accounts, life insurance policies, annuities, mortgages, deeds of trust, or other security interests in real or personal property. Nothing herein shall be construed to permit any type of investment prohibited by the Constitution.

Deferred compensation funds are public pension or retirement funds for the purposes of Section 42 of Article XIII of the Constitution.

CHAPTER 823

An act to add Section 20450.1 to, and to amend Section 20456 of, the Education Code, relating to county superintendents of schools.

[Approved by Governor September 17 1975 Filed with Secretary of State September 17, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 20450.1 is added to the Education Code, to read·

20450.1. Notwithstanding the provisions of Section 20450, where, on or after July 1, 1975, the powers and duties of a board of supervisors are transferred to a county board of education pursuant to Section 671 of this code:

(a) The maximum tax rate for the juvenile hall program for the first budget year for which such transfer of authority is effective shall be determined in the following manner:

(1) The county superintendent shall determine the expenditure per unit of average daily attendance, excluding capital outlay, for the fiscal year immediately preceding the date upon which the transfer of the powers and duties of the board of supervisors to the county board of education is effective.

(2) He shall increase the amount per average daily attendance determined in paragraph (1) by the inflation adjustment determined by the Superintendent of Public Instruction and the Director of Finance.

(3) He shall multiply the amount determined in paragraph (2) by the estimated number of units of average daily attendance projected for the budget year.

(4) He shall reduce the amount determined in paragraph (3) by the federal aid, all state aid and local income other than secured roll property tax revenue, and by any amount which resulted from overestimating the units of average daily attendance for the prior year.

(5) The remainder from paragraph (4) may be raised by a tax rate over the assessed valuation on the secured roll of the county.

(b) The maximum tax rate for each year subsequent to the first year in which the transfer of authority is effective shall be determined in accordance with the provisions of subdivision (f) of Section 20450.

SEC. 2. Section 20456 of the Education Code is amended to read:

20456. (a) The county superintendent shall have a maximum tax rate available for the operation, maintenance and housing of the county office, including any costs associated with the operation of the county board of education and the county committee on school district organization, and for any ongoing program, except children's center programs maintained by the county superintendent of schools, not included in any previous section of this article.

(b) For fiscally independent county superintendent offices, the maximum allowable tax rate shall be the rate levied for these purposes in 1971–72 or 1972–73, whichever is higher, minus that portion of the rate levied for capital outlay and juvenile hall purposes. This maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(c) For county superintendent offices which become independent on and after July 1, 1974, the maximum allowable tax rate shall be that rate which was levied or could have been levied in the preceding fiscal year pursuant to subdivision (d) of this section. This maximum rate may be exceeded in the amount and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(d) For fiscally nonindependent county superintendent offices, the maximum allowable tax rate shall be computed by determining

the amount of expenditures for the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes, in 1971–72 and 1972–73 which were funded from property tax revenues attributable to the county general fund. The amount for each year shall be converted to a tax rate equivalent for that year by dividing each amount by the assessed value of the county in that year and multiplying the quotient by 100; the higher of the two resulting tax rate equivalents shall be the maximum allowable tax rate. This maximum tax rate may be exceeded in the manner and under the terms specified in Section 2266 of the Revenue and Taxation Code.

(e) The maximum allowable tax rate described in this section is not intended to prohibit a county from augmenting the budget of the county superintendent of schools offices from general county funds. If the budget of the county superintendent of schools, as set by the county, does not require the full amount of the maximum allowable rate, the difference between the maximum rate and the actual rate required shall not be levied and shall not be available for any other county purpose.

(f) The maximum allowable tax rates described in this section may be increased by a majority vote of the qualified electors of the county at an election which may be ordered by the county board of education in fiscally independent county superintendent of schools offices or by the county board of supervisors in fiscally nonindependent county superintendent of schools offices. Such a proposition may be voted only in conjunction with a general countywide election.

(g) Notwithstanding any other provision of this section, where a board of supervisors transfers duties and functions to a board of education pursuant to Section 671 on or after July 1, 1975, the maximum allowable tax rate described in this section shall be computed by determining the amount of expenditures for the county board of education, the county committee on school district organization and the county superintendent of schools' office, exclusive of capital outlay expenditures and expenditures for juvenile hall purposes in the year immediately preceding the date on which such transfer becomes effective, which were funded from property tax revenues attributed to the county general fund and from property tax revenues attributed to the tax rate authorized in subdivision (c) of this section. The amount for such budget year shall be converted to a tax rate equivalent for that year by dividing the total of the property tax revenues by the assessed value of the county in that year and multiplying the quotient by 100. This maximum rate may be exceeded in the manner and under the terms specified in Section 2266 of the Revenue and Taxation Code.

CHAPTER 824

An act to amend Section 4015 of, and to add Article 9 (commencing with Section 4090) to Chapter 4 of Part 1 of Division 2 of, the Insurance Code, relating to insurance.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4015 of the Insurance Code is amended to read:

4015. With respect to the management, records, and affairs of a domestic mutual insurer qualified to transact any or all of the classes of insurance designated in Section 700.01, and except as otherwise provided in this chapter, a member of such mutual insurer shall have the same character of rights and relationship as a stockholder has toward a domestic stock insurer subject to the provisions of this code.

SEC. 2. Article 9 (commencing with Section 4090) is added to Chapter 4 of Part 1 of Division 2 of the Insurance Code, to read:

Article 9. Merger, Consolidation, Reinsurance, or Transfer of Assets and Liabilities

4090. By following the procedure specified in this article, any domestic mutual insurer described in this chapter may merge, consolidate, or otherwise unite with or become a part of, or may reinsure all of its policies with and, upon assumption of all of its liabilities, may transfer all of its assets to, another admitted mutual insurer, domestic or foreign. Article 2 (commencing with Section 4300) of Chapter 3 of Part 8 of Division 1 of Title 1 of the Corporations Code shall not apply to any such merger.

4091. The plan and agreement by which any such transaction is to be effected shall be submitted to the commissioner, who shall examine the same and require such provisions to be inserted in the agreement and such actions to be taken in connection with the transaction (including but not limited to: (1) the terms and conditions of the transaction, (2) the contents of the notice of the vote on the transaction by the members of each domestic mutual insurer that is a party thereto, and (3) the manner and form of voting thereon by the members of each such domestic mutual insurer) as he may deem necessary in order that the transaction may be fair and equitable to the members of each domestic mutual insurer that is a party to the transaction.

4092. When any such plan and agreement shall have been approved by the commissioner, with any changes required by him, the same shall be approved in the case of each domestic mutual insurer that is a party to the transaction by not less than two-thirds

of the votes cast by the members thereof represented in person or by proxy at a meeting called to consider the same. At least 30 days before the day fixed for the meeting, notice of such meeting and its purpose shall be given to the members at their addresses appearing on the books maintained at the home office of the insurer. With respect to members whose addresses do not appear on such books of the insurer, notice shall be deemed to have been given if published at least once in some newspaper of general circulation in the county in which the principal office of the insurer is located. At such meeting the presence in person or by proxy of 10 percent of such members of such insurer shall constitute a quorum. In the absence of a quorum the members present at the meeting in person or by proxy may adjourn the meeting to a later date. No further notice need be given of the date to which the meeting is adjourned.

4093. If the vote is in the affirmative, a certified copy of all proceedings relating to the proposed transaction shall be filed with the commissioner. If one of the insurers that is a party to the transaction is a foreign corporation there shall also be filed with the commissioner evidence of such approval, consent, or authorization as may be required by the laws of the state of incorporation of such foreign insurer. If the commissioner finds that the proceedings have been in accordance with the law and his requirements, he shall issue his certificate approving the plan and agreement and the transaction shall become effective when such certificate, the agreement, and any other documents required by law have been filed with the Secretary of State.

The fee for issuing such certificate approving the transaction shall be two hundred fifty dollars ($250) for the original certificate, payable in advance with the filing with the commissioner of the first papers relating to proposed transaction; five dollars ($5) shall be charged for each signed and sealed or certified copy thereof issued as part of the same transaction in which the original certificate is issued.

4094. Any plan of merger, consolidation, or other unification under this article shall provide that all rights and properties of the parties to the plan of merger, consolidation or other unification shall accrue to and become the rights and properties of the surviving or consolidated or continuing corporation which shall succeed to and assume all the obligations and liabilities of the merged, consolidating, or transferring corporation in the same manner as if incurred or contracted by the surviving, consolidated, or continuing corporation.

CHAPTER 825

An act to add Title 1.4 (commencing with Section 1749) to Part 4 of Division 3 of the Civil Code, relating to layaway practices.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Title 1.4 (commencing with Section 1749) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.4. LAYAWAY PRACTICES

1749 Any retail seller which permits consumers to lay away consumer goods shall provide to any consumer entering into a layaway agreement with the seller a written statement of the terms and conditions of the agreement, including the following information:

(1) The amount of the deposit received.

(2) The length of time the goods will be held on layaway which may be expressed as a period of time or as a date when final payment for the goods is due.

(3) A specific description of the goods.

(4) The total purchase price of the goods including a separate listing of any handling or processing charges.

(5) Any other terms and conditions of the layaway agreement.

(6) That the seller will refund any layaway deposit and subsequent payments, if any, when, before the end of the stated layaway period, the goods have for any reason become no longer available in the same condition as at the time of the sale to the consumer.

1749.1. For purposes of this title, the following terms have the following meanings:

(a) "Consumer good" means any article which is used or bought for use primarily for personal, family, or household purposes.

(b) "Retail seller" means an individual, firm, partnership, corporation, joint stock company, association, organization, or other legal entity which engages in the business of selling consumer goods to retail buyers.

(c) "Layaway" means an agreement by a retail seller with a consumer to retain specified consumer goods for sale to the consumer at a specified price, in earnest of which sale the consumer has deposited with the retail seller an agreed upon sum of money, and any other terms and conditions not contrary to law which are mutually agreed upon.

1749.2. Any waiver by the buyer of consumer goods of the provisions of this title, except as expressly provided in this title, shall

be deemed contrary to public policy and shall be unenforceable and void.

1749.3. The remedies provided by this title are cumulative and shall not be construed as restricting any remedy that is otherwise available.

1749.4. Nothing in this title shall be construed to limit or reduce any legal obligations imposed under Title 2 (commencing with Section 1801) of Part 4 of Division 3 or under any other applicable law.

CHAPTER 826

An act to amend Sections 2601, 2602, 2607, 2609, 2614, 2632, 2635.1, 2636.5, 2650, 2651, 2652, 2655.3, 2655.9, 2655.10, 2660, 2661, and 2672 of, and to add Section 2615 to, the Business and Professions Code, relating to physical therapy.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2601 of the Business and Professions Code is amended to read:

2601. "Board" as used in this chapter means the Board of Medical Examiners of the State of California.

SEC. 2. Section 2602 of the Business and Professions Code is amended to read:

2602. There is hereby created within the jurisdiction of the board, a Physical Therapy Examining Committee, hereinafter referred to as the examining committee or committee. The examining committee shall enforce and administer the provisions of this chapter.

SEC. 3. Section 2607 of the Business and Professions Code is amended to read:

2607. The examining committee may employ, subject to law, such clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

SEC. 4. Section 2609 of the Business and Professions Code is amended to read:

2609. The board shall, upon the recommendation and direction of the examining committee, issue, suspend, and revoke licenses to practice physical therapy as provided in this chapter.

SEC. 5. Section 2614 of the Business and Professions Code is amended to read:

2614. (a) The examining committee shall hear all matters, including but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Except as

otherwise provided in this chapter, all such hearings shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. If a contested case is heard by the examining committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

(b) At the conclusion of the hearing, the board shall deny an application for, or suspend or revoke, or impose probationally conditions upon, a license as ordered by the committee in any decision made after hearing as provided in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 6. Section 2615 is added to the Business and Professions Code, to read:

2615. The examining committee shall from time to time adopt such rules and regulations as may be necessary to effectuate the provisions of this chapter. In adopting rules and regulations the examining committee shall comply with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 7. Section 2632 of the Business and Professions Code is amended to read:

2632. All licenses for the practice of physical therapy in this state shall be issued by the board, upon the recommendation and direction of the examining committee, and all applications for such licenses shall be filed with the committee. Excepting as otherwise required by the director pursuant to Section 164, the license issued by the board shall describe the licensee as a "registered physical therapist licensed by the Board of Medical Examiners."

Each application shall be accompanied by the application fee prescribed by Section 2462, shall be signed by the applicant, and shall contain a statement under oath of the facts entitling the applicant to receive a license without examination or to take an examination.

SEC. 8. Section 2635.1 of the Business and Professions Code is amended to read:

2635.1 (a) An applicant whose application is based on a diploma issued to him by a foreign physical therapy school recognized by a member nation of the World Confederation for Physical Therapy shall furnish documentary evidence, satisfactory to the examining committee, that he has completed in a physical therapy school or schools a resident course of professional instruction equivalent to that required in Section 2650 for a physical therapist applicant.

(b) Applicants under this section shall satisfactorily complete a period of service not to exceed nine months under the continuous direction and immediate supervision of a registered physical therapist licensed by the Board of Medical Examiners in a physical therapy service and in an institution both of which have been approved by the committee for providing such a period of service.

The committee may waive all or any portion of the required period of service. The committee shall adopt guidelines for granting such waiver.

(c) Before a license may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) but must pass the written examination as provided under Section 2636 prior to commencing the period of service, and may be required to pass an oral examination at the completion of the period of service if such period of service has not been completed to the satisfaction of the supervising registered physical therapist. The requirements to pass the written examination shall not apply to an applicant who at the time of his application has passed, to the satisfaction of the examining committee, an examination for licensing or registration in another state, district or territory of the United States that is, in the opinion of the examining committee, comparable to the examination given in this state.

(d) Nothing contained in this section shall prohibit the examining committee from disapproving any foreign physical therapy school nor from denying the applicant if, in the opinion of the examining committee, the instruction received by the applicant or the courses were not equivalent to that required in this chapter for a physical therapist applicant.

SEC. 9. Section 2636.5 of the Business and Professions Code is amended to read:

2636.5. (a) An applicant may be issued a license without a written examination if he meets all of the following:

(1) He is at the time of his application licensed or registered as a physical therapist in a state, district, or territory of the United States having, in the opinion of the examining committee, requirements for licensing or registration equal to or higher than those in California, and he has passed, to the satisfaction of the examining committee, an examination for such licensing or registration that is, in the opinion of the examining committee, comparable to the examination used in this state.

(2) He is a graduate of a school of physical therapy approved by the examining committee.

(3) He files an application as provided in Section 2632 and meets the requirements prescribed by Sections 2635 and 2650.

(b) An applicant for licensure under subdivision (a), whose application is based on a certificate issued by a physical therapy licensing authority of another state five or more years prior to the date of the filing of his application with the board, shall be required to pass an oral examination given by the examining committee.

SEC. 10. Section 2650 of the Business and Professions Code is amended to read:

2650. Except as otherwise provided in this chapter, all applicants for licenses under this chapter, shall have a high school diploma or equivalent education and shall have one of the following qualifications:

(a) Graduation from a school of nursing approved by the Board of Nurse Examiners of the State of California;

(b) Graduation from a school of physical education;

(c) Two years of college training in an accredited school or accredited schools including courses in biological and physical sciences; and in addition all applicants shall have successfully completed, professional education in physical therapy consisting of courses of instruction, in schools approved by the examining committee, equivalent to the following minimum standards:

A course of not less than 1,200 hours (reasonably distributed), in residence, providing that the minimum length of full-time training shall be 12 months, and including the following subjects taught by instructors having the following qualifications:

Subject	Qualification of instructors
(a) Applied sciences Anatomy Pathology Physiology Psychology Physics, correlated with other subjects	Physician and surgeon or other instructor qualified in specialty
(b) Procedures Electrotherapy Radiation therapy (not including X-ray or radium therapy) Hydrotherapy Massage Therapeutic exercise	Physical therapist
(c) Physical therapy as applied to Medicine Neurology Orthopedics Surgery Psychiatry	For theory, physician and surgeon or other instructor qualified in specialty For practice, physical therapist
(d) Ethics and administration	Physical therapist
(e) Electives	Physical therapist
(f) Clinical practice	A physician and surgeon and a physical therapist

SEC. 11. Section 2651 of the Business and Professions Code is amended to read:

2651. The examining committee shall approve each school of physical therapy located in the United States that proves to the satisfaction of the examining committee that it complies with the essentials of an acceptable school of physical therapy promulgated by the Council on Medical Education of the American Medical Association, except that each such school in addition shall comply with all of the provisions of this chapter and the rules of the examining committee adopted pursuant to this chapter.

SEC. 12. Section 2652 of the Business and Professions Code is amended to read:

2652. All schools whether situated in this state or not, furnishing courses of study meeting the minimum standard required by Section 2650 of the code shall be approved by the examining committee and shall be entitled to compel such approval, if the same is denied, by action in the Superior Court of the State of California, the procedure and power of the court in which action shall be the same as provided in Section 2174 of this code.

SEC. 13. Section 2655.3 of the Business and Professions Code is amended to read:

2655.3. A person seeking approval as a physical therapist assistant shall make application to the examining committee for such approval. Every person applying for approval as a physical therapist assistant shall have all of the following qualifications:

(a) Have graduated from a school for physical therapist assistants approved by the examining committee or have training or experience or a combination of training and experience which in the opinion of the examining committee is equivalent to that obtained in an approved school.

(b) Successfully pass the examination given under this article.

(c) Be of good moral character, and not be addicted to the intemperate use of alcohol or any narcotic drug

SEC. 14. Section 2655.9 of the Business and Professions Code is amended to read:

2655.9. The examining committee shall approve each school for physical therapist assistants that proves to the satisfaction of the examining committee that it complies with criteria for approval of schools for physical therapist assistants established by the examining committee These criteria may be based upon the standards and curriculum guidelines for a school for physical therapist assistants as promulgated by the American Physical Therapy Association or an essentially equivalent organization.

SEC. 15. Section 2655 10 of the Business and Professions Code is amended to read:

2655.10. The amount of the fees to be paid in connection with this article is as follows·

(a) A fee to be set by the examining committee of not more than fifty dollars ($50) shall be charged for each application for approval as a physical therapist assistant and such approval which may be granted.

(b) A fee to be set by the examining committee of not more than fifty dollars ($50) shall be charged for renewal of each such approval as a physical therapist assistant.

(c) A fee to be set by the examining committee of not more than fifty dollars ($50) shall be charged for each application for approval to supervise a physical therapist assistant or physical therapist assistants and for any such approval which may be granted.

(d) The examining committee shall renew approval to supervise a physical therapist assistant or physical therapist assistants upon application for such renewal provided the physical therapist submits evidence that his practice or the physical therapists submit evidence that their practice and the way in which the physical therapist assistant or assistants are being utilized would have led to approval as an initial application under Section 2655.1. A fee to be set by the examining committee of not more than fifty dollars ($50) shall be paid for such renewal.

SEC. 16. Section 2660 of the Business and Professions Code is amended to read:

2660. The board may, after the conduct of appropriate proceedings by the examining committee under the Administrative Procedure Act, suspend for not more than 12 months or revoke any license issued under this chapter for any of the following causes:

(a) Advertising in violation of Section 17500 of the Business and Professions Code.

(b) Fraud in the procurement of any license under this chapter.

(c) Procuring or aiding or offering to procure or aid in criminal abortion.

(d) Conviction of a felony or other crime involving moral turpitude. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(e) Impersonating or acting as a proxy for an applicant in any examination given under this chapter.

(f) Habitual intemperance.

(g) Addiction to the excessive use of any habit-forming drug.

(h) Gross negligence in his practice as a physical therapist.

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

(j) Clearly excessive administering of treatment or use of treatment or use of treatment facilities to the detriment of the patient as determined by the customary practice and standards of the local community of licensees.

SEC. 17. Section 2661 of the Business and Professions Code is amended to read:

2661. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the

meaning of this article. The board may, upon the recommendation and direction of the examining committee, order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 18. Section 2672 of the Business and Professions Code is amended to read:

2672. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the superior court of any county, on application of the board or the examining committee or 10 or more persons holding physical therapist licenses issued under this chapter, may issue an injunction or other appropriate order restraining such conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7, Part 2, Code of Civil Procedure, except that no undertaking shall be required in any action commenced by the board or the examining committee.

CHAPTER 827

An act to add Section 6204 to the Government Code, relating to peace officers.

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 6204 is added to the Government Code, to read:

6204. Every peace officer who files any report with the agency which employs him regarding the commission of any crime or any investigation of any crime shall, if he knowingly and intentionally makes any statement in the report which the officer knows to be false, whether or not such statement is certified or otherwise expressly reported as true, be be punished by imprisonment in a county jail for not more than one year. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a

variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 828

An act to amend Sections 11731 and 11751 of, and to add Sections 11755 and 11823 to, the Water Code, relating to the Central Valley Project.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 11731 of the Water Code is amended to read:

11731. The department shall determine the interest rate on the bonds. The rate shall not exceed 8½ percent per annum.

SEC. 2. Section 11751 of the Water Code is amended to read:

11751. Bonds may be sold below the par or face value thereof, but the sale price shall not be less than 94 percent of the par or face value of the bonds, and the sale price shall include the interest which has accrued thereon up to the date of delivery of the bonds.

SEC. 3. Section 11755 is added to the Water Code, to read:

11755. The department may borrow money in anticipation of the sale of bonds duly authorized to be issued, but which have not yet been sold and delivered, and for that purpose may issue negotiable bond anticipation bonds and may renew such bond anticipation bonds from time to time, but the maximum maturity of any such bond anticipation bonds, including the renewals thereof, shall not exceed five years from the date of the original bond anticipation bonds. Such bond anticipation bonds may be issued at public or private sale. The department may provide, by resolution, for issuance at such maturities, interest rates, in such form, and under such other terms and conditions as the department, in its discretion, may determine.

The proceeds from the sale of such bond anticipation bonds shall be used only for the purposes for which may be used the proceeds of the sale of bonds in anticipation whereof they were issued. Such bond anticipation bonds shall not be issued in an amount in excess of the aggregate amount of bonds authorized to be issued, less the amount of any of such authorized bonds previously sold, and also less the amount of other bond anticipation bonds issued in anticipation thereof and then outstanding.

The principal of such bond anticipation bonds may be paid from any moneys available therefor and not otherwise pledged. If such

bond anticipation bonds, or any portion thereof, have not been previously paid, they shall be paid from the proceeds of the next sale of bonds in anticipation whereof they were issued.

Interest on such bond anticipation bonds shall be payable from the same funds from which the interest on the bonds in anticipation whereof they were issued is payable. Interest on the bond anticipation bonds may be paid out of proceeds thereof.

SEC. 4. Section 11823 is added to the Water Code, to read:

11823. Notwithstanding anything contained in this part, the department may provide in the proceedings authorizing the issuance of bonds that revenues received during the period of construction and for a period of one year after completion thereof may be used for the payment during such periods of costs and expenses of the department, including interest due and payable, incurred in performing the duties prescribed in this part.

CHAPTER 829

An act relating to school district governing boards.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. There shall be submitted to the voters at the next governing board election held within any unified school district in the County of San Bernardino which has an average daily attendance of 30,000 or more and the governing board of which is not elected by trustee area, the proposition of selecting one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire school district.

(b) That the member or members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district, but reside in the trustee area which he represents.

The alternate method receiving the greatest number of votes shall be considered the alternate approved by the voters.

SEC. 2. If the alternate method set forth in subdivision (b) or (c) of Section 1 is approved by the voters, the county committee on school district organization of the County of San Bernardino shall, no later than 180 days after the date of the election, by resolution, propose a plan for the establishment of trustee areas for the election of governing board members in any such unified school district. Trustee areas shall be equal in number to the governing board membership

The county committee may receive recommendations from the county superintendent of schools and from the governing board of the affected unified school district prior to proposing any such plan.

Within 120 days after adopting a resolution proposing a plan for the establishment of trustee areas, the county committee shall have conducted a public hearing in the affected unified school district relative to the proposed plan for the establishment of trustee areas in such district.

The county committee may, in its discretion, conduct more than one such hearing in an affected unified school district. Following the public hearing, the county committee may revise its proposed plan.

Not later than 60 days after the conclusion of public hearings, the county committee shall, by resolution, adopt, and submit to the county superintendent of schools, its final plan for the establishment of trustee areas in the unified school district.

After the adoption of trustee areas as herein provided, any affected governing board member shall serve out his term of office and succeeding board members shall be elected to represent the trustee area in which the succeeding board member shall reside. In the event two or more trustee areas are established which are not represented in the membership of the governing board, the county superintendent of schools shall determine by lot the trustee area or areas from which the next vacancy or vacancies on the governing board shall be filled.

After the adoption of trustee areas in San Bernardino County as herein provided, any affected school district and the county committee on school district organization shall thereafter be governed by applicable provisions contained in the Education Code.

SEC. 3. The Legislature finds and declares that a unique situation exists in San Bernardino County in that the larger unified school districts of the county which contain large populations of people are in need of dividing the districts up into trustee areas for voting purposes. To alleviate this problem it is necessary to enact this special statute.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 830

An act to amend Sections 40300, 40302, 40304, 40501, 40651, 41300, 46671, 46900, 46901, 46902, 46903, 46904, and 46906 of, the Water Code, relating to water storage districts.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 40300 of the Water Code is amended to read:

40300. Directors, irrespective of the method of their selection, take office as soon as they qualify, except that directors elected at a general election take office at the commencement of the regular meeting of the board following their election.

SEC. 2. Section 40302 of the Water Code is amended to read:

40302. The members of the board elected at the formation election shall at their first meeting classify themselves by lot into two classes as nearly equal in number as possible. The term of office of the class having the greater number shall expire at the commencement of the regular meeting of the board in April following the next general March election; and the term of office of the class having the lesser number shall expire at the commencement of the regular meeting of the board in April following the next general March election thereafter.

SEC. 3. Section 40304 of the Water Code is amended to read:

40304. On the day of the regular meeting of the board in April next following each general election, the directors shall meet and organize as a board, elect a president and appoint a secretary and a treasurer, who shall each hold office during the pleasure of the board.

SEC. 4. Section 40501 of the Water Code is amended to read:

40501. An appointed director shall hold office for the remainder of the unexpired term for which he is appointed, and until his successor is elected and qualified.

SEC. 5. Section 40651 of the Water Code is amended to read:

40651. The board shall hold a regular meeting each month at the place selected as the district office

SEC. 6. Section 41300 of the Water Code is amended to read:

41300. An election, known as the general water storage district election, shall be held in each district on the first Tuesday after the first Monday in March in each odd-numbered year, at which a successor shall be chosen to each officer whose term expires in April next thereafter.

SEC. 7. Section 46671 of the Water Code is amended to read:

46671. All unpaid assessments bear interest at the rate of 8 percent per year Interest commences to run 30 days after the assessment list is filed with the county treasurer.

SEC. 8. Section 46900 of the Water Code is amended to read:

46900. "Supplementary assessment", as used in this chapter, means an assessment, in addition to the original assessment, for the purpose of raising an additional sum for the district project or any unit or combination of units of the project.

SEC. 9 Section 46901 of the Water Code is amended to read:

46901. If the original assessment for the project or any unit or

combination of units thereof is insufficient to provide for the completion of the project or of a unit or combination of units, the board shall levy and collect supplementary assessments to cover the estimated cost of completion.

SEC. 10. Section 46902 of the Water Code is amended to read:

46902 Each supplementary assessment shall be apportioned among the different tracts of land in the proportion which the amounts assessed against the tracts by the original assessment or assessments bear to one another.

SEC. 11. Section 46903 of the Water Code is amended to read:

46903. The supplementary assessment shall be made by order entered in the minutes of the board stating the total amount necessary to be raised and fixing the rate of assessment, which shall be the percentage of the total amount assessed by the original assessment or assessments required to produce the amount necessary to be raised.

SEC 12. Section 46904 of the Water Code is amended to read:

46904. Upon making the assessment order, the board shall prepare a supplementary assessment roll showing all the following:

(a) A description of each tract assessed.

(b) The amount assessed against each tract by the original assessment or assessments.

(c) The rate of assessment.

(d) The exact amount assessed against each tract by the supplementary assessment.

SEC. 13. Section 46906 of the Water Code is amended to read:

46906. Upon the filing of the assessment roll with the county treasurer, the supplementary assessment constitutes a lien upon each tract shown to be assessed by the copy of the assessment roll so filed for the amount assessed against it. The lien is of the same character and has the same incidents as the lien of the original assessment or assessments.

SEC. 14 Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government

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CHAPTER 831

An act to amend Section 6545 of the Business and Professions Code, relating to barbers

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6545 of the Business and Professions Code is amended to read·

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following.

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least 19 years of age.

(c) He has practiced as a registered apprentice for a period of 15 months under the supervision and employment of a registered barber, except that a registered apprentice who completes a 12 months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code shall be required to serve as a registered apprentice for a period of only 12 months.

(d) He has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering, except that a registered apprentice who successfully completes a 12 months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, and who has paid an amount equal to the examination fee specified in Section 6632, shall not be required to pass an examination conducted by the board, any other provision of this chapter notwithstanding

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CHAPTER 832

An act to add Section 18602 to the Education Code, relating to vocational education.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows.

SECTION 1. Section 18602 is added to the Education Code, to read:

18602 (a) The Superintendent of Public Instruction may apply to the United States Office of Education for recognition as an accrediting agency for private vocational schools under his or her jurisdiction for the purposes of receiving federal funds.

(b) If the Superintendent of Public Instruction is recognized by the federal government as an accrediting agency for private vocational schools under his jurisdiction. he or she may impose a fee for services performed in connection with such accreditation in an amount sufficient to cover the costs incurred by him or her in performing that function.

CHAPTER 833

An act to add Section 730.5 to the Public Utilities Code, relating to carriers.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 730.5 is added to the Public Utilities Code, to read:

730.5. In setting rates for the passenger transportation services of any railroad or passenger stage corporation, the commission shall include in its order approving any increase in such rates specific and detailed written consideration of the effect of such rates on the acceptance of such transportation services by the public and how much public acceptance will affect public transit systems as proposed in required transportation plans prepared pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

CHAPTER 834

An act to add Section 730.3 to the Public Utilities Code, relating to carriers.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 730.3 is added to the Public Utilities Code, to read:

730 3. The commission shall notify every state and local public agency and corporation operating a passenger transit system before approving any rate increase for the passenger transportation services of any railroad or passenger stage corporation within the territory served by such public transit system, and shall request that the state or local public agency or corporation operating a passenger transit system prepare an analysis of the effect of the proposed rate increase on overall transportation problems within the territory served by such passenger transit system. The commission shall include in its order approving any rate increase for passenger transportation services specific and detailed written consideration of the points raised in each analysis received by the commission pursuant to this section

CHAPTER 835

An act to add Article 2.3 (commencing with Section 281) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to cystic fibrosis, and making an appropriation therefor.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 2.3 (commencing with Section 281) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.3. Adult Cystic Fibrosis Program

281. The Legislature finds that there are at least 100 identified victims of the disease of cystic fibrosis in this state who are 21 or more years of age; that cystic fibrosis is generally excluded from any private medical insurance coverage except in an employment situation under group coverage which is usually ended upon termination of employment; that victims of the disease of cystic fibrosis are often capable of working and leading productive lives if they receive proper medical care; and that there is a need for a statewide program for the medical care of persons with cystic fibrosis who are unable to pay for their necessary medical care in whole or in part unless they declare themselves totally disabled and therefore eligible for Medi-Cal grants and services.

282. The department, through the crippled children's services program, shall conduct a program of care and treatment of those persons suffering from cystic fibrosis who are 21 or more years of age The department shall establish uniform standards of financial eligibility for care and treatment services provided under the program established pursuant to this article, which shall be identical to financial eligibility criteria established by the department for receipt of treatment services under the crippled children's program, as defined in Section 251.5, by emancipated minors and adults not receiving parental financial support. All costs of this program shall be borne by the state except for any repayment made by individuals receiving services under the program.

SEC. 2. The sum of one hundred twenty-six thousand dollars ($126,000) is hereby reappropriated from the unencumbered balance of the appropriation made by Section 3 of Chapter 1507 of the Statutes of 1974, for allocation according to the following schedule:

(a) One hundred eleven thousand dollars ($111,000) to the State Department of Health for the purposes of the Adult Cystic Fibrosis Program conducted pursuant to Article 2 3 (commencing with

Section 281) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

(b) Fifteen thousand dollars ($15,000) to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act

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CHAPTER 836

An act to amend Sections 128 and 1209 of the Code of Civil Procedure, relating to contempt.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 128 of the Code of Civil Procedure is amended to read:

128. Every court shall have power:

1. To preserve and enforce order in its immediate presence;

2 To enforce order in the proceedings before it, or before a person or persons empowered to conduct a judicial investigation under its authority;

3. To provide for the orderly conduct of proceedings before it, or its officers;

4. To compel obedience to its judgments, orders, and process, and to the orders of a judge out of court, in an action or proceeding pending therein;

5. To control in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto;

6. To compel the attendance of persons to testify in an action or proceeding pending therein, in the cases and manner provided in this code;

7. To administer oaths in an action or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers and duties;

8. To amend and control its process and orders so as to make them conformable to law and justice.

Notwithstanding Section 1211 or any other provision of law, if an order of contempt is made affecting an attorney, his agent, investigator, or any person acting under the attorney's direction, in the preparation and conduct of any action or proceeding, the execution of any sentence shall be stayed pending the filing within three judicial days of a petition for extraordinary relief testing the lawfulness of the court's order, the violation of which is the basis of

the contempt except for such conduct as may be proscribed by subdivision (b) of Section 6068 of the Business and Professions Code, relating to an attorney's duty to maintain respect due to the courts and judicial officers.

SEC 2. Section 1209 of the Code of Civil Procedure is amended to read:

1209 The following acts or omissions in respect to a court of justice, or proceedings therein, are contempts of the authority of the court:

1. Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to interrupt the due course of a trial or other judicial proceeding;

2. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding;

3. Misbehavior in office, or other willful neglect or violation of duty by an attorney, counsel, clerk, sheriff, coroner, or other person, appointed or elected to perform a judicial or ministerial service;

4. Abuse of the process or proceedings of the court, or falsely pretending to act under authority of an order or process of the court;

5. Disobedience of any lawful judgment, order, or process of the court.

6. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

7. Unlawfully detaining a witness, or party to an action while going to, remaining at, or returning from the court where the action is on the calendar for trial;

8. Any other unlawful interference with the process or proceedings of a court;

9. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness;

10. When summoned as a juror in a court, neglecting to attend or serve as such, or improperly conversing with a party to an action, to be tried at such court, or with any other person, in relation to the merits of such action, or receiving a communication from a party or other person in respect to it, without immediately disclosing the same to the court;

11. Disobedience by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, or proceeding in an action or special proceeding contrary to law, after such action or special proceeding is removed from the jurisdiction of such inferior tribunal, magistrate, or officer.

No speech or publication reflecting upon or concerning any court or any officer thereof shall be treated or punished as a contempt of such court unless made in the immediate presence of such court while in session and in such a manner as to actually interfere with its proceedings.

Notwithstanding Section 1211 or any other provision of law, if an order of contempt is made affecting an attorney, his agent,

investigator, or any person acting under the attorney's direction, in the preparation and conduct of any action or proceeding, the execution of any sentence shall be stayed pending the filing within three judicial days of a petition for extraordinary relief testing the lawfulness of the court's order, the violation of which is the basis of the contempt, except for such conduct as may be proscribed by subdivision (b) of Section 6068 of the Business and Professions Code, relating to an attorney's duty to maintain respect due to the courts and judicial officers.

CHAPTER 837

An act to add Sections 855 and 7412 to the Financial Code, relating to financial institutions.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 855 is added to the Financial Code, to read.

855. (a) No later than ten (10) days, and no sooner than sixty (60) days prior to the maturity date of any time deposit, a bank shall notify the depositor, in writing, of such date

(b) The notification shall also inform the depositor of the length of time available to the depositor for affecting the status of the deposit after the maturity date

(c) If no interest is paid beyond the maturity date, and after such date the deposit shall be considered a demand deposit, the depositor shall be so informed.

(d) If, pursuant to an agreement, the deposit after maturity again constitutes a time deposit, the depositor shall be informed of the rate of interest and new maturity date.

(e) It is the intent of the Legislature that banks not be precluded from supplying depositors with additional written notices of the maturity date.

SEC. 2. Section 7412 is added to the Financial Code, to read:

7412. (a) No later than ten (10) days, and no sooner than sixty (60) days prior to the maturity date of any fixed-term savings account certificate, an association shall notify the depositor, in writing, of such date.

(b) The notification shall also inform the depositor of the length of time available to the depositor for affecting the status of the deposit after the maturity date.

(c) If no interest is paid beyond the maturity date, the depositor shall be so informed.

(d) If, pursuant to an agreement, the fixed-term savings account certificate is renewed, the depositor shall be informed of the rate of

interest and new maturity date.

(e) It is the intent of the Legislature that associations not be precluded from supplying depositors with additional written notices of the maturity date.

CHAPTER 838

An act to add Article 6 (commencing with Section 24080) to Chapter 3 of Division 18 of the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 24080) is added to Chapter 3 of Division 18 of the Education Code, to read:

Article 6. Athletic Programs

24080. It is the intent of the Legislature that opportunities for participation in athletics be provided on as nearly an equal basis to male and female students as is practicable, and that comparable incentives and encouragements be offered to females to engage in athletics.

It is the further intent of the Legislature that females be given the same opportunity to participate in athletics and compete with other females in individual and team athletics as is available to males who participate with other males in individual and team athletics.

24081. Insofar as practicable, from the total amount of funds available for athletics from the General Fund, the trustees shall ensure that reasonable amounts will be allocated to male and female students, except that allowances may be made for differences in the costs of various athletic programs.

24082. The trustees shall report annually to the Legislature on the progress made in providing comparable incentives and encouragements to females to engage in athletics

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CHAPTER 839

An act to amend Section 8306 of, and to repeal Section 8306.5 of, the Fish and Game Code, relating to abalone

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

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The people of the State of California do enact as follows:

SECTION 1. Section 8306 of the Fish and Game Code is amended to read:

8306. Abalones may not be taken for commercial purposes except under a revocable permit issued by the department under such regulations as the commission shall prescribe. The permit fee is one hundred dollars ($100).

Diving apparatus may be used to take abalones in water not less than 20 feet in depth in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point, and in Districts 18, 19, and 20A, and in District 10 only in the waters lying south of Point Lobos. It is unlawful to take black abalones for commercial purposes, along the mainland coast, except as otherwise specifically authorized by this article.

The department shall file an annual report with the Legislature not later than the fifth calendar day of each session of the Legislature on the use made of the revenue received in accordance with provisions of this section.

SEC. 2. Section 8306.5 of the Fish and Game Code is repealed.

CHAPTER 840

An act to amend Sections 21700, 21701, 21704, 21706, 21711, 21712, 21713, 21714, 21715, 21716, 21718, and 21720 of, and to repeal Sections 21714.5 and 21722 of, the Business and Professions Code, relating to petroleum.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21700 of the Business and Professions Code is amended to read:

21700. (a) "Antifreeze," as used in this chapter, means any substance or preparation intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.

(b) "Coolant," as used in this chapter, means any substance or preparation intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to raise the boiling point of the cooling liquid or any substance or preparation which is labeled to indicate or imply that it will prevent engine overheating, by its use in the cooling system of an internal combustion engine.

SEC. 2 Section 21701 of the Business and Professions Code is

amended to read:

21701. "Department," as used in this chapter, means the Department of Food and Agriculture, acting through the Division of Measurement Standards.

SEC 3. Section 21704 of the Business and Professions Code is amended to read

21704. "Labeling," as used in this chapter, includes all written, printed, or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of antifreeze or coolant or accompanying any antifreeze or coolant

SEC. 4. Section 21706 of the Business and Professions Code is amended to read:

21706 As used in this chapter "package" means any receptacle in which an antifreeze or coolant is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

SEC 5. Section 21711 of the Business and Professions Code is amended to read·

21711. An antifreeze or coolant is adulterated if (1) it consists in whole or in part of any substance which renders it injurious to the cooling system of an internal combustion engine; or (2) it makes the operation of the engine dangerous to the user; or (3) its strength, quality, or purity falls below the standard of strength, quality or purity under which it is sold

SEC. 6. Section 21712 of the Business and Professions Code is amended to read·

21712. (a) An antifreeze shall be deemed to be misbranded: (1) if its labeling is false or misleading in any particular; or (2) if the package does not bear a label on which is printed the name and place of business of the manufacturer, packer, seller or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure, and these facts are not stated plainly and correctly on the outside of the package; or (3) if the product is to be diluted with another substance for use and does not bear on the label, or in an accompanying instruction sheet, folder, or booklet, a statement or chart showing appropriate amounts of each substance in terms of liquid measure to be used to provide protection from freezing at various degrees of temperature down to at least 30 degrees below zero Fahrenheit

(b) A coolant shall be deemed to be misbranded (1) if its labeling is false or misleading in any particular; or (2) if the package does not bear a label on which is printed the name and place of business of the manufacturer, packer, seller or distributor, and an accurate statement of the quantity of the contents in terms of liquid measure, and these facts are not stated plainly and correctly on the outside of the package; or (3) if the product is to be diluted with another substance for use and does not bear on the label a statement showing that a 50-percent mixture of the coolant and water will raise the boiling point of the mixture to at least 224°F at atmospheric pressure;

or (4) if the product is to be used full strength and does not bear on the label a statement showing that the product has a boiling point of at least 224°F at atmospheric pressure.

(c) The director may, by regulation, exempt specific combination antifreeze and coolant products from the requirements of Section 21712(b)(3) and (4) provided they meet all other requirements of Section 21712.

SEC. 7. Section 21713 of the Business and Professions Code is amended to read:

21713 It is unlawful to sell or distribute any antifreeze or coolant except any antifreeze or coolant, which has been registered under this chapter by another, without first applying to the department for registration of such antifreeze or coolant to be handled by the applicant, and receiving from the department a written permit authorizing the sale of such antifreeze or coolant in this state during the period and under the condition stated in Section 21714 of this chapter.

SEC. 8. Section 21714 of the Business and Professions Code is amended to read:

21714. (a) Application for registration shall be accompanied by a sample of each brand or composition of antifreeze, antifreeze and coolant, or coolant to be registered, together with the labeling to be used therewith, and a fee of one hundred dollars ($100) for each sample submitted. The department shall inspect the sample and labeling and, if the sample is found not to be adulterated or misbranded, shall issue to the applicant a certificate of registration and a permit authorizing the wholesale and retail sale and distribution of the antifreeze, antifreeze and coolant, or coolant in this state during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the antifreeze, antifreeze and coolant, or coolant as were actually within this state and purchased by and in possession of such retail dealer during the preceding permit year Such permit may be renewed each permit year without further registration by application to the department, accompanied by a renewal fee of fifty dollars ($50), on or before June 30th immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of twenty-five dollars ($25)

(b) Any substance or preparation sold for use as both antifreeze and coolant and so labeled shall require but one registration and one fee.

SEC 9. Section 21714.5 of the Business and Professions Code is repealed.

SEC 10. Section 21715 of the Business and Professions Code is amended to read:

21715. The director may cancel the registration and permit, or

may refuse to register any antifreeze, antifreeze and coolant, or coolant, or to renew any permit, after hearing, if he finds that the antifreeze, antifreeze and coolant, or coolant sold or distributed does not correspond to the sample which accompanied the application for registration, or that the antifreeze, antifreeze and coolant, or coolant is adulterated or misbranded, or that the registrant has failed to comply with the provisions of this chapter or the rules and regulations of the department. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 11. Section 21716 of the Business and Professions Code is amended to read:

21716. The department, and each county sealer acting under the supervision and direction of the department, shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any antifreeze or coolant manufactured, packed, sold, or distributed within this state. The department through its agents shall have free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of antifreeze or coolant, and may by legal means open any box, carton, parcel, or container of antifreeze or coolant and take therefrom samples for analysis or for evidence.

SEC. 12. Section 21718 of the Business and Professions Code is amended to read:

21718. The department upon request may furnish a list of the brands and trademarks of antifreeze or coolant registered by the department. No labeling relating to any antifreeze or coolant shall contain any statement that the antifreeze or coolant has been approved by the department, but a statement that the antifreeze or coolant has been registered by the department may be included in such labeling.

SEC. 13. Section 21720 of the Business and Professions Code is amended to read:

21720. It is unlawful to sell or distribute any antifreeze or coolant which is adulterated or misbranded, or which is not registered, or without a valid permit as required by this chapter.

SEC. 14. Section 21722 of the Business and Professions Code is repealed.

SEC. 15. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 841

An act to amend Sections 1156 and 1156.1 of, and to add Section 1156.2 to, the Government Code, relating to state employees.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1156 of the Government Code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages for the payment of:

(a) Premiums on any health benefits plan provided for under Part 5 (commencing with Section 22751) of Division 5 of Title 2 of this code.

(b) Premiums on National Service Life Insurance or United States Government Converted Insurance

(c) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California

(d) Shares or obligations to any regularly chartered credit union.

(e) Recurrent fees or charges payable to a state agency under a collection plan approved by the Director of General Services and the State Controller.

(f) Premiums on any insurance policy or payments for any other membership benefit program sponsored by an employee organization as defined in Section 3526 and recognized under the provisions of Section 3532.

(g) Payments for insurance or other employee benefit programs sponsored by a state agency under appropriate statutory authority.

SEC. 2. Section 1156.1 of the Government Code is amended to read:

1156.1. For those state officers and employees under the uniform payroll system, the State Controller shall provide for the administration of payroll deductions for purposes set forth in Section 1156. For all other state officers and employees and for persons receiving allowances or benefits under other state retirement systems, the appropriate state officer shall provide for such administration. The Controller and the other appropriate officers shall in administering payroll deductions:

(a) Provide for determination of the additional cost involved in making deductions under subdivisions (c), (d) and (f) of Section 1156 and for the collection of such costs from the organization receiving the deductions. The amounts collected shall be deposited in the General Fund by the State Controller, or in another appropriate fund by the other officer or board

(b) Provide for an agreement from organizations receiving

deductions to relieve the state, its officers and employees of any liability that may result from authorizations made under Section 1156.

(c) Obtain confirmation of Board of Control approval of deductions under subdivision (f) of Section 1156 and provide for cancellation of such deductions in the absence of continuing adherence to standards prescribed for Board of Control approval.

(d) Decline to make deductions when it is determined that it would not be administratively feasible or practical to make such deductions.

SEC. 3. Section 1156.2 is added to the Government Code, to read:

1156.2. The Board of Control shall approve deductions under subdivision (f) of Section 1156 and such approval shall remain in effect provided that such deductions meet the following standards:

(a) The sponsoring employee organization has been recognized under the provisions of Section 3532.

(b) The program is available only to members of the sponsoring employee organization.

(c) Within one year the program has 500 or more participating state employees and participation to that extent continues.

(d) The program is not restricted to a geographic area of the state

(e) Any insurance program has been approved as being legal and meets all of the regulations promulgated by the Insurance Commissioner.

(f) Any health care service plan has been registered with the Attorney General pursuant to the provisions of Section 12538.

(g) The provisions of subdivision (c) shall not apply to premiums on any insurance policy or payment for any other benefit program which insurance or benefit program is furnished the member as a result of a collective bargaining agreement

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CHAPTER 842

An act to amend Section 11713 of the Vehicle Code, relating to occupational licenses.

[Approved by Governor September 17, 1975. Filed with Secretary of State September 17, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication,

or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale

(d) To advertise or represent a vehicle as a new vehicle if such vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless, prior to the sale, such amount has been paid by a dealer to the state in order to avoid penalties that would have accrued because of late payment of such fees.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 (commencing with Section 24000) of this

code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(*l*) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, supplies, or books to engage in the sale of vehicles.

(n) To violate any of the provisions of Article 10 (commencing with Section 28050) of Chapter 5 of Division 12 of this code.

(o) To fail to deliver or honor the terms and conditions of any warranty as set forth in Chapter 3 (commencing with Section 1797) of Title 1.7 of Part 4 of Division 3 of the Civil Code.

(p) To violate any of the terms or provisions of Chapter 6 (commencing with Section 11950) of Division 5.

(q) With respect to a vehicle of foreign manufacture, to enter on the label required by Section 1232 of Title 15 of the United States Code (P.L. 85-506) a transportation charge which exceeds the actual cost of transporting the vehicle to the point where the dealer accepts delivery.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 843

An act to amend Sections 320.5, 2707.4, and 2707.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 17, 1975, Filed with Secretary of State September 17, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 320.5 of the Unemployment Insurance Code is amended to read:

320.5. The Director of Employment Development may by authorized regulations prescribe the information required to be reported to the department by employing units under this division and employers subject to withholding tax under Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, in order to make reports required by the Secretary of Labor, to provide information necessary to administer this code, to estimate unemployment rates or to make other estimates required for the purpose of dispensing or withholding money payments under the Welfare Reform Act of 1971, the Employment Security Amendments of 1970 (Public Law 91-373), the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224), or the Emergency Employment Act of 1971 (Public Law 92-54), and to make such other reports or estimates as may be required by any other state or federal law. The authorized regulations of the Director of Employment Development may include requirements for the reporting of employment, unemployment, hours, wages, earnings, the location and nature of the industrial, business, or other activity of each establishment for the conduct of business, performance of services, or industrial operations, and such other requirements as are necessary to comply with this section.

SEC. 2. Section 2707 4 of the Unemployment Insurance Code is amended to read:

2707.4. Upon receipt of the notice of the computation or recomputation, the claimant so notified may protest the accuracy of the computation or recomputation. The Department of Benefit Payments shall consider any such protest and shall promptly notify the claimant of the recomputation or denial of recomputation. The claimant may appeal from a notice of denial of recomputation in the manner prescribed in Section 2707.2. The Director of Benefit Payments shall be an interested party to any appeal.

SEC 3 Section 2707 4 of the Unemployment Insurance Code is amended to read:

2707.4. The claimant may, within 20 days after the mailing or personal service of the notice of computation or recomputation, protest the accuracy of the computation or recomputation. The

20-day period may be extended for good cause. The Department of Benefit Payments shall consider any such protest and shall promptly notify the claimant of the recomputation or denial of recomputation. The claimant may appeal from a notice of denial of recomputation in the manner prescribed in Section 2707.2 The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect or where the delay has not resulted in any demonstrable prejudice to any other interested parties.

SEC. 4. Section 2707.5 of the Unemployment Insurance Code is amended to read:

2707.5. (a) The Employment Development Department may for good cause reconsider any determination provided for in this article prior to the filing of an appeal therefrom. The Employment Development Department shall promptly notify the claimant of any reconsidered determination, and the claimant may appeal therefrom in the manner prescribed in Section 2707.2. The Director of Employment Development and the Director of Benefit Payments shall be interested parties to any appeal.

(b) The Department of Benefit Payments may for good cause reconsider any computation or recomputation provided for in this article within one year from the beginning date of the disability benefit period to which the notice of computation or recomputation relates, except that no recomputation may be considered with respect to any issue considered or under consideration in an appeal taken from a denial of recomputation The Department of Benefit Payments shall promptly notify the claimant of the recomputation. The claimant may protest the accuracy of the recomputation as prescribed in Section 2707.4.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1639 are both chaptered and become effective January 1, 1976, both bills amend Section 2707.4 of the Unemployment Insurance Code, and this bill is chaptered after Assembly Bill No. 1639, that the amendments to Section 2707.4 proposed by both bills be given effect and incorporated in Section 2707.4 in the form set forth in Section 3 of this act. Therefore, Section 3 of this act shall become operative only if this bill and Assembly Bill No. 1639 are both chaptered and become effective January 1, 1976, both amend Section 2707.4, and this bill is chaptered after Assembly Bill No. 1639, in which case Section 2 of this act shall not become operative.

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CHAPTER 844

An act to amend Section 42005 of, and to add Sections 1660 and 1661 to, the Vehicle Code, relating to vehicles.

[Became law without Governor's signature September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 1660 is added to the Vehicle Code, to read:

1660. The Department of Motor Vehicles, in cooperation with the Department of Education, shall establish standards for accrediting instruction offered by licensed driving schools and schools for traffic violators, attendance at which may be ordered by a court pursuant to Section 42005, and for accrediting instruction offered in driver improvement programs, participation in which may be designated by a court pursuant to Section 23102 or 23105. The Department of Motor Vehicles shall consider such practices and instructional programs as appear to the department reasonably calculated to foster the knowledge, skills, and judgment necessary for the compliance with traffic laws. The standards may include requirements relating to school personnel, equipment, curriculum, procedures for the testing and evaluation of students, and recordkeeping.

SEC. 2. Section 1661 is added to the Vehicle Code, to read:

1661 (a) The department shall publish annually a list of the names and addresses of all schools and programs which meet the accreditation standards promulgated pursuant to Section 1660. The department shall transmit a copy of the list to each justice court and each municipal court in the state. The department shall periodically revise the list so that each court may have a current list of all schools and programs which meet the accreditation standards.

(b) Any school or program may apply to the department at any time for accreditation. Within a reasonable time after receipt of an application the department shall determine whether the applicant meets accreditation standards and shall include the applicant's name and address on the list. If the applicant fails to meet the standards, the department shall notify the school or program of the failure and specify the nature of the failure. However, failure to meet accreditation standards shall not prejudice a school or program in reapplying for placement on the list at any later time.

(c) The department may monitor the instruction offered at accredited schools and programs. If at any time the department determines that a school or program no longer meets accreditation standards, the department shall notify the school or program of its failure to meet the standards, specify the nature of the failure, and specify a reasonable time for the correction of the failure. If after such time the failure has not been corrected, the department shall

remove the school or program from the list of accredited schools and programs.

SEC. 3. Section 42005 of the Vehicle Code is amended to read:

42005. The court may order any person convicted of a traffic violation to attend a school for traffic violators or a driving school licensed pursuant to Chapter 1 (commencing with Section 11100) of Division 5 for instruction in the operation of a motor vehicle consistent with the provisions of this code. Any person so ordered may choose the school for traffic violators or licensed driving school he will attend. Any person who willfully fails to comply with such order is guilty of a misdemeanor.

SEC. 4. This act shall become operative on July 1, 1976.

CHAPTER 845

An act to amend Sections 6262, 6264, and 6264.5 of the Education Code, relating to vocational education.

[Became law without Governor's signature September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 6262 of the Education Code is amended to read:

6262. The members appointed by the Governor shall include:

(a) One person familiar with the vocational education needs and problems of organized labor.

(b) One person familiar with the vocational needs and problems of management.

(c) One person representing the state industrial and economic development agencies.

(d) Three persons representing the community colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions which may provide programs of vocational or technical education and training.

(e) One person familiar with the administration of state and local vocational education programs

(f) One person having special knowledge, expertise, or qualifications with respect to vocational education who is not involved in the administration of state or local vocational education programs.

(g) One person familiar with programs of technical and vocational education, including programs of comprehensive secondary schools.

(h) One person representing local community college agencies.

(i) One person representing local secondary education agencies.

(j) One person representing community college governing boards.

(k) One person representing secondary school governing boards.

(*l*) One person representing elementary schools or elementary school boards

(m) One person representing county offices of education.

(n) One person representing the manpower and vocational education agencies in the state and the comprehensive area manpower planning system of the state.

(o) One person representing school districts with large concentrations of academically, socially, economically, and culturally disadvantaged pupils.

(p) One person with special knowledge, experience, or qualifications with respect to the special educational needs of physically, emotionally, or mentally handicapped persons.

(q) Two persons who are students currently enrolled in a vocational education program.

(r) Two persons representing a cross section of industrial, business, professional, agricultural, and health service occupations.

(s) Two persons representing the general public, one of whom shall represent and be knowledgeable about the disadvantaged, who are not qualified for membership under any of the preceding subdivisions.

(t) Three persons representing private postsecondary education institutions not provided for in subdivision (d).

SEC 2. Section 6264 of the Education Code is amended to read:

6264. The council shall have the following duties and responsibilities:

(a) Advise the State Board of Education and the Board of Governors of the California Community Colleges in the development and preparation of annual and long-range state plans for occupational education and training.

(b) Prepare and submit a statement to appropriate public agencies, as required pursuant to law, describing its consultation with the State Board of Education, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission on the state plans.

(c) Advise the State Board of Education, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission on policy matters arising in the administration of the state plans.

(d) Evaluate programs of occupational education and training maintained by local educational agencies, and publish and distribute the results thereof.

(e) Prepare and submit through the State Board of Education, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission to the Legislature, United States Commissioner of Education, and the National Advisory Council on Vocational Education, an annual evaluation report

accompanied by such additional comments as the state board and the board of governors deem appropriate which (1) evaluates the programs and services carried out in the year under review to meet the objectives set forth in the state plans; (2) recommends such changes as may be warranted by the evaluations.

(f) Perform functions identical with or analogous to those stated in subdivisions (a) to (e), inclusive, with respect to programs carried out under Part B of Title X of Public Law 92-318.

SEC. 3. Section 6264.5 of the Education Code is amended to read:

6264.5. The State Board of Education, the Board of Governors of the California Community Colleges, and the California Postsecondary Education Commission shall either accept or reject each recommendation made by the council and shall immediately return to the council any recommendation which has been rejected, together with the reasons for the rejection.

CHAPTER 846

An act to repeal Section 20132 of the Government Code, relating to the Public Employees' Retirement Law

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20132 of the Government Code is repealed.

CHAPTER 847

An act to add Title 1.85 (commencing with Section 1799 90) to Part 4 of Division 3 of the Civil Code, relating to consumer credit contracts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Title 1.85 (commencing with Section 1799.90) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.85. CONSUMER CREDIT CONTRACTS

1799.90. As used in this title:

(a) "Consumer credit contract" means any of the following

obligations to pay money on a deferred payment basis, where the money, property, services or other consideration which is the subject matter of the contract is primarily for personal, family or household purposes.

(1) Retail installment contracts, as defined in Section 1802.6.

(2) Retail installment accounts, as defined in Section 1802.7.

(3) Conditional sales contracts, as defined in Section 2981.

(4) Loans or extensions of credit secured by other than real property, or unsecured, for use primarily for personal, family or household purposes

(5) Loans or extensions of credit for use primarily for personal, family or household purposes where such loans or extensions of credit are subject to the provisions of Article 7 (commencing with Section 10240) of Chapter 3 of Part I of Division 4 of the Business and Professions Code, Division 7 (commencing with Section 18000), or Division 9 (commencing with Section 22000) of the Financial Code, whether secured by real property or otherwise.

(b) "Creditor" means an individual, partnership, corporation, association or other entity, however designated, who enters into or arranges for consumer credit contracts in the ordinary course of business

1799.91 Unless the persons are married to each other, each creditor who obtains the signature of more than one person on a consumer credit contract shall deliver to each person, before or contemporaneously with the signing of the consumer credit contract by each respective party, a notice in English and Spanish in at least 10-point type as follows.

NOTICE (Traducción en Inglés)

By signing this notice and the accompanying consumer credit contract, you become responsible for the debt even if you are not to receive any property, services or money pursuant to the terms of the contract You may be sued for payment even though you received no property, services or money, and although the person who receives such property, services or money is able to pay. This notice is not the contract which obligates you to pay the debt. Read the contract for the exact terms of your obligation.

AVISO (Spanish Translation)

Firmando este aviso y el contrato de crédito para consumidor adjunto, usted se hace responsable por la deuda aún si usted no vá a recibir ninguna propiedad, servicios ni dinero bajo los términos de este contrato. Usted puede ser demandado para que pague, aunque Ud. no reciba ninguna propiedad, servicios o dinero y aún cuando la persona que recibe dicha propiedad, servicios o dinero esta capacitada para pagar. Este aviso no es el contrato que lo obliga a pagar la deuda Lea el contrato para las condiciones exactas de su obligación.

1799.92. (a) If the notice required by Section 1799 91 is included with the text of the consumer credit contract, the statement shall appear immediately above the space reserved for the person's signature and shall be contained in a box circumscribed by a heavy line.

(b) If the notice required by Section 1799.91 is not included with the text of the consumer credit contract it shall be on a separate sheet which shall not contain any other text except as is necessary to identify the consumer credit contract to which the statement refers.

1799.93. (a) Each person receiving the notice required by Section 1799.91 shall sign and date such notice. Such signature shall be obtained only after all the blank spaces in the consumer credit contract have been filled in.

(b) Each person given notice under this title shall be given a copy of the consumer credit contract, the notice required by Section 1799.91, if separate, and a copy of any other document affecting the obligations arising from the consumer credit contract.

1799.94. The text of the statement required by Section 1799.91 of this title shall not be construed to alter or affect the rights and obligations of the parties to any consumer credit contract.

1799.95. No action shall be brought by any creditor or any assignee of a creditor on any consumer credit contract which fails to comply with this title against any person, however designated, who does not in fact receive the money, property or services which are the subject matter of the consumer credit contract.

1799.96. If federal law or regulations require or permit the use of a notice substantially similar to that required by Section 1799.91, the use of such federally sanctioned notice and an accurate Spanish translation thereof shall constitute compliance with Section 1799.91 However, the other provisions of this title shall remain unaffected.

SEC. 2. This act shall become operative on April 1, 1976.

CHAPTER 848

An act to repeal and add Section 2543 of the Fish and Game Code, relating to licensed guides, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2543 of the Fish and Game Code is repealed.

SEC. 2. Section 2543 is added to the Fish and Game Code, to read·

2543. A licensed guide shall instruct each of his assistants or employees regarding the action to be taken by such assistants or employees in the event a client is injured or becomes ill while being guided. Such instruction shall include, but not be limited to, procedures for the notification of public or private agencies or individuals capable of providing emergency medical or rescue services.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to enhance the safety of clients of licensed guides as quickly as possible, this act must go into immediate effect.

CHAPTER 849

An act to amend Section 7 of the San Joaquin County Flood Control and Water Conservation Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session), relating to the San Joaquin County Flood Control and Water Conservation District.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session) is amended to read:

Sec. 7. The board shall establish by ordinance a commission consisting of not more than thirteen (13) members. The board may delegate any or all of its powers to the commission. The board may by resolution provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve at the pleasure of the board.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take action with reference to any and all matters which have been delegated to it by the Board of Supervisors of the County of San Joaquin

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 850

An act to add Section 2924.6 to the Civil Code, relating to real property.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2924.6 is added to the Civil Code, to read.

2924.6. (a) An obligee may not accelerate the maturity date of the principal and accrued interest on any loan secured by a mortgage or deed of trust on residential real property solely by reason of any one or more of the following transfers in the title to the real property:

(1) A transfer resulting from the death of an obligor where the transfer is to the spouse who is also an obligor.

(2) A transfer by an obligor where the spouse becomes a coowner of the property.

(3) A transfer resulting from a decree of dissolution of the marriage or legal separation or from a property settlement agreement incidental to such a decree which requires the obligor to continue to make the loan payments by which a spouse who is an obligor becomes the sole owner of the property.

(4) A transfer by an obligor or obligors into an inter vivos trust in which the obligor or obligors are beneficiaries.

(5) Such real property or any portion thereof is made subject to a junior encumbrance or lien

(b) Any waiver of the provisions of this section by an obligor is void and unenforceable and is contrary to public policy.

(c) For the purposes of this section, "residential real property" means any real property which contains at least one but not more than four housing units.

(d) This act applies only to loans executed or refinanced on or after January 1, 1976

SEC. 2. This act is not intended to affect the application of any other provision or principle of law to any type of acceleration provision other than those specifically described in this act.

CHAPTER 851

An act relating to Indian education centers, and making an appropriation therefor

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of one hundred seventy-three thousand dollars ($173,000) to the Department of Education in augmentation of funds appropriated pursuant to Chapter 1425 of the Statutes of 1974, and in augmentation of funds appropriated pursuant to Item 315 of the Budget Act of 1975, for the purposes of carrying out the provisions of Article 2 (commencing with Section 526) of Chapter 4 5 of Division 2 of the Education Code.

CHAPTER 852

An act to add Sections 54231 and 54232 to the Government Code, relating to surplus public property.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 54231 is added to the Government Code, to read:

54231. Land acquired by a local agency for highway purposes through the expenditure of funds allocated pursuant to Chapter 3 (commencing with Section 2100) of Division 3 of the Streets and Highways Code may be retained by the local agency, or transferred to another local agency, for public park and recreational purposes if the land is no longer necessary for highway purposes, and if the local agency having jurisdiction over such land determines that the use of such land for public park and recreational purposes is the highest and best use of the land.

SEC. 2. Section 54232 is added to the Government Code, to read:

54232. Land retained or transferred for public park and recreational purposes pursuant to Section 54231 shall be developed within 10 years, and shall be used for at least 25 years, following such retention or transfer for such purposes in accordance with the general plan for the city or county in which the land is located. Otherwise, the land shall be sold by the local agency, and the funds received from the sale shall be used for highway purposes. If the land originally had been transferred for such purposes, it shall revert to

the original acquiring local agency for such sale.

SEC. 3. This act shall become operative only if Assembly Constitutional Amendment No. 41 of the 1975–76 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 41.

CHAPTER 853

An act making an appropriation for the state park system.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. (a) The sum of two hundred fifty thousand dollars ($250,000), or so much thereof as is necessary, is hereby appropriated from the Collier Park Preservation Fund to the Department of Parks and Recreation for the acquisition of beach lands in the City of Pacifica for the state park system; provided, that the County of San Mateo contributes 25 percent of the total cost of acquisition, and provided, that such funds shall not be expended on the purchase of any real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services, and all material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) It is the intent of the Legislature that 50 percent of the total cost of acquisition be paid for with grant funds received by the state pursuant to the "Land and Water Conservation Fund Act of 1965" (Public Law 88-578; 78 Stat. 897).

(c) Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 2. The Department of Parks and Recreation shall enter into an agreement with the City of Pacifica pursuant to Section 5007 of the Public Resources Code for the care, maintenance, and control by the city of the state park system unit acquired with the funds appropriated by Section 1 of this act.

CHAPTER 854

An act to amend Sections 24607, 24608, 25100, 25106, and 25351 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24607 of the Vehicle Code is amended to read:

24607. Every vehicle subject to registration under this code shall at all times be equipped with red reflectors mounted on the rear as follows:

(a) Every vehicle shall be equipped with a least one reflector so maintained as to be plainly visible at night from all distances within 350 to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams.

(b) Every vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1965, shall be equipped with at least two reflectors meeting the visibility requirements of subdivision (a), except that trailers and semitrailers manufactured after July 23, 1973, which are less than 30 inches wide, may be equipped with one reflector which shall be mounted at or near the vertical centerline of the trailer. If such vehicle is equipped with two reflectors, they shall be mounted as specified in subdivision (d).

(c) Every motortruck having an unladen weight of more than 5,000 pounds, every trailer coach, every camp trailer, every vehicle or vehicle at the end of a combination of vehicles subject to subdivision (a) of Section 22406, and every vehicle 80 or more inches in width manufactured on or after January 1, 1969, shall be equipped with at least two reflectors maintained so as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(d) When more than one reflector is required, at least one shall be mounted at the left side and one at the right side, respectively, at the same level. Required reflectors shall be mounted not lower than 15 inches nor higher than 60 inches. Additional reflectors of a type approved by the department may be mounted at any height.

(e) Reflectors on truck tractors may be mounted on the rear of the cab. Any reflector installed on a vehicle as part of its original equipment prior to January 1, 1941, need not be of an approved type provided it meets the visibility requirements of subdivision (a).

SEC. 2 Section 24608 of the Vehicle Code is amended to read:

24608. (a) Motortrucks, trailers, semitrailers, and buses 80 or more inches in width manufactured on or after January 1, 1968, shall be equipped with an amber reflector on each side at the front and a red reflector on each side at the rear. Any vehicle may be so

equipped.

(b) Motortrucks, trailers, semitrailers, housecars, and buses 80 or more inches in width and 30 or more feet in length manufactured on or after January 1, 1968, shall be equipped with an amber reflector mounted on each side at the approximate midpoint of the vehicle. Any such vehicle manufactured prior to January 1, 1968, may be so equipped.

(c) Required reflectors on the sides of vehicles shall be mounted not lower than 15 inches nor higher than 60 inches. Additional reflectors of a type approved by the department may be mounted at any height.

(d) Reflectors required or permitted in subdivisions (a) and (b) shall be so maintained as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(e) Area reflectorizing material may be used in lieu of the reflectors required or permitted in subdivisions (a) and (b), provided each installation is of sufficient size to meet the photometric requirement for such reflectors.

SEC. 3. Section 25100 of the Vehicle Code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side mounted on a forward-facing portion of the vehicle and visible from the front and at least one red clearance lamp at each side mounted on a rearward-facing portion of the vehicle and visible from the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962. Any such vehicle manufactured and first registered prior to January 1, 1962, may be so equipped.

(4) At least one amber side-marker lamp mounted at approximate midpoint of housecars, motortrucks, and buses 30 or more feet in length and manufactured on or after January 1, 1969. Any such vehicle manufactured prior to January 1, 1969, may be so equipped

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Truck tractors manufactured on or after January 1, 1969, shall be equipped with one amber side-marker lamp on each side near the front.

(3) Pole or pipe dollies, or logging dollies shall be equipped with

at least one combination clearance and side-marker lamp on each side showing red to the front, side, and rear.

(4) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(5) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(6) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(7) Trailers and semitrailers designed for transporting single boats in a cradle-type mounting and for launching the boat from the rear of the trailer need not be equipped with front and rear clearance lamps provided amber clearance lamps showing to the front and red clearance lamps showing to the rear are located on each side at or near the midpoint between the front and rear of the trailer to indicate the extreme width of the trailer.

(c) Loads extending beyond the side of a vehicle where the overall width of the vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies or on passenger vehicles other than a housecar.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle.

(f) Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width of the vehicle. Side-marker lamps shall be mounted not lower than 15 inches on vehicles manufactured on and after January 1, 1968. Combination clearance and side-marker lamps required on loads shall be mounted so the lenses project to the outer extremity of the vehicle or load.

SEC. 4. Section 25106 of the Vehicle Code is amended to read:

25106 (a) Any motor vehicle may be equipped with not more

than two lighted white or amber cowl or fender lamps on the front. Any vehicle may be equipped with not more than one amber side lamp on each side near the front, nor more than one red side lamp on each side near the rear. The light source of each such lamp shall not exceed four standard candlepower.

(b) Lamps approved as side-marker or combination clearance and side-marker lamps may be installed on the sides of vehicles at any location, but any lamp installed within 24 inches of the rear of the vehicle shall be red, and any lamp installed at any other location shall be amber.

SEC. 5. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and, except as provided in subdivision (d), any other vehicle 80 or more inches in width may be equipped with identification lamps mounted on the front or rear. No part of any such lamps or their mountings on the front of a motor vehicle shall extend below the top of the windshield.

(b) Identification lamps on such vehicles manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on such vehicles manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear.

(d) Identification lamps are not permitted on passenger vehicles, except housecars, regardless of width.

SEC. 6. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and, except as provided in subdivision (d), any other vehicle 80 or more inches in width may be equipped with identification lamps mounted on the front or rear. No part of any such lamps or their mountings on the front of a motor vehicle shall extend below the top of the windshield.

(b) Identification lamps on such vehicles manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on such vehicles manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear

(d) Identification lamps are not permitted on passenger vehicles, except housecars and ambulances, regardless of width.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 1462 are both chaptered and become effective January 1, 1976, both bills amend Section 25351 of the Vehicle Code, and this bill is chaptered after Assembly Bill No 1462, that the amendments to Section 25351 proposed by both bills be given effect and incorporated in Section 25351 in the form set forth in Section 6 of this act. Therefore, Section 6 of this act shall become operative only if this bill and Assembly Bill No. 1462 are both chaptered and become effective January 1, 1976, both amend Section 25351, and this bill is chaptered after Assembly Bill No 1462, in which case Section 5 of this act shall not become operative.

CHAPTER 855

An act to amend Section 1357 of the Financial Code, relating to bank investments.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1357 of the Financial Code is amended to read:

1357. In the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by the Dominion of Canada, the State of Israel, the United States of Mexico, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States dollars, the faith and credit of such entity is pledged; in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the State of Israel, or of the United States of Mexico or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided·

(a) In the case of bonds constituting general obligations of any such state, commonwealth, dominion, or country, such state, commonwealth, dominion, or country has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(b) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least 1½ times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

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(c) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

CHAPTER 856

An act to amend Section 25425 of the Education Code, relating to community colleges.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25425 of the Education Code is amended to read:

25425. (a) The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14, the payment of a fee in the total amount of not more than ten dollars ($10) for the regular school year for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, authorized by Section 25424.7, or both.

(b) If pursuant to this section a fee is required, the governing board of a district shall prorate the amount of the fee, if any, that a part-time student, including a summer school student or evening student is required to pay.

(c) The governing board of a district maintaining a community college shall adopt rules and regulations that either exempt low-income students from any fee required pursuant to subdivision (a) or provide for the payment of the fee from other sources.

(d) The governing board of a district maintaining a community college shall adopt rules and regulations that exempt students who depend exclusively upon prayer for healing in accordance with the

teachings of a bona fide religious sect, denomination, or organization and students who are attending a community college under an approved apprenticeship training program from any fee required pursuant to subdivision (a).

(e) All of such fees shall be deposited in the general fund of the district, and shall be expended only for the purposes for which such fees were collected.

CHAPTER 857

An act to amend Section 27463.5 of the Government Code, relating to coroners.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows.

SECTION 1. Section 27463.5 of the Government Code is amended to read:

27463.5. In lieu of the "coroner's register," the coroner may keep an official file for each deceased person containing all of the information required by Section 27463. At any time after the completion of the coroner's investigation, and the closing of the particular case involved, the coroner may photograph or microphotograph the contents of the file in accordance with the provisions of Section 26205, and, when the photographs or microphotographs are placed in conveniently accessible files and provision is made for preserving, examining, and using the same, the original file may be destroyed

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CHAPTER 858

An act to amend Section 2 of Chapter 761 of the Statutes of 1971, relating to waterway management plans.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 761 of the Statutes of 1971 is amended to read:

Sec. 2. The Resources Agency and affected local agencies shall prepare detailed waterway management plans which shall include provisions for necessary and desirable flood control, water conservation, recreation, fish and wildlife preservation and

enhancement, water quality protection and enhancement, streamflow augmentation, and free-flowing rivers, segments, or tributaries, for the following waters:

(a) The Klamath River in both California and Oregon, and its tributaries, the Trinity, Salmon, Shasta, and Scott Rivers.

(b) The Smith River in Del Norte County.

(c) Redwood Creek in Humboldt County.

(d) Bear River in Humboldt County.

(e) The Mattole River in Humboldt County.

(f) The Van Duzen River in Humboldt County.

(g) The Eel River and major tributaries in Humboldt, Mendocino, and Trinity Counties.

(h) The Big River, Garcia River, Navarro River, Noyo River, Alder Creek, and Ten-Mile River, all in Mendocino County.

(i) The Russian River and Gualala River, both in Mendocino and Sonoma Counties.

(j) Cazadero Creek in Sonoma County.

(k) The San Lorenzo River and its tributaries in Santa Cruz County.

SEC 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 859

An act to amend Section 5001.5 of, and to add Section 5020.5 to, the Public Resources Code, relating to historical resources.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows.

SECTION 1. Section 5001.5 of the Public Resources Code is amended to read.

5001.5. All units which are or shall become a part of the California state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30) of this division, shall be classified by the State Park and Recreation Commission into one of the following categories:

(a) State wildernesses, which, in contrast with those areas where man and his own works dominate the landscape, are hereby recognized as areas where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not

remain. A state wilderness is further defined to mean an area of relatively undeveloped state-owned or leased land which has retained its primeval character and influence or has been substantially restored to a near-natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

State wildernesses may be established within the boundaries of other state park system units.

(b) State reserves, which consist of areas embracing outstanding natural or scenic characteristics of statewide significance. The purpose of a state reserve is to preserve its native ecological associations, unique faunal or floral characteristics, geological features and scenic qualities in a condition of undisturbed integrity Resource manipulation shall be restricted to the minimum required to negate the deleterious influences of man

Improvements undertaken shall be for the purpose of making the areas available, on a day use basis, for public enjoyment and education in a manner consistent with the preservation of their natural features Living and nonliving resources contained within state reserves shall not be disturbed or removed for other than scientific or management purposes.

State reserves may be established in the terrestrial or underwater environments of the state.

(c) State parks, which consist of relatively spacious areas of outstanding scenic or natural character, oftentimes containing also significant historical, archaeological, ecological, geological, or other such values. The purpose of state parks shall be to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of such ecological regions of California as the Sierra Nevada Mountains, northeast volcanic, great valley, coastal strip, Klamath-Siskiyou Mountains, southwest mountains and valleys, redwoods, foothills and low coastal mountains, and desert and desert mountains

Each state park shall be managed as a composite whole in order to restore, protect, and maintain its native environmental complexes to the extent compatible with the primary purpose for which the

park was established.

Improvements undertaken within state parks shall be for the purpose of making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as such improvements involve no major modification of lands, forests, or waters. Improvements which do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks.

State parks may be established in either the terrestrial or underwater environments of the state.

(d) State recreation units, which consist of areas selected, developed, and operated to provide outdoor recreational opportunities. Such units shall be designated by the State Park and Recreation Commission by naming, in accordance with the provisions of this article relating to classification

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or underwater environments of the state and shall include:

(1) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. Such areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large centers of population, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

Improvements may be undertaken to provide for such recreational activities as, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting.

Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

(2) Underwater recreation areas, consisting of areas in the underwater environment selected and developed to provide surface and subsurface water-oriented recreational opportunities, while preserving basic resource values for present and future generations.

(3) State vehicular recreation areas, consisting of areas where topographic features and associated recreational vehicle

opportunities are the primary values. Such areas shall be chosen to insure that no substantial natural values are lost and that no adjoining properties incur adverse effects from the operation and maintenance of vehicular recreation areas. When important natural or scenic values are found to be present within the boundaries of a state vehicular recreation area they shall be defined within a natural preserve in accordance with the provisions of subdivision (f). The development of facilities shall be aimed at making full public use of the recreational opportunities present, and the natural and cultural elements of the environment may be managed or modified to enhance the recreation experiences. Under all circumstances, conditions of accelerated and unnatural erosion shall be anticipated and prevented to the extent possible. Where the occurrence of such erosion is unanticipated, every measure shall be taken to restore the area.

(4) State beaches, consisting of areas with frontage on the ocean, or bays designed to provide swimming, boating, fishing, and other beach-oriented recreational activities. Coastal areas containing ecological, geological, or scenic resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural preserves.

(5) Wayside campgrounds, consisting of relatively small areas suitable for overnight camping and offering convenient access to major highways.

(e) Historical units, to be named appropriately and individually, which consist of areas established primarily to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. Such areas should be of sufficient size, where possible, to provide a significant proportion of the landscape associated with the historical objects. The only facilities provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the State Park and Recreation Commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Certain agricultural, mercantile, or other commercial activities may be permitted, provided those activities are a part of the history of the individual unit and developments retain or restore historical authenticity. Historical units shall be named to perpetuate the primary historical theme of the individual units.

(f) Natural preserves, which consist of distinct areas of outstanding natural or scientific significance established within the boundaries of other state park system units. The purpose of natural preserves shall be to preserve such features as rare or endangered plant and animal species and their supporting ecosystems, representative examples of plant or animal communities existing in California prior to the impact of civilization, geological features

illustrative of geological processes, significant fossil occurrences or geological features of cultural or economic interest, or topographic features illustrative of representative or unique biogeographical patterns. Areas set aside as natural preserves shall be of sufficient size to allow, where possible, the natural dynamics of ecological interaction to continue without interference, and to provide, in all cases, a practicable management unit. Habitat manipulation shall be permitted only in those areas found by scientific analysis to require manipulation to preserve the species or associations which constitute the basis for the establishment of the natural preserve.

(g) State seashores. State seashores consist of relatively spacious coastline areas with frontage on the ocean, or on bays open to the ocean, including water areas seasonally connected to the ocean, possessing outstanding scenic or natural character and significant recreational, historical, archaeological, or geological values. State seashores may include underwater areas within them, but may not be established solely in the underwater environment.

The purpose of state seashores shall be to preserve outstanding natural, scenic, cultural, ecological, and recreational values of the California coastline as an ecological region and to make possible the enjoyment of coastline and related recreational activities which are consistent with the preservation of the principal values and which contribute to the public enjoyment, appreciation, and understanding of those values.

Improvements undertaken within state seashores shall be for the purpose of making the areas available for public enjoyment, recreation and education in a manner consistent with the perpetuation of their natural, scenic, cultural, ecological, and recreational value. Improvements which do not directly enhance the public enjoyment of the natural, scenic, cultural, ecological, or recreational values of the seashore, or which are attractions in themselves, shall not be undertaken in state seashores.

SEC. 2. Section 5020.5 is added to the Public Resources Code, to read:

5020.5. (a) The commission shall develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted.

(b) The commission shall develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens.

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CHAPTER 860

An act to amend Section 25950 of, and to add Section 24411 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24411 is added to the Vehicle Code, to read:

24411. Notwithstanding any other provision of law, a vehicle may be equipped with not more than four lamps of a type approved by the department, for use as headlamps while the vehicle is operated or driven off the highway. Such lamps shall be base mounted at a height of not less than 16 inches nor more than 80 inches at any place between the front of the vehicle and a line lying on a point 12 inches to the rear of the seat occupied by the driver, shall be wired independently of all other lighting circuits, and, whenever the vehicle is operated or driven upon a highway, shall be covered or hooded and all fuses removed.

SEC. 2. Section 25950 of the Vehicle Code is amended to read:

25950. Unless provided otherwise, the color of lamps and reflectors upon a vehicle shall be as follows:

(a) All lamps and reflectors visible from in front of a vehicle shall be white or amber, except that rear side-marker lamps required by Section 25100 may show red to the front.

(b) All lamps and reflectors visible from the rear of a vehicle shall be red, except that stop lamps, turn signal lamps and front side-marker lamps required by Section 25100 may show amber to the rear.

This section applies to the color of a lamp whether lighted or unlighted, and to any reflector exhibiting or reflecting perceptible light of 0.05 candlepower or more per foot-candle of incident illumination, except that tail lamps, stop lamps, and turn signal lamps that are visible to the rear may be white when unlighted and, with respect to vehicles manufactured after January 1, 1974, only such lamps that are in addition to the minimum required number and are visible to the rear may be white or amber when unlighted.

CHAPTER 861

An act to amend Sections 56157, 56198, 56261, 56367, 56368, and 56470 of the Government Code, relating to the District Reorganization Act.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 56157 of the Government Code is amended to read:

56157. If the petition, including any supplemental petition, shall be certified to be sufficient, and contains all the information and data required pursuant to Section 56140 and is in the form prescribed by the commission, the executive officer shall accept the proposal for filing. When the executive officer accepts a proposal for filing he shall issue a "certificate of filing" to the chief petitioners, if any. A certificate of filing shall be in the form prescribed by the executive officer and shall give notice of the sufficiency of the petition and the date the proposal shall be heard by the commission. Following issuance of the certificate of filing the executive officer shall proceed to set the proposal for hearing and give notice thereof in the manner provided in Part 4 (commencing with Section 56250) of this division.

SEC. 2. Section 56198 of the Government Code is amended to read:

56198. Upon the filing of a resolution of application, the executive officer shall ascertain whether, except for provisions relating to signers and signatures, the resolution and any supporting documents contain all the information and data required pursuant to Section 56140 and is in the form prescribed by the commission. If the executive officer finds that the resolution contains all such information and is in the prescribed form, he shall accept the proposal made therein for filing and issue a "certificate of filing" to the affected county, city or district making the proposal. A certificate of filing shall be in the form prescribed by the executive officer and shall give notice of the date the proposal shall be heard by the commission. Following issuance of the certificate of filing, the executive officer shall proceed to set the proposal for hearing and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of this division

SEC. 3 Section 56261 of the Government Code is amended to read:

56261. If a petition for an annexation, a detachment or for a reorganization consisting solely of annexations or detachments, or both, shall be signed by all of the owners of land within the affected territory of the proposed change of organization or reorganization, or if a resolution of application by a legislative body of an affected district, county, or city making a proposal for an annexation or detachment, or for a reorganization consisting solely of annexations or detachments, or both, shall be accompanied by proof, satisfactory to the commission, that all the owners of land within such territory have given their written consent to such change of organization or reorganization, the commission may approve such change of organization or reorganization, without notice and hearing by the commission. In such cases the commission may also approve and authorize the board of directors of the conducting district or the

board of supervisors to conduct proceedings for the change of organization or reorganization (i) without notice and hearing by the board of directors, (ii) without an election, or (iii) both.

The executive officer shall give any district or city whose boundaries would be changed by the proposed change of organization or reorganization mailed notice of the filing of any such petition or resolution of application by an affected district, county, or city. The commission shall not, without the written consent of the district or city whose boundaries would be changed by the proposed change of organization or reorganization take any further action on said petition or resolution of application for 10 days following such mailing. Upon written demand by a district or city, filed with the executive officer during said 10-day period, the commission shall make determinations upon said petition or resolution of application only after notice and hearing thereon. If no such demand is filed, the commission may make such determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, a district or city may (i) waive the requirement of such mailed notice, (ii) consent to the commission making such determinations without notice and hearing, or (iii) both.

SEC. 4. Section 56367 of the Government Code is amended to read:

56367. In any resolution ordering a dissolution, the board of supervisors, shall make findings upon one or more of the following matters:

(a) That there has been a nonuser of corporate powers, as specified in Section 56174, and a reasonable probability that such nonuser may continue.

(b) That the dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

(c) That the district is a resident-voter district and is uninhabited.

(d) That the board of directors of the district to be dissolved has, by unanimous resolution, consented to the dissolution of the district.

SEC. 5. Section 56368 of the Government Code is amended to read:

56368. In any resolution ordering the dissolution of a district where a finding has been made pursuant to subdivision (a), (c), or (d) of Section 56367, the board of supervisors may order such dissolution either without election or subject to confirmation by the voters upon the question of such dissolution. In all other cases, such resolution shall order such dissolution subject to confirmation by the voters upon the question of such dissolution.

SEC. 6. Section 56470 of the Government Code is amended to read:

56470. Any change of organization or reorganization may provide for or be made subject to one or more of the following terms and conditions·

(a) The payment of a fixed or determinable amount of money,

either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city county or district.

(b) The levying or fixing and the collection of (i) special, extraordinary or additional taxes or assessments, or (ii) special, extraordinary or additional service charges, rentals or rates, or (iii) both, for the purpose of providing for any payment required pursuant to subdivision (a) of this section.

(c) The imposition, exemption, transfer, division or apportionment, as among any affected cities, counties and districts of liability for payment of all or any part of principal, interest and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district or any improvement district therein and the levying or fixing and the collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates or, (iii) both, as may be necessary to provide for such payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, county or district for payment of the principal of any bonded indebtedness shall be increased or decreased, said term and condition may specify the amount, if any, of such increase or decrease which shall be included in or excluded from the outstanding bonded indebtedness of any such agency for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of such agency.

(e) The formation of a new improvement district or districts or the annexation or detachment of territory to or from any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by or on behalf of all or any part of any district, including territory being annexed to any district, or of any existing or proposed new improvement district therein. The new indebtedness may be the obligation solely of territory to be annexed provided the district has the authority to establish zones for incurring indebtedness. The indebtedness or liability shall be incurred substantially in accordance with the laws otherwise applicable to the district.

(g) The issuance and sale of any bonds, including authorized but unissued bonds.

(h) The acquisition, improvement, disposition, sale, transfer or division of any property, real or personal.

(i) The disposition, transfer or division of any moneys or funds (including cash on hand and moneys due but uncollected) and any other obligations.

(j) The fixing and establishment of priorities of use or right of use of water, or capacity rights in any public improvements or facilities or of any other property, real or personal.

(k) The establishment, continuation or termination of any office,

department or board, or the transfer, combining, consolidation, or separation of any offices, departments or boards, or any of the functions thereof, if, and to the extent that, any such matters shall be authorized by the principal act.

(*l*) The employment, transfer or discharge of employees, the continuation, modification or termination of existing employment contracts, civil service rights, seniority rights, retirement rights and other employee benefits and rights.

(m) The designation of a city, county or district, as the successor to any district which shall be extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties and obligations of the extinguished district with respect to enforcement, performance or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of said extinguished district.

(n) The designation (i) of the method for the selection of members of the legislative body of a district or (ii) the number of such members, (iii) or both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of such selection or for varying numbers of such members, or both.

(o) The initiation, conduct or completion of proceedings on a proposal made under and pursuant to the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773) of Division 2, Title 5.

(p) The fixing of the effective date of any change of organization, subject to the limitations of Section 56456.

(q) Any terms and conditions authorized or required by the principal act with respect to any change of organization.

(r) Any other matters necessary or incidental to any of the foregoing.

CHAPTER 862

An act to amend Section 66499.20½ of the Government Code, relating to subdivisions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 66499.20½ of the Government Code, as amended by Chapter 201 of the Statutes of 1975, is amended to read:

66499.20½. A city or county may, by ordinance, authorize a parcel map to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of

four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

SEC. 2. The provisions of this act shall become operative on January 1, 1976.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such urgency are:

The inclusion of a city within the language of Section 66499.20½ of the Government Code, pursuant to Chapter 24 of the Statutes of 1975 was a change in the law necessary to conform such section to the other provisions of the Subdivision Map Act, Chapter 1536 of the Statutes of 1974. Chapter 24 of the Statutes of 1975 is presently operative as an urgency statute, but its amendment to Section 66499.20½ would be inadvertently deleted when Chapter 201 of the Statutes of 1975 becomes operative, on January 1, 1976. In order to restore this change in the law, it is necessary that this act take immediate effect.

CHAPTER 863

An act making an appropriation for support of a University of California biomedical education program, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 18, 1975]

The people of the State of California do enact as follows:

SECTION 1. (a) The sum of one hundred eight thousand dollars ($108,000) is hereby appropriated from the General Fund to the Regents of the University of California for support of a University of California biomedical education program at its Riverside campus.

(b) The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the Health Sciences Facilities Construction Program Fund to the Regents of the University of California in augmentation of the amount contained in Schedule (1) of Item 396.2 of the Budget Act of 1975.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act makes funds available for support of a University of California biomedical education program which is urgently needed for necessary health education and the improvement of health delivery systems in this state. First-year students enrolled in the program must know by the first of October if they are going to be able to finish the program. It is necessary therefore that this act go into immediate effect.

It is the intent of the legislature that the biomedical program supported by this act and subsequent appropriations shall prepare students to practice family medicine primary care.

CHAPTER 864

An act to add Section 71612.5 to the Water Code, relating to municipal water districts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 71612.5 is added to the Water Code, to read:

71612.5. Notwithstanding the provisions of Section 71612, whenever the Marin Municipal Water District shall have declared a water shortage emergency condition pursuant to Section 350 or made a finding of a threatened or existing water shortage pursuant to Section 71642, it may nevertheless sell or otherwise dispose of water for purposes of human consumption, sanitation, or fire protection and, upon such reasonable conditions as it may in its discretion impose, to any persons, public corporations or agencies, or other consumers who were, at the time of such declaration or finding, then receiving water from the district for purposes of human consumption, sanitation, or fire protection but not to exceed 1 percent of the total water supply available to the district. However, no water shall be delivered pursuant to this section to existing users

outside the district tc the prejudice of existing users within the district.

SEC. 2. The Legislature hereby finds and declares that the provisions of Section 1 of this act are necessary because of special circumstances within the Marin Municipal Water District. The water supplies to this district are highly variable and the authority of this act to provide domestic and fire protection water to existing users outside the district during an existing or threatened water shortage is necessary to protect the public health and prevent fire propagation to property within the district. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of Section 71612.5 of the Water Code as a special law as provided by Section 1 of this act is necessary for the solution of problems existing within the Marin Municipal Water District.

CHAPTER 865

An act to add Section 2658 to the Unemployment Insurance Code, relating to unemployment disability compensation for trade disputants.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2658 is added to the Unemployment Insurance Code, to read:

2658. Notwithstanding any inconsistent provisions in this part, except as provided in Section 2611, in determining the disability base period of any person who was involved in a trade dispute during his normal disability base period, as determined pursuant to Section 2610, there shall be excluded from such disability base period those quarters during which such person performed no services in employment for 60 days or more as a result of a trade dispute. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding the commencement of the trade dispute In the event the disability base period so determined includes wages in calendar quarters for which the records have been destroyed under proper approval, a claimant may establish the amount of wages by affidavit in accordance with authorized regulations. The quarter of commencement of the trade dispute shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the claimant.

SEC. 2. This act shall be operative with respect to periods of disability commencing on and after January 1, 1976.

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CHAPTER 866

An act to add Sections 9205, 9263, and 9264 to the Food and Agricultural Code, relating to biologics.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9205 is added to the Food and Agricultural Code, to read:

9205. "Serial" means the total quantity of a biological product in final composition which has been mixed in a single container and identified by number.

SEC. 2. Section 9263 is added to the Food and Agricultural Code, to read:

9263. If the director finds that biologics do not conform to the requirements of Section 9242 or 9243 or the use or continued use of such products constitutes an immediate danger to persons or animals, he may, after notice, suspend the registration of such biologics or license of an establishment producing such biologics pending a hearing and final decision.

SEC. 3. Section 9264 is added to the Food and Agricultural Code, to read:

9264. If the director finds a serial or serials of a registered biologic which do not meet the requirements of Section 9242 or 9243, he may order such serial or serials to be held on the premises where found or elsewhere until he has determined that the products may be safely released for the purposes intended.

The director may order the destruction of any products under such a hold order if the products cannot be made to meet the requirements of Section 9242 or 9243.

CHAPTER 867

An act to add Section 626.11 to the Penal Code, relating to searches.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 626.11 is added to the Penal Code, to read:

626.11. (a) Any evidence seized by a teacher, official, employee, or governing board member of any state university, state college, or community college, or by any person acting under his direction or with his consent in violation of standards relating to rights under the Fourth Amendment to the United States Constitution or under

Section 13 of Article 1 of the State Constitution to be free from unreasonable searches and seizures, or in violation of state or federal constitutional rights to privacy, or any of them, are inadmissible in administrative disciplinary proceedings.

(b) Any provision in an agreement between a student and an educational institution specified in subdivision (a) relating to the leasing, renting, or use of a room of any student dormitory owned or operated by the institution by which the student waives a constitutional right under the Fourth Amendment to the United States Constitution or under Section 13 of Article 1 of the State Constitution, or under state or federal constitutional provision guaranteeing a right to privacy, or any of them, is contrary to public policy and void.

(c) Any evidence seized by a person specified in subdivision (a) after a nonconsensual entry not in violation of subdivision (a) into a dormitory room which evidence is not directly related to the purpose for which such entry was initially made is not admissible in administrative disciplinary proceedings.

SEC. 2. The Legislature finds and declares that students in school as well as out of school are "persons" under the Constitution and that they are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. The Legislature further finds and declares that the right to privacy and other related rights are fundamental.

SEC. 3. It is the intent of the Legislature in enacting this act to exercise the police power for the purposes of protecting the rights of privacy and related other rights and other constitutional rights of persons renting or leasing rooms in student dormitories owned or operated by any state university, state college, or community college.

CHAPTER 868

An act to add Section 701.5 of the Fish and Game Code, relating to the Director of the Department of Fish and Game, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 701.5 is added to the Fish and Game Code, to read:

701.5. The director or one or more of his designees may accept the office of director or alternate director of an entity established by a joint powers agreement providing for the establishment and conduct of an areawide waste management planning process in accordance with the provisions of Section 208 of the Federal Water

Pollution Control Act. Such office of director or alternate director of a joint powers entity is deemed compatible with the office of director and the office or employment of such persons as the director may so designate to serve such an entity established by a joint powers agreement.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State of California, through the delegation and designation by the Governor to the State Water Resources Control Board, has conducted hearings for the designation of areas and entities to establish areawide waste management planning processes to the extent and as contemplated by Section 208 of the Federal Water Pollution Control Act (Public Law 92-500).

The State Water Resources Control Board has designated the Upper Newport Bay-San Diego Creek Watershed Area as an area for which an areawide waste management planning process shall be established as required by Section 208 of the Federal Water Pollution Control Act.

Local public agencies in such area have entered into a joint powers agreement establishing an entity known as the "Newport-Irvine Waste Management Agency (NIWA)" to accept such designation and to perform the duties and responsibilities specified and set forth in Section 208 of the Federal Water Pollution Control Act. The joint powers agreement includes on the governing body of such entity the Director of the Department of Fish and Game or his designee. The Attorney General has recommended clarifying legislation be enacted to insure that such participation by the Director of the Department of Fish and Game or his designee is authorized by statute and that such does not constitute the acceptance of an incompatible public office. This legislation must become effective upon enactment in order that the State of California, acting by and through the Director of the Department of Fish and Game or his designee and the Newport-Irvine Waste Management Planning Agency may comply with the statutory deadlines set forth in Section 208 of the Federal Water Pollution Control Act and the applicable regulations promulgated pursuant thereto by the United States Environmental Protection Agency.

CHAPTER 869

An act to add Section 326.5 to the Penal Code, relating to bingo.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 326.5 is added to the Penal Code, to read:

326.5. (a) Neither this chapter nor Chapter 10 (commencing with Section 330) applies to any bingo game which is conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the State Constitution, provided that such ordinance allows games only for the benefit of organizations exempted from the payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code and a contribution or gift to which would be a charitable contribution under Section 170(c)(2) of the Internal Revenue Code of 1954.

(b) It is a misdemeanor for any person to receive a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution.

(c) A violation of subdivision (b) of this section shall be punishable by a fine not to exceed ten thousand dollars ($10,000), which fine shall be deposited in the general fund of the city, county, or city and county which enacted the ordinance authorizing the bingo game.

(d) The city, county, or city and county which enacted the ordinance authorizing the bingo game may bring an action to enjoin a violation of this section.

(e) No minors shall be allowed to participate in any bingo game.

(f) A nonprofit, charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized.

(g) All bingo games shall be open to the public, not just to the members of the nonprofit charitable organization.

(h) A bingo game shall be operated and staffed only by members of the nonprofit charitable organization which organized it. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision, or any other phase of such game.

(i) No individual corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

(j) All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account.

(k) A city, county, or city and county may impose a license fee, not to exceed the actual cost of issuing such license, on each nonprofit, charitable organization which it authorizes to conduct bingo games.

(*l*) No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.

(m) The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars ($250) in cash or kind, or both, for each separate game which is held.

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(n) As used in this section "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.

SEC. 2. This act shall become operative only if Assembly Constitutional Amendment No. 3 of the 1975–76 Regular Session is adopted by the people, in which case this act shall become operative at the same time as such constitutional amendment.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 870

An act to amend Section 633 of, and to add Section 135.4 and Chapter 5.4 (commencing with Section 1441) to Part 1 of Division 1 of, the Unemployment Insurance Code, relating to legislative employee unemployment insurance.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 135.4 is added to the Unemployment Insurance Code, to read:

135.4. "Employing unit" also means the State of California for the purposes of Chapter 5.4 (commencing with Section 1441) of this part.

SEC. 2. Section 633 of the Unemployment Insurance Code is amended to read:

633. Except as provided in Sections 603.5, 605, 605.1, 605.5, 709, 710, 710.2, 710.3, and 710.5, and in Chapters 5.4 (commencing with Section 1441), 5.5 (commencing with Section 1451), and 5.6 (commencing with Section 1461) of this part, "employment" does not include service performed in the employ of a state, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions.

SEC. 3. Chapter 5.4 (commencing with Section 1441) is added to Part 1 of Division 1 of the Unemployment Insurance Code, to read:

CHAPTER 5.4. UNEMPLOYMENT COMPENSATION FOR EMPLOYEES OF THE LEGISLATURE

1441. Except as provided in this chapter, a legislative employee shall be eligible for unemployment compensation benefits on the same terms and conditions as are specified by this part, Part 3 (commencing with Section 3501) of this division, and Part 4

(commencing with Section 4001) of this division, for all other individuals. Except as inconsistent with the provisions of this chapter, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this chapter. A legislative employee shall have no rights, based on state wages, to disability benefits under this division.

1442. A legislative employee may use state wages for benefits under this chapter only with respect to the benefit year established by the first new claim for benefits after his termination from employment with the state. No new claim for benefits under this chapter shall have an effective date beginning earlier than the effective date of this chapter.

1443. As used in this chapter:

(a) "Legislative employee" means an individual who has been employed by the Legislature on a full-time basis for a period of six consecutive months immediately prior to his receipt of a written notice of layoff for lack of work with an effective date on or after March 1, 1975.

(b) "State wages" means all remuneration payable to a legislative employee for personal services performed as a legislative employee prior to the effective date of such notice of layoff.

(c) "State base period" means the period of the last four complete consecutive calendar quarters, and any subsequent complete and partial calendar month or months, immediately preceding the effective date of a new claim for unemployment compensation benefits by a legislative employee.

(d) "Base period" means the base period defined by Section 1275.

1444. State wages shall be included as wages for the purposes of this part in the base period of a legislative employee.

1445. If the inclusion of state wages and wages in employment paid during the base period of a legislative employee do not result in a claim for a maximum benefit amount and a maximum weekly benefit amount under this part, the claim shall be recomputed on the basis of state wages paid to or owing but unpaid to the legislative employee during his state base period and wages in employment paid to him during that portion of his base period that is included in his state base period. He shall be entitled to an award for his claim for the higher of the benefit amounts so computed.

1446. (a) In lieu of the contributions required of employers, the State of California shall pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (b), an amount equal to the additional cost to the Unemployment Fund of the benefits (including extended duration benefits and federal-state extended benefits) paid based on base period state wages or state base period state wages with respect to employment of legislative employees. Benefits otherwise payable, irrespective of this chapter, shall be charged to employers' reserve accounts in accordance with other sections of this part and shall be the liability of governmental entities or nonprofit organizations

pursuant to Section 803, but the additional cost to the Unemployment Fund of the benefits paid based on base period state wages or state base period state wages pursuant to this chapter shall be borne solely by the State of California.

(b) In making the payments prescribed by subdivision (a), there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from the State of California under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the Controller the amount determined with respect to the State of California. The Controller shall pay to the Unemployment Fund the contributions due from the State of California.

(c) The director may require from the Legislature employment, wage, financial, statistical, or other information and reports, properly verified, as may be deemed necessary by the director to carry out his duties under this chapter, which shall be filed with the director at the time and in the manner prescribed by him.

(d) The director may tabulate and publish information obtained pursuant to this chapter in statistical form.

(e) The Legislature shall keep such work records as may be prescribed by the director for the proper administration of this chapter.

(f) Notwithstanding any other provision of law, the State of California shall not be liable for that portion of any extended duration benefits or federal-state extended benefits which is reimbursed or reimbursable by the federal government to the State of California.

CHAPTER 871

An act to add Article 2.5 (commencing with Section 12975) to Chapter 1 of Division 10 of the Education Code, relating to bilingual employees in school districts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 12975) is added to Chapter 1 of Division 10 of the Education Code, to read:

Article 2.5. Bilingual Office Employees

12975. The Legislature hereby finds that when a public school that provides instruction in kindergarten or any of grades 1 through 12 has a substantial number of pupils who, together with their parents or guardians, speak a single primary language other than English, and does not have in its employ one or more bilingual employees fluent in both English and the primary language of such pupils and their parents or guardians, a serious educational disadvantage results for the pupils. Effective communication between the school authorities and both the affected pupils and their parents and guardians is absolutely essential to an effective educational program. It is, therefore, the intent of the Legislature in enacting this article to remove some of the barriers that face pupils who, together with their parents or guardians, speak a single primary language other than English, and to provide them, through more effective communication, with the most beneficial education possible from the public elementary schools, junior high schools, and high schools of this state.

12976. When at least 15 percent of the pupils enrolled in a public school that provides instruction in kindergarten or any of grades 1 through 12 speak a single primary language other than English, the governing board of the school district in which such school is located shall hire a bilingual person for the administrative office of each such school, as soon as a position is available as provided by Section 12978, to serve as a bilingual community liaison person or a paraprofessional, clerical, or other qualified employee of each such school, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10, who is fluent in both English and in the primary language spoken by such pupils and their parents or guardians.

12977. The bilingual person employed pursuant to this article shall have as a principal function the communication with parents or guardians of such students in the primary language of the parents or guardians.

The governing board of the school district may make additional, reasonable assignments of duties for such bilingual employees.

12978. This article shall not be construed as requiring school districts to replace existing classified personnel or to employ additional classified personnel. However, in any case in which additional classified positions are added to the administrative staff of a school which does not already employ a person as described in Section 12976, or if a vacancy is to be filled in a classified position in the administrative staff of such a school, the provisions of Section 12976 shall be adhered to in filling such position.

SEC. 2. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 872

An act to add Section 1619.1 to, and to add Article 2.6 (commencing with Section 1645) to Chapter 4 of Division 2 of, and to amend Sections 1633.5, 1725, 1740, 1741, 1743, 1747, 1753, 1756, 1760, 1764, 1765 and 1766 of, and to repeal Sections 1647 and 1755 of, the Business and Professions Code, relating to the healing arts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1619.1 is added to the Business and Professions Code, to read:

1619.1. Notwithstanding Section 1619, the board need not retain the National Board of Dental Examiners' examination papers.

SEC. 2. Section 1633.5 of the Business and Professions Code is amended to read:

1633.5. Notwithstanding any other provision of this chapter, the board may require each applicant to successfully complete the National Board of Dental Examiners' written examination administered by the National Board of Dental Examiners as evidenced by a receipt of a certificate from that board. Notwithstanding Section 1633, an applicant who has successfully completed such examination shall be exempt from further written examination requirements.

SEC. 4. Article 2.6 (commencing with Section 1645) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 2.6. Continuing Education

1645. Effective with the 1974 license renewal period, if the board determines that the public health and safety would be served by requiring all holders of licenses under this chapter to continue their education after receiving such license, it may require, as a condition to the renewal thereof, that they submit assurances satisfactory to the board that they will, during the succeeding two-year period, inform themselves of the developments in the practice of dentistry occurring since the original issuance of their licenses by pursuing one or more courses of study satisfactory to the board or by other means deemed equivalent by the board.

The board shall adopt regulations providing for the suspension of the licenses at the end of such two-year period until compliance with the assurances provided for in this section is accomplished.

SEC. 5. Section 1647 of the Business and Professions Code is repealed.

SEC. 6. Section 1725 of the Business and Professions Code is amended to read:

1725. The amount of charges and fees for dental auxiliaries licensed pursuant to this chapter shall be fixed by the board as is necessary for the purpose of carrying out the responsibilities required by this chapter as it relates to dental auxiliaries, subject to the following limitations:

(a) The fee for applicants for a license shall not exceed twenty dollars ($20).

(b) The fee for examination shall not exceed thirty dollars ($30).

(c) The renewal fee shall not exceed seven dollars ($7).

(d) The delinquency fee shall not exceed ten dollars ($10).

(e) The restoration fee for a license forfeited for nonregistration shall not exceed ten dollars ($10).

(f) No fees or charges other than those listed in subdivisions (a) through (e) above shall be levied by the board in connection with the licensure of dental auxiliaries pursuant to this chapter.

SEC. 7. Section 1740 of the Business and Professions Code is amended to read:

1740. It is the intention of the Legislature by enactment of this article to permit the full utilization of dental auxiliaries in order to meet the dental care needs of all the state's citizens. The Legislature further intends that the classifications of dental auxiliaries established pursuant to this article constitute a career ladder, permitting the continual advancement of persons to successively higher levels of licensure with additional training, and without repeating training for skills already acquired. The Legislature further intends that the Board of Dental Examiners of the State of California and its Committee on Dental Auxiliaries, in implementing this article, give specific consideration to the recommendations of the Advisory Committee on Utilization and Education of Dental Auxiliaries, established pursuant to Chapter 645 of the Statutes of 1972, and contained in its report to the Legislature dated March 20, 1973.

SEC. 8. Section 1741 of the Business and Professions Code is amended to read:

1741. As used in this article:

(a) "Board" means the Board of Dental Examiners of the State of California.

(b) "Committee" means the Committee on Dental Auxiliaries.

(c) "Direct supervision" means supervision of dental procedures based on instructions given by a licensed dentist, who must be physically present in the treatment facility during the performance of those procedures.

(d) "General supervision" means supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist during the performance of those procedures.

(e) "Dental auxiliary" means a person who may perform dental supportive procedures authorized by the provisions of this article.

SEC. 9. Section 1743 of the Business and Professions Code is amended to read:

1743. The committee shall consist of the following nine members:

One member who is a member of the board; one member who is a licensed dentist and a member of the board's examining committee; one member who is a licensed dentist who is neither a board nor examining committee member; three members who are licensed as registered dental hygienists, at least one of whom is actively employed in a private dental office; and three members who shall have become licensed as registered dental assistants within 12 months of the effective date of this section. Upon the first expiration of term of one of the members who is licensed as a registered dental hygienist, that member shall be replaced by an individual licensed as a registered dental hygienist in extended functions. Upon the first expiration of term of one of the members who is licensed as a registered dental assistant, that member shall be replaced by an individual licensed as a registered dental assistant in extended functions.

SEC. 10. Section 1747 of the Business and Professions Code is amended to read:

1747. The procedure on all matters relating to the denial, suspension, or revocation of licenses granted under this article shall be governed by the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 11. Section 1753 of the Business and Professions Code is amended to read:

1753. The board shall license as a registered dental assistant a person who satisfies either of the following requirements:

(a) Graduation from an educational program in dental assisting approved by the board, and satisfactory performance on an examination required by the board.

(b) Satisfactory work experience of more than 18 months as a dental assistant and satisfactory performance on an examination required by the board.

SEC. 12. Section 1755 of the Business and Professions Code is repealed.

SEC. 13. Section 1756 of the Business and Professions Code is amended to read:

1756. The board shall license as a registered dental assistant in extended functions a person who satisfies all of the following requirements:

(a) Status as a registered dental assistant.

(b) Completion of clinical training approved by the board in a facility affiliated with a dental school under the direct supervision of the dental school faculty.

(c) Satisfactory performance on an examination required by the board.

SEC. 14. Section 1760 of the Business and Professions Code is amended to read:

1760. The following functions may be performed by a registered dental hygienist in addition to those authorized pursuant to Section 1759:

(a) All functions which may be performed by a dental assistant or a registered dental assistant, under the degree of supervision required for such functions.

(b) Removal of lime deposits, accretions and stains from the unattached surface of the teeth, and application of topical agents essential to complete prophylaxis under the general supervision of a licensed dentist.

SEC. 15. Section 1764 of the Business and Professions Code is amended to read:

1764. Any person other than one who has been issued a license by the board who holds himself out as a registered dental assistant, or a registered dental assistant in extended functions, or a registered dental hygienist, or a registered dental hygienist in extended functions, or uses any other term indicating or implying he is licensed by the board in the aforementioned categories, is guilty of a misdemeanor.

SEC. 16. Section 1765 of the Business and Professions Code is amended to read:

1765. The license granted by the board to any registered dental assistant, registered dental assistant in extended functions, registered dental hygienist, or registered dental hygienist in extended functions, shall be subject to probation, suspension, revocation, or such other disciplinary actions as determined by the board for any of the following causes:

(a) Conviction of illegal use or possession of narcotics.

(b) Habitual intemperance.

(c) Incompetent performance, as determined by the board.

(d) Excessive use of any habit-forming drug.

(e) Conviction of any felony or crime involving moral turpitude, dishonesty, or corruption.

(f) Use of fraud in the procurement of any license issued pursuant to this chapter.

(g) Gross negligence, as determined by the board.

(h) Any action or conduct which would have warranted the denial of the license.

(i) Violation of any provision of this article.

SEC. 17. Section 1766 of the Business and Professions Code is amended to read:

1766. The provisions of Sections 1715, 1718, 1718.1, 1718.2, and

1718.3 shall govern the renewal, restoration, reinstatement, and reissuance of licenses issued under this article.

The license shall continue in effect through the date provided in Section 1715 which next occurs after its issuance, when it shall expire if not renewed.

CHAPTER 873

An act to amend Section 16737 of the Education Code, relating to child development programs.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16737 of the Education Code is amended to read:

16737. (a) The Superintendent of Public Instruction shall establish standards for the qualification of child development facilities as places of instruction and on-the-job training in preschool and child development services for persons fulfilling requirements for teaching credentials and permits and persons enrolled in child development courses, subject to approval by the Trustees of the California State University and Colleges and the Board of Governors of the California Community Colleges. The standards shall be so designed that credit given for such instruction of community college students and on-the-job training courses may be accepted towards degrees offered by both the California State University and Colleges and the community colleges.

(b) To the extent that there are child development facilities qualified under subdivision (a), the California State University and Colleges, the community colleges, and school districts may conduct instruction in preschool and child development services at such child development facilities, pursuant to contracts with the body operating the child development facilities. Such contracts shall include provision for the payment of all costs of operation as related to the state universities and colleges, the community colleges, or the school districts, including overhead costs.

CHAPTER 874

An act to amend Sections 6011, 6012, 6013, 6014, 6015, and 6016 of, and to add Sections 6013.5, 6026.5, 6046.5, and 6086.6 to, the Business and Professions Code, relating to attorneys, and making an appropriation therefor.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6011 of the Business and Professions Code is amended to read:

6011. The board consists of 21 members.

SEC. 2. Section 6012 of the Business and Professions Code is amended to read:

6012. For the purpose of conducting elections of the attorney members of the board, the state is divided into State Bar districts constituted by combining counties and designated by numbers, as follows:

(a) State Bar District No. 1, comprising the following counties: Del Norte, Humboldt, Mendocino, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Tehama, Glenn, Colusa, Butte, Yuba, Sutter, Lake, Nevada and Placer.

(b) State Bar District No. 2, comprising the following counties: El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, Sacramento, San Joaquin, Yolo, Napa, Solano, Sonoma and Marin.

(c) State Bar District No. 3, comprising the following counties: Contra Costa, Alameda and Santa Clara.

(d) State Bar District No. 4, comprising the City and County of San Francisco.

(e) State Bar District No. 5, comprising the following counties: Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern.

(f) State Bar District No. 6, comprising the following counties: San Mateo, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura.

(g) State Bar District No. 7, comprising the County of Los Angeles.

(h) State Bar District No. 8, comprising the following counties: Inyo, San Bernardino, Orange and Riverside.

(i) State Bar District No. 9, comprising the following counties: Imperial and San Diego.

SEC. 3. Section 6013 of the Business and Professions Code is amended to read:

6013. The attorney membership of the board is composed of:

(a) One member from each of State Bar Districts 1, 2, 5, 6, 8 and 9.

(b) Two members from each of State Bar Districts 3 and 4.

(c) Five members from State Bar District 7.

SEC. 4. Section 6013.5 is added to the Business and Professions Code, to read:

6013.5. Notwithstanding any other provision of law, six members of the board shall be members of the public who have never been members of the State Bar or admitted to practice before any court in the United States. They shall be appointed by the Governor, subject to the confirmation of the Senate.

Each of such members shall serve for a term of three years, commencing at the conclusion of the annual meeting next succeeding his appointment, except that for the initial term after enactment of this section, two shall serve for one year, two for two years, and the other two for three years, as determined by lot.

SEC. 5. Section 6014 of the Business and Professions Code is amended to read:

6014. Five of the attorney members of the board are elected each year for terms of three years each.

No person shall be nominated for, or eligible to, membership on the board who has served as a member for three years next preceding the expiration of his current term, or would have so served if his current term were completed.

Within the meaning of this section, the time intervening between any two successive annual meetings is deemed to be one year.

SEC. 6. Section 6015 of the Business and Professions Code is amended to read:

6015. No person is eligible for attorney membership on the board unless he is an active member of the State Bar and unless he maintains his principal office for the practice of law within the State Bar district from which he is elected.

One member of the board from State Bar District 7 elected in 1939, and any successor to this member, at the time of his election shall, and any member from the district may, maintain his principal office for the practice of law outside of the City of Los Angeles.

One member of the board from State Bar District 3 elected in 1941, and any successor to this member, at the time of his election shall, and any member from the district may, maintain his principal office for the practice of law outside of the City of Oakland.

SEC. 7. Section 6016 of the Business and Professions Code is amended to read:

6016. The term of office of each attorney member of the board shall commence at the conclusion of the annual meeting next succeeding his election, and he shall hold office until his successor is elected and qualified.

Vacancies in the board of governors shall be filled by the board by special election or by appointment for the unexpired term.

The board of governors may provide by rule for an interim board to act in the place and stead of the board when because of vacancies during terms of office there is less than a quorum of the board.

SEC. 7.5. Section 6026.5 is added to the Business and Professions Code, to read:

6026.5. Every meeting of the board shall be open to the public except those meetings, or portions thereof, relating to:

(a) Consultation with counsel concerning pending or prospective litigation.

(b) Involuntary enrollment of active members as inactive members due to mental infirmity or illness or addiction to intoxicants or drugs.

(c) The qualifications of judicial appointees, nominees, or candidates.

(d) The appointment, employment or dismissal of an employee, consultant, or officer of the State Bar or to hear complaints or charges brought against such employee, consultant, or officer unless such person requests a public hearing.

(e) Disciplinary investigations and proceedings, including resignations with disciplinary investigations or proceedings pending, and reinstatement proceedings.

(f) Appeals to the board from decisions of the Board of Legal Specialization refusing to certify or recertify an applicant or suspending or revoking a specialist's certificate.

(g) Appointments to or removals from committees, boards, or other entities.

(h) Joint meetings with agencies provided in Article VI of the California Constitution.

SEC. 8. Section 6046.5 is added to the Business and Professions Code, to read:

6046.5. Two members of the examining committee shall consist of public members who have never been members of the State Bar or admitted to practice before any court in the United States. The nonattorney members shall be appointed by the nonattorney members of the board of governors and shall serve for a term of four years except that for the initial term after enactment of this section, the first nonattorney appointed shall serve for two years and the other for four years. Such nonattorney members shall have the same rights, powers and privileges as any attorney member except that such member shall not participate in the drafting of questions submitted to applicants on the State Bar entrance examination.

SEC. 9. Section 6086.6 is added to the Business and Professions Code, to read:

6086.6. Two members of any disciplinary board appointed pursuant to Section 6086.5 shall consist of public members who have never been members of the State Bar or admitted to practice before any court in the United States. Such nonattorney members shall be appointed by the Governor and shall serve for a term of four years except that for the initial term after enactment of this section, the first nonattorney appointed shall serve for two years and the other for four years.

CHAPTER 875

An act to amend Sections 901, 902, 903, 904, and 951 of the Food and Agricultural Code, and to amend Section 316 of the Business and Professions Code, relating to agriculture.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 901 of the Food and Agricultural Code is amended to read:

901. There is in the state government the State Board of Food and Agriculture which consists of 15 members.

SEC. 2. Section 902 of the Food and Agricultural Code is amended to read:

902. The members of the board shall be appointed by the Governor as follows:

(a) One from the Agricultural Sciences Division of the University of California.

(b) One from the agricultural department of one of the state universities and colleges offering agriculture as a part of the curriculum.

(c) Two members shall be appointed from the state at large who represent the agricultural industry.

(d) Seven members, not more than one of whom shall be appointed from any one congressional district or from any one county, who represent the agricultural industry.

(e) Two members of the public who have no direct financial interest in the production or handling of agricultural products, but who have an interest in, and knowledge of, the environment.

(f) Two members of the public who have no direct financial interest in the production or handling of agricultural products, but who have an interest in, and knowledge of, consumer affairs.

SEC. 3. Section 903 of the Food and Agricultural Code is amended to read:

903. The term of office of the members of the board is four years. The terms expire on January 15 of each year in the rotation which is presently established. Vacancies shall be filled by appointment for the unexpired term. On February 1 of each year the Governor shall designate one of the members of the board to serve as president. The term of office of the members appointed pursuant to subdivision (f) of Section 902 shall commence on January 15, 1976.

SEC. 4. Section 904 of the Food and Agricultural Code is amended to read:

904. The members shall be residents and citizens of the state and shall be specially qualified for this service through actual farm business, economic agricultural training, environmental protection, or consumer affairs. Each member of the board representing the agricultural industry shall have a major interest in a separate branch of the agricultural industry.

SEC. 5. Section 951 of the Food and Agricultural Code is amended to read:

951. The board shall inquire into the needs of the agricultural industry of this state and the functions of the department in relation

to such needs, and confer and advise with the Governor and the director as to how the agricultural industry and the consumer of agricultural products may best be served by the department.

SEC. 6. Section 316 of the Business and Professions Code is amended to read:

316. (a) The Consumer Advisory Council consists of seven members appointed by the Governor, two of whom shall represent business, one of whom shall represent labor, two of whom shall represent voluntary consumer agencies, and two of whom shall be public members. One of the business representatives shall have a direct interest in the production or handling of an agricultural commodity.

(b) One Member of the Senate, appointed by the Senate Committee on Rules, and one Member of the Assembly, appointed by the Speaker of the Assembly shall meet with, and participate in, the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For the purposes of this chapter such Members of the Legislature shall constitute a joint legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

CHAPTER 876

An act to add Section 10172.5 to the Insurance Code, relating to life insurance.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 10172.5 is added to the Insurance Code, to read:

10172.5. (a) Notwithstanding any other provision of law, each insurer admitted to transact life insurance in this state which fails or refuses to pay the proceeds of, or payments under, any policy of life insurance issued by it within 30 days after the date of death of the insured shall pay interest, at a rate not less than the then current rate of interest on death proceeds left on deposit with the insurer computed from the date of the insured's death, on any moneys payable and unpaid after the expiration of such 30-day period. This section shall apply only to deaths of insureds which occur on or after January 1, 1976.

(b) Nothing in this section shall be construed to allow any insurer admitted to transact life insurance in this state to withhold payment

of money payable under a life insurance policy to any beneficiary for a period longer than reasonably necessary to transmit such payment. Whenever possible payment shall be made within 30 days after the date of death of the insured.

(c) In any case in which interest on the proceeds of, or payments under, any policy of life insurance becomes payable pursuant to subdivision (a), the insurer shall notify the named beneficiary or beneficiaries at their last known address that interest will be paid on the proceeds of, or payments under, such policy from the date of death of the named insured. Such notice shall specify the rate of interest to be paid.

(d) This section shall not require the payment of interest in any case in which the beneficiary elects in writing delivered to the insurer to receive the proceeds of, or payments under, the policy by any means other than a lump sum payment thereof.

CHAPTER 877

An act to amend Sections 286 and 288a of the Penal Code, as amended by Chapter 71 of the Statutes of 1975, relating to sexual offenses.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 286 of the Penal Code, as amended by Chapter 71 of the Statutes of 1975, is amended to read:

286. (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person.

(b) (1) Any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison for a period of not more than five years or in a county jail for a period of not more than one year.

(2) Any person over the age of 21 who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he, or who has compelled the participation of another person in an act of sodomy by force, violence, duress, menace, or threat of great bodily harm, shall be punished by imprisonment in the state prison for a period of not less than three years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting such other person, commits an act of sodomy by force or violence and against the will of the victim shall be punished by imprisonment in

the state prison for a period of five years to life.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison for a period of not more than five years, or in a county jail for a period of not more than one year.

SEC. 2. Section 288a of the Penal Code, as amended by Chapter 71 of the Statutes of 1975, is amended to read:

288a. (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ of another person.

(b) (1) Any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison for a period of not more than five years or in a county jail for a period of not more than one year.

(2) Any person over the age of 21 who participates in an act of oral copulation with another person who is under 16 years of age shall be guilty of a felony.

(c) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he, or who has compelled the participation of another person in an act of oral copulation by force, violence, duress, menace, or threat of great bodily harm, shall be punished by imprisonment in the state prison for a period not less than three years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting such other person, commits an act of oral copulation by force or violence and against the will of the victim shall be punished by imprisonment in the state prison for a period of five years to life.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison for a period of not more than five years, or in a county jail for a period of not more than one year.

CHAPTER 878

An act to amend Section 13994 of the Health and Safety Code, relating to fire protection.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13994 of the Health and Safety Code is amended to read:

13994. Notice of the hearing shall be given by the publication of a copy of the resolution in the manner prescribed for the publication of notices in Article 1 (commencing with Section 58000), Chapter 1, Division 1, Title 6 of the Government Code.

Notice of the hearing shall also be given to the affected property owners by the mailing by first-class mail or delivering of a copy of the resolution, at least three weeks prior to the date set for the hearing, to all property owners within the boundaries of the area affected or by the posting at least 10 days in advance of the hearing of a copy of the resolution on all the open streets within the boundaries of the area affected at not more than 300 feet in distance apart on each street so posted except that no proceeding shall be held invalid for failure to post any street if this section has been substantially complied with.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 879

An act to amend Section 11010 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made

for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

(j) A true statement of the amount of indebtedness which is a lien upon the subdivision or any part thereof, and which was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(k) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area or assessment district, within the boundaries of which, the subdivision, or any part thereof, is located, and which is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to such subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(*l*) A statement approved or ratified by the governing board or boards of the public school district or districts serving the subdivision indicating the location and distance from the farthest lot in the tract to the nearest high school, junior high school and elementary school; whether schoolbus transportation is available to each of the aforementioned schools and, if so, at whose expense and under what conditions; and such other information concerning the availability of schools which the public school district or districts believes will be of importance to prospective purchasers of dwelling units within the subdivision.

(m) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision and, where applicable, the noise and safety zone boundaries and associated land use regulations adopted by the airport land use commission of the county or counties for the area surrounding each such airport.

(n) Such other information as the owner, his agent, or subdivider, may desire to present.

CHAPTER 880

An act to amend Section 361 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 361 of the Streets and Highways Code is amended to read:

361. Route 61 is from Route 84 near Newark to Route 17 near Albany via the vicinity of San Leandro and Oakland International Airport and via Alameda.

No portion of Route 61 shall be constructed as a freeway north of Hegenberger Road, except for a direct connection across San Leandro Bay to Route 17 at the 66th Avenue Interchange.

CHAPTER 881

An act making an appropriation for the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of two hundred fifty thousand dollars ($250,000) is hereby appropriated from the Collier Park Preservation Fund in the State Treasury to the Department of Parks and Recreation for the acquisition of lands adjacent to Torrey Pines State Reserve as an addition to Torrey Pines State Reserve; provided, that such funds shall not be expended on the purchase price of any real property until the State Public Works Board has determined that the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services, and all material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect The facts constituting such necessity are:

In order for the state to acquire and preserve lands of significant environmental value, it is necessary that this act take immediate effect.

CHAPTER 882

An act to add Section 204.6 to the Elections Code, relating to elections.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 204.6 is added to the Elections Code, to read:

204.6. The county clerk shall keep and maintain a current file listing all persons appointed or deputized by the county clerk to register voters, which file shall be open to public inspection. Such file shall include the party affiliation, if any, of each person listed.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 883

An act to add Section 461 to the Business and Professions Code, relating to arrest records.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 461 is added to the Business and Professions Code, to read:

461. No public agency, state or local, shall, on an initial application form for any license, certificate or registration, ask for or require the applicant to reveal a record of arrest that did not result in a conviction or a plea of nolo contendere A violation of this section is a misdemeanor.

This section shall apply in the case of any license, certificate or registration provided for by any law of this state or local government, including, but not limited to, this code, the Corporations Code, the

Education Code, and the Insurance Code.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 884

An act to add Section 35152.6 to, the Water Code, relating to California water districts, and declaring the urgency thereof, to take effect immediately

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 35152.6 is added to the Water Code, to read·

35152.6. Notwithstanding any other provision of law, or the bylaws of a district, the bonds of a district or improvement district and the warrants of a district or improvement district authorized pursuant to Section 36402.1 shall be authorized to be issued upon the favorable vote of the requisite number of votes cast, as otherwise provided in this division, by the resident registered voters of the district or the improvement district, if within the district or within the improvement district on the date the election is called at least 50 percent of the assessable area is zoned for residential, industrial, or nonagricultural commercial use, or any combination thereof, and there are 12 or more registered voters residing therein. Such facts shall be certified to the board of directors by the secretary of the district, which certification shall be conclusive evidence thereof. Notwithstanding any other provision of law, notice of an election to be conducted pursuant to this section shall be given as provided in Section 6066 of the Government Code and shall, as nearly as practicable, contain the information specified in Section 35152.

In all other respects, elections conducted pursuant to this section shall be called, held, conducted and canvassed, and the results of the canvass declared, in the same manner and under the provisions of the Uniform District Election Law relating to resident voter elections

This section shall not affect the validity of bonds and warrants heretofore or hereafter authorized by any other provision of this division.

SEC 2. No appropriation is made by this act, nor is any

obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as certain California water districts require this statutory authority in order to provide for the authorization of bond issues at the November 1975 election, which will result in substantial savings to the taxpayers of those districts and will provide necessary funds for the construction or acquisition of needed facilities, it is necessary that this act take effect immediately as an urgency statute.

CHAPTER 885

An act to amend Section 13337.3 of the Education Code, relating to school certificated employees.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13337.3 of the Education Code is amended to read:

13337.3 Notwithstanding the provisions of Sections 13336 and 13337, the governing board of a school district may employ as a teacher, for a complete school year, but not less than one semester during a school year unless the date of rendering first paid service begins during the second semester and prior to March 15th, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees during a particular semester or year because a certificated employee has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified by the governing board as a probationary employee and the previous year's employment as a temporary employee shall be deemed one year's employment as a probationary employee for purposes of acquiring permanent status.

For purposes of this section "vacant position" means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave.

CHAPTER 886

An act to add Division 7.5 (commencing with Section 8650) to the Public Resources Code, relating to the Arroyo Seco.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Division 7.5 (commencing with Section 8650) is added to the Public Resources Code, to read:

DIVISION 7.5. ARROYO SECO PARKLANDS

8650. This division shall be known and may be cited as the Arroyo Seco Parklands Preservation Law of 1975.

8651. "Arroyo Seco" means that streambed, ranging from 200 to 2,000 feet in width, from the Los Angeles River in the City of Los Angeles to Devil's Gate Dam in the City of Pasadena.

8652. "Parklands" means the acreage designated as parklands by the Cities of Los Angeles, South Pasadena, and Pasadena prior to January 1, 1975, and includes wilderness areas, historic sites, established bridle trails, municipal golf courses, hiking trails, lawn bowling greens, tennis courts, children's playgrounds, picnic areas, baseball diamonds, lighted areas for basketball, soccer, and football, a band shell, community buildings, an outdoor gym, casting pool, and an archery range.

8653. "Construction already underway" means all projects of the California Highway Commission for which agreements exist as of May 1, 1974.

8654 "Three acres for the Pasadena Freeway (State Highway Route 11) ramps" means the three acres to be taken for the proposed ramp improvement project on that freeway, as defined by a draft environmental impact report released in May 1974 by the Department of Transportation.

8655. With the exception of the construction already underway and the three acres for the Pasadena Freeway ramps, no portion of the parklands in, and adjacent to, the Arroyo Seco shall be taken or encroached upon for any state highway purpose.

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CHAPTER 887

An act to add Section 31000.8 to the Government Code, relating to the power of counties and other public agencies to contract, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31000.8 is added to the Government Code, to read as follows:

31000.8. Notwithstanding any other law to the contrary, the board of supervisors of a county which is wholly or partially self-insured under the workers compensation laws, or which is wholly or partially self-insured against public liability, may contract with a qualified firm for the purpose of having such firm render investigative, administrative, and claims adjustment services relating to workers' compensation and public liability claims against the county. The contract may provide that the contracting firm may reject, settle, compromise and approve workers compensation and public liability claims against the county, its officers or employees, within such limits and for such amounts as the board of supervisors may specify, and may provide that the contracting firm may execute and issue checks in payment of such claims, which checks shall be payable only from a trust fund which may be established by the board of supervisors. Funds in the trust fund established by the board pursuant to the provisions of this section shall not exceed the sum of five thousand dollars ($5,000) at any one time. The rejection or settlement and approval of a claim by the contracting firm in accordance with the terms of the contract shall have the same effect as would the rejection or settlement and approval of such a claim by the board of supervisors and the county auditor. The contract may also provide that the contracting firm may employ legal counsel, subject to such terms and limitations as the board may prescribe, to advise such contracting firm concerning the legality and advisability of rejecting, settling, compromising and paying claims referred to said contracting firm by the county for investigation and adjustment, or to represent the county in litigation concerning such claims. The compensation and expenses of such attorney for services rendered to the county shall be county charges.

The contract provided for in this section may contain such other terms and conditions as the board of supervisors may consider necessary or desirable to effectuate the county's self-insured programs.

In lieu of, or in addition to, contracting for the services described in this section, the board of supervisors may authorize the county's auditor or auditor-controller to perform any or all of the services and

functions which the board may contract for under the provisions of this section.

As used in this section:

(a) "Firm" includes a person, corporation, or other legal entity.

(b) "Board of supervisors" includes governing boards of districts and other public agencies for which the board of supervisors acts as the governing board.

(c) "County" includes such districts and other public agencies for which the board of supervisors acts as the governing board.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain counties have had their public liability insurance coverage canceled and have either been unable to obtain any liability insurance coverage or have had to obtain insurance coverage with prescribed deductible limits. Because of lack of manpower and facilities required to convert from a fully insured to a self-insured status, several of the counties affected will have to enter into contracts with private firms to provide investigative and claims adjustment services in connection with claims against such counties. However, present laws severely limit the ability of counties to provide or arrange for the prompt and efficient settlement and payment of claims against such counties. This act is necessary to enable counties to provide for the prompt settlement and payment of claims against them and to facilitate the prompt and orderly transition of the counties affected from a fully insured to a self-insured status

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CHAPTER 888

An act to amend Section 13320 of the Water Code, relating to water quality control.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, Chapter 5.5 (commencing with Section 13370) of this division, Chapter 7 (commencing with Section 13500) of this division, or Division 7.5 (commencing with Section 14000), any aggrieved person may

petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The state board may, on its own motion, at any time review such action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4 of this division.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

CHAPTER 889

An act to amend Section 1252 of, and to add Section 1253.6 to the Unemployment Insurance Code, relating to unemployment compensation.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1252 of the Unemployment Insurance Code is amended to read.

1252. (a) An individual is "unemployed" in any week in which he meets any of the following conditions:

(1) Any week during which he performs no services and with respect to which no wages are payable to him.

(2) Any week of less than full-time work if the wages payable to him with respect to that week are less than his weekly benefit amount.

(3) Any week for which, except for the requirements of subdivision (d) of Section 1253, he would be eligible for benefits under Section 1253.5

(4) Any week during which he performs full-time work for five days as a juror if the wages payable to him with respect to that week are less than his weekly benefit amount.

(b) Authorized regulations shall be prescribed making such distinctions as may be necessary in the procedures applicable to unemployed individuals as to total unemployment, part-total employment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work.

(c) For the purpose of this section only the term "wages" includes any and all compensation for personal services whether performed as an employee or as an independent contractor or as a juror or as a witness.

SEC. 2. Section 1253 6 is added to the Unemployment Insurance Code, to read:

1253.6 For purposes of subdivision (c) of Section 1253, an unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits, shall not be deemed to be not able to, or unavailable for, work for any week in which such person is not able to, or available for, work solely because such person is serving on a grand or petit jury.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no new duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 890

An act to amend Sections 1379, 2739, 3751, and 4751 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 1379 of the Unemployment Insurance Code is amended to read:

1379. The Director of Employment Development, subject to the provisions of this article, may do any or all of the following in the recovery of overpayments of unemployment compensation benefits:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after any of the following:

(1) The mailing or personal service of the notice of overpayment determination if the person affected does not file an appeal to a referee.

(2) The mailing of the decision of the referee if the person

affected does not initiate a further appeal to the appeals board.

(3) The date of the decision of the appeals board.

(b) Offset the amount of the overpayment received by the liable person against any amount of benefits to which he may become entitled under this division within any of the following periods:

(1) The current disability benefit period.

(2) The current benefit year.

(3) Any benefit year which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

(4) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

SEC. 2. Section 2739 of the Unemployment Insurance Code is amended to read:

2739. The Director of Employment Development, subject to the provisions of this article, may do any or all of the following in the recovery of overpayments of disability benefits:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after any of the following.

(1) The mailing or personal service of the notice of overpayment determination if the person affected does not file an appeal to a referee.

(2) The mailing of the decision of the referee if the person affected does not initiate a further appeal to the appeals board.

(3) The date of the decision of the appeals board.

(b) Offset the amount of the overpayment received by the liable person against any amount of disability benefits to which he may become entitled within any of the following periods:

(1) The current disability benefit period.

(2) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

SEC. 3. Section 3751 of the Unemployment Insurance Code is amended to read:

3751. The provisions of Article 4 (commencing with Section 1375) of Chapter 5 of Part 1 of this division are modified in the following respects:

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of extended duration benefits shall be mailed or personally served by the Employment Development Department not later than one year after the close of the extended duration period in which the overpayment was made.

(b) The Director of Employment Development may offset an overpayment of extended duration benefits, or federal-state extended benefits, or unemployment compensation benefits against

any of such three types of benefits or against disability benefits to which the liable person may become entitled under this division. The Director of Employment Development may offset the amount of any such overpayments within any of the periods prescribed by subdivision (b) of Section 1379, and further within the current extended duration period or current extended benefit period established under Part 4 (commencing with Section 4001) of this division or any extended benefit period or any extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such notice of overpayment.

SEC. 4. Section 4751 of the Unemployment Insurance Code is amended to read:

4751. The provisions of Article 4 (commencing with Section 1375) of Chapter 5 of Part 1 of this division are modified in the following respects:

(a) In the absence of fraud, misrepresentation, or willful nondisclosure, the notice of overpayment of federal-state extended benefits shall be mailed or personally served by the Employment Development Department not later than one year after the close of the extended benefit period in which the overpayment was made.

(b) The Director of Employment Development may offset an overpayment of extended duration benefits, or federal-state extended benefits, or unemployment compensation benefits against any of such three types of benefits or against disability benefits to which the liable person may become entitled under this division. The Director of Employment Development may offset the amount of any such overpayments within any of the periods prescribed by subdivision (b) of Section 1379, and further within the current extended duration period or current extended benefit period or any extended benefit period or extended duration period which begins during the three-year period next succeeding the date of the mailing or personal service of such notice of overpayment.

CHAPTER 891

An act to add Sections 11703.2, 11703.3, and 11705.4 to the Vehicle Code, relating to occupational licenses.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 11703.2 is added to the Vehicle Code, to read:

11703.2. The department may refuse to issue a license to a manufacturer, manufacturer branch, distributor, distributor branch,

transporter, or dealer, when it determines that the applicant has outstanding an unsatisfied final judgment rendered in connection with the purchase, sale, or lease of any vehicle.

SEC. 2. Section 11703.3 is added to the Vehicle Code, to read:

11703.3. A person whose application for a license has been denied may reapply for a license after a period of not less than one year has elapsed from the effective date of the decision denying the application; except that if the denial was entered under the authority of Section 11703.2, a reapplication accompanied by evidence satisfactory to the department that such grounds no longer exist may be made earlier than such one-year period.

SEC. 3. Section 11705.4 is added to the Vehicle Code, to read:

11705.4. (a) The department, after notice and hearing, may suspend or revoke the license issued to a dealer, transporter, manufacturer, manufacturer branch, distributor, or distributor branch upon determining that the person to whom the license was issued is not lawfully entitled thereto or has willfully violated the terms and conditions of any written warranty as set forth in Title 1.7 (commencing with Section 1790) of Part 4 of Division 3 of the Civil Code.

(b) Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. This act shall become operative on July 1, 1976.

CHAPTER 892

An act to amend Section 1632 of the Civil Code, relating to contracts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1632 of the Civil Code is amended to read:

1632. (a) Any person engaged in a trade or business who negotiates primarily in the Spanish language orally or in writing in the course of entering into:

(1) A contract or agreement subject to the provisions of Title 2 (commencing with Section 1801) of, and Chapter 2b (commencing with Section 2981) and Chapter 2d (commencing with Section 2985.7) of Title 14 of, Part 4 of Division 3;

(2) A loan or extension of credit secured other than by real property, or unsecured, for use primarily for personal, family or household purposes;

(3) A lease, sublease, rental contract or agreement, or other form of tenancy contract or agreement, for a period of longer than

one month, covering a dwelling, an apartment, or mobilehome, or other dwelling unit normally occupied as a residence; or

(4) Notwithstanding paragraph (2), a loan or extension of credit for use primarily for personal, family or household purposes where such loan or extension of credit is subject to the provisions of Article 7 (commencing with Section 10240), Chapter 3, Part 1, Division 4 of the Business and Professions Code, or Division 7 (commencing with Section 18000) or Division 9 (commencing with Section 22000) of the Financial Code; or

(5) A contract or agreement, containing a statement of fees or charges, entered into for the purpose of obtaining legal services, when the person who is engaged in business is currently licensed to practice law pursuant to Chapter 4 (commencing with Section 6000) of Division 3 of the Business and Professions Code;

shall, upon the request of any party to such contract or agreement and prior to the execution thereof, make available an unexecuted Spanish-language translation of the contract or agreement, except that for a loan subject to this part and to the provisions of Article 7 (commencing with Section 12040), Chapter 3, Part 1 of Division 4 of the Business and Professions Code, the making available upon request of a party to such loan or extension of credit, a Spanish-language translation of the statement to borrower required by Section 10240 of the Business and Professions Code, shall be deemed compliance with this subdivision. A form for such translation may be approved by the Department of Consumer Affairs. At the time and place where a contract or agreement described in this paragraph is entered into, a Spanish-language notice shall be provided to the lessee or tenant.

(b) At the time and place where a contract or agreement described in paragraph (1) or (2) of subdivision (a) is entered into, a Spanish-language notice shall be provided and conspicuously displayed to the effect that the person described in subdivision (a) is required to make available upon request an unexecuted Spanish-language contract or agreement. The form for the Spanish-language notice and the Spanish-language contract or agreement may be approved by the Department of Consumer Affairs. If a person described in subdivision (a) does business at more than one location or branch, the requirements of this section shall apply only with respect to the location or branch at which the Spanish language is used.

(c) The term "contract" or "agreement," as used in this section, means the document creating the rights and obligations of the parties and includes any subsequent document making substantial changes in the rights and obligations of the parties. The term "contract" or "agreement" does not include any subsequent documents authorized or contemplated by the original document such as periodic statements, sales slips or invoices representing purchases made pursuant to a credit card agreement, a retail installment contract or account or other revolving sales or loan

account, memoranda of purchases in an add-on sale, or refinancing of a purchase as provided by, or pursuant to, the original document.

The term "contract" or "agreement" does not include a home improvement contract as defined in Sections 7151.2 and 7159 of the Business and Professions Code, nor does it include plans, specifications, description of work to be done and materials to be used, or collateral security taken or to be taken for the retail buyer's obligation contained in a contract for the installation of goods by a contractor licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, if such home improvement contract or installation contract is otherwise a part of a contract described in subdivision (a).

Matters ordinarily incorporated by reference in contracts or agreements as described in paragraph (3) of subdivision (a), including but not limited to rules and regulations governing a tenancy and inventories of furnishings to be provided by the person described in subsection (a) are not included in the term "contract" or "agreement."

(d) This section shall not apply to any person engaged in a trade or business who negotiates primarily in the Spanish language as described by subdivision (a) if the party with whom he is negotiating is a buyer of goods or services, or receives a loan or extension of credit, or enters an agreement obligating himself as a tenant, lessee, or sublessee, or similarly obligates himself by contract or lease, and such party negotiates the terms of the contract, lease, or other obligation through his own interpreter.

As used in this subdivision, "his own interpreter" means a person able to speak fluently and read with full understanding the English and Spanish languages, and who is not employed by, or whose service is made available through, the person engaged in the trade or business.

The terms of the contract or agreement which is executed in English shall determine the rights and obligations of the parties. However, the Spanish-language translation of the contract shall be admissible in evidence only to show that no contract was entered into because of a substantial difference in the material terms and conditions of the contract and the translation.

(f) Upon a failure to comply with the provisions of this section, the person aggrieved may rescind the contract or agreement in the manner provided by this chapter. When the contract for a consumer credit sale or consumer lease which has been sold and assigned to a financial institution is rescinded pursuant to this subdivision, the consumer shall make restitution to and have restitution made by the person with whom he made the contract, and shall give notice of rescission to the assignee. Notwithstanding that the contract was assigned without recourse, the assignment shall be deemed rescinded and the assignor shall promptly repurchase the contract from the assignee.

(g) This section shall apply to contracts or agreements entered

into on or after July 1, 1976.

(h) The Department of Consumer Affairs shall approve acceptable language for printed forms of Spanish-language translations of contracts, agreements, and notices by January 1, 1976.

(i) Any error or omission in the translation of a contract or agreement from English to Spanish by the Department of Consumer Affairs is deemed to be a "misrepresentation" as that term is used in Section 822.2 of the Government Code.

Notwithstanding any other provision of law, the liability of the Department of Consumer Affairs and its employees in translation of contracts from English to Spanish is limited to misrepresentations in such translations and the liability of the Department of Consumer Affairs and employees is controlled by Sections 815.2 and 822.2 of the Government Code.

(j) No advertisement, announcement, publication or other representation either oral or written that a contract or agreement translation from English to Spanish has been prepared or approved by the Department of Consumer Affairs may be made by any person, business or employee utilizing such translated contracts or agreements except as provided herein.

A notice printed on the bottom of the first page of such a contract or agreement in a typeface no larger than that predominantly used in the body of the contract may be used to indicate that the contract translation has been prepared or approved by the Department of Consumer Affairs. The notice shall state in both Spanish and English: "Translation only verified by the California Department of Consumer Affairs". The statement will have the word "only" underlined in both Spanish and English notices. No seal or other recognized symbol of the Department of Consumer Affairs may be used thereon. The notice of verification by the Department of Consumer Affairs shall appear on the Spanish translation only.

(k) Immediately upon the enactment of this provision the Department of Consumer Affairs shall prepare a schedule of fees for translation-form approvals as set forth herein.

(*l*) This section shall not apply to any person engaged in a trade or business who negotiates primarily in the Spanish language as described by subdivision (a) if the party with whom he is negotiating is a buyer of goods or services, or receives a loan or extension of credit, or enters an agreement obligating himself as a tenant, lessee, or sublessee, or similarly obligates himself by contract or lease, and that such party negotiates the terms of the contract, lease, or other obligation through his own interpreter.

As used in this subdivision, "his own interpreter" means a person able to speak fluently and read with full understanding the English and Spanish languages, and who is not employed by, or whose service is made available through, the person engaged in the trade or business.

CHAPTER 893

An act to add Section 71610.5 to the Water Code, relating to municipal water districts.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 71610.5 is added to the Water Code, to read:

71610.5. A district may undertake a water conservation program to reduce water use and may require, as a condition of new service, that reasonable water-saving devices and water reclamation devices be installed to reduce water use.

CHAPTER 894

An act to amend and repeal Section 53651 of the Government Code, and to repeal Section 7 of Chapter 464 of the Statutes of 1973, relating to the investment of public funds.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53651 of the Government Code, as amended by Section 4 of Chapter 464 of the Statutes of 1973, is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness, or obligations for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, sales tax revenue bonds, and revenue bonds and other obligations payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United

States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by the United States Postal Service, federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, bonds of any federal home loan bank established under said act, and obligations of the Tennessee Valley Authority.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

(h) State of California notes.

(i) Bonds, notes, certificates of indebtedness, warrants or other obligations issued by: (1) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or any local agency thereof having the power to levy taxes, without limit as to rate or amount, to pay the principal and interest of such obligations, or (2) any state of the United States (except this state), or the Commonwealth of Puerto Rico, or a department, board, agency or authority thereof except bonds which provide for or are issued pursuant to a law which may contemplate a subsequent legislative appropriation as an assurance of the continued operation and solvency of such department, board, agency or authority but which does not constitute a valid and binding obligation for which the full faith and credit of such state or the Commonwealth of Puerto Rico are pledged, which are payable solely out of the revenues from a revenue-producing source owned, controlled or operated thereby; provided such obligations issued by an entity described in subsection (1) are rated in one of the three highest grades, and such obligations issued by an entity described in subsection (2) are rated in one of the

two highest grades by a nationally recognized investment service organization that has been engaged regularly in rating state and municipal issues for a period of not less than five years.

(j) Obligations issued or guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, and the Government Development Bank of Puerto Rico.

(k) Participation certificates of the Export-Import Bank of the United States.

(*l*) Bonds and notes of the California Housing Finance Agency issued pursuant to Chapter 7 (commencing with Section 41700) of Part 3 of Division 31 of the Health and Safety Code.

SEC 2 Section 53651 of the Government Code, as amended by Section 5 of Chapter 464 of the Statutes of 1973, is repealed.

SEC. 3 Section 7 of Chapter 464 of the Statutes of 1973 is repealed.

CHAPTER 895

An act to amend Sections 7177, 7252 and 9214 of the Financial Code, relating to savings and loan associations.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 7177 of the Financial Code is amended to read:

7177. No association knowingly shall do any of the following:

(a) Directly or indirectly make any loans to a substantial stockholder, or to any officer, director or employee of such association or of such substantial stockholder, or to any member of the immediate family of the persons above enumerated, either for himself or as agent or as partner of another, other than loans wholly secured by the pledge of its shares or investment certificates

(b) Acquire any loans from any of the persons enumerated in subdivision (a) of this section.

(c) Make any loans, the proceeds of which are intended to inure to the benefit of any of the persons enumerated in subdivision (a) of this section.

SEC. 2 Section 7252 of the Financial Code is amended to read:

7252 If the commissioner finds it necessary or expedient to devote extraordinary attention to the appraisal of the property or loans of an association, he may use for that purpose his own appraisers or independent appraisers, who are disinterested persons The association whose securities are appraised under this section shall pay to the commissioner upon demand a reasonable price per day to be fixed by the commissioner for all such services rendered

by the commissioner's appraisers or by such independent appraisers and which shall be sufficient to cover the appraisal costs incurred.

SEC. 3 Section 9214 of the Financial Code is amended to read:

9214 In the case of a merger, the provisions of Article 2 (commencing with Section 4300) of Chapter 3, Part 8, Division 1, Title 1 of the Corporations Code shall apply only to stockholders and shares of stock owned by them in the association being merged into a surviving association, and applies where a merger is approved under the provisions of this chapter by written consent of the stockholders

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CHAPTER 896

An act to amend Sections 6712, 6732.1, 6741, 6750, 6755, 6757, 6763 5, 6764, 6775, 6786, 6796 3, 6798, and 8748.5 of, to add Section 6756 to, and to repeal Sections 6730 1, 6756, 6756.2, and 6767.5 of, the Business and Professions Code, relating to business and professions.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6712 of the Business and Professions Code is amended to read:

6712. All appointments to the board shall be for a term of four years. Vacancies shall be filled by appointment for the unexpired term. Each such member appointed to fill a new term or vacancy shall be a registered professional engineer in the same branch as his predecessor. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired. Vacancies shall be filled by appointment for the unexpired term.

Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms, but this provision shall not apply to any member in office on November 23, 1970.

SEC. 2. Section 6730 1 of the Business and Professions Code is repealed.

SEC 3. Section 6732.1 of the Business and Professions Code is amended to read·

6732.1. Any person who has been granted permission to use the title "consulting engineer" pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session is exempt from the provisions of Section 6732 as it restricts the use of the title "consulting engineer", and such exemption shall apply so long as the applicant remains in

practice and advises the board of any change of address within 30 days of such change. The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement this section.

The provisions of Articles 5 (commencing with Section 6775), 6 (commencing with Section 6785), and 7 (commencing with Section 6795) of this chapter shall apply to all persons who are granted permission to use the title "consulting engineer" pursuant to legislation enacted in 1963 and 1965 and the amendments to this section enacted at the 1968 Regular Session.

SEC. 4. Section 6741 of the Business and Professions Code is amended to read:

6741. Any person, firm, partnership, or corporation is exempt from registration under the provisions of this chapter who meets all the following:

(a) Is a nonresident of the State of California.

(b) Is legally qualified in another state to practice as a civil engineer.

(c) Does not maintain a regular place of business in this state.

(d) Offers to but does not practice civil engineering in this state.

SEC. 5. Section 6750 of the Business and Professions Code is amended to read:

6750. An application for registration as a professional engineer or certification as an engineer-in-training shall be made to the board on the prescribed form, with all statements made therein under oath, and shall be accompanied by the application fee prescribed by this chapter. An application for registration as a professional engineer shall specify, additionally, the branch of engineering in which the applicant desires registration.

SEC. 6. Section 6755 of the Business and Professions Code is amended to read:

6755. Examination duration and composition shall be designed to conform to the following general principle: One division of the examination shall test the applicant's knowledge of appropriate fundamental engineering subjects, including mathematics and the basic sciences; and another division of the examination shall test the applicant's ability to apply his knowledge and experience and to assume responsible charge in the professional practice of the branch of engineering in which he is being examined.

SEC. 7. Section 6756 of the Business and Professions Code is repealed.

SEC. 8. Section 6756 is added to the Business and Professions Code, to read:

6756. (a) An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755 of this chapter, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training. No renewal or other fee, other than the application fee, shall be charged for this certification. Such certificate

shall become invalid when the holder has qualified as a professional engineer as provided in Section 6762 of this chapter.

(b) An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil, electrical or mechanical engineering work, in his own right, or to use the titles specified in Section 6732.

SEC. 9. Section 6756.2 of the Business and Professions Code is repealed.

SEC. 10. Section 6757 of the Business and Professions Code is amended to read:

6757. Applicants who profess to be qualified in more than one branch of engineering shall be required to file an application for each branch in which they wish to be registered.

SEC. 11. Section 6763.5 of the Business and Professions Code is amended to read:

6763.5. If an applicant for registration as a professional engineer or certification as an engineer-in-training, or for authorization to use the title "structural engineer," is found by the board to lack the qualifications required for admission to the examination for such registration, certification, or authorization, the board may, in accordance with the provisions of Section 158 of this code, refund to him one-half of the amount of his application fee.

SEC. 12. Section 6764 of the Business and Professions Code is amended to read:

6764. Each professional engineer registered under this chapter may, upon registration, obtain a seal of a design authorized by the board bearing the registrant's name, number of his certificate, and the legend "professional engineer" and the particular branch in which he is registered.

SEC. 13. Section 6767.5 of the Business and Professions Code is repealed.

SEC. 14. Section 6775 of the Business and Professions Code is amended to read:

6775. The board may receive and investigate complaints against registered professional engineers, and make findings thereon.

By a majority vote, the board may reprove, privately or publicly, or may suspend for a period not to exceed two years, or may revoke the certificate of any professional engineer registered hereunder:

(a) Who has been convicted of a felony, arising from or in connection with the practice of engineering, in which case the certified record of conviction shall be conclusive evidence thereof.

(b) Who has been found guilty by the board of any deceit, misrepresentation, violation of contract, fraud, negligence or incompetency in his practice.

(c) Who has been found guilty of any fraud or deceit in obtaining his certificate.

(d) Who aids or abets any person in the violation of any provisions of this chapter.

(e) Who violates any provision of this chapter.

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SEC. 15. Section 6786 of the Business and Professions Code is amended to read:

6786. It is the duty of the respective members of the legal system to prosecute all persons charged with the violation of any of the provisions of this chapter.

It is the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this chapter.

SEC. 16. Section 6796.3 of the Business and Professions Code is amended to read:

6796.3. Certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer" or "consulting engineer" which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension,

(b) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he is qualified to practice the branch of engineering in which he again seeks to be certified, and

(c) He pays all of the fees that would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

SEC. 17. Section 6798 of the Business and Professions Code is amended to read:

6798. The board may make refunds of all fees in accordance with Section 158 of this code.

SEC. 18. Section 8748.5 of the Business and Professions Code is amended to read:

8748.5. If an applicant for license as a land surveyor or certification as a land surveyor-in-training is found by the board to lack the qualifications required for admission to the examination for such license or certification, the board may, in accordance with the provisions of Section 158 of this code, refund to him one-half of the amount of his application fee.

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CHAPTER 897

An act to add Article 11 (commencing with Section 53580) to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, relating to refunding bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 19, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 53580) is added to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 11. Provisions Applicable to All Refunding Bonds of All Local Agencies

53580. The following terms shall have the following meanings:

(a) The term "local agency" means public district, public corporation, authority, agency, board, commission, county, city and county, city, school district, or other public entity or any improvement district or zone thereof.

(b) The term "bonds" as used in this article means: bonds as defined in Section 53550, or revenue bonds as defined in Section 53570.

(c) The term "refunding bonds" means bonds issued to refund bonds.

(d) The term "federal securities" as used in this article means those securities defined in subdivision (g) of Section 53550 and in subdivision (a) of Section 53651.

53581. Notwithstanding the provisions of any other law, the provisions of this article shall apply to all refunding bonds of any local agency, regardless of the authority for their issuance.

53582. The proceedings of any local agency authorizing the issuance of bonds shall not require the deposit of more than such federal securities as may be sufficient, taking into account both the principal amount of such securities and the interest to become due thereon, to implement the refunding of such bonds, and federal securities and the interest thereon shall be used to satisfy any requirement of cash, money, specie, lawful money, or other requirement in any such proceeding heretofore taken.

53583 The proceedings of any local agency authorizing the issuance of any refunding bonds shall require that the bonds to be refunded with the proceeds of such refunding bonds be called at the first date on which such bonds may legally be called.

53584 Any federal securities acquired by a local agency with the proceeds of refunding bonds, which federal securities are to be

deposited for the security of or call and redemption of bonds issued by such local agency, shall be acquired directly from the issuer thereof or from any governmental fiscal agent therefor.

53585. Any refunding bond proceeds may be invested or reinvested only in federal securities as defined in this article to the extent that such federal securities are available for acquisition.

SEC. 2. The Legislature finds and declares as follows:

(1) Existing federal law and regulations concerning "arbitrage" profits have created a situation in which securities purchased to secure the refunding of outstanding bonds must be purchased at such price that a substantial "windfall profit" must accrue to the issuer of such securities, or if such securities are brought on the open market, to the seller thereof.

(2) Such federal laws and windfall profits have been significant factors in inducing issuers to refund bonds in situations in which there may exist only a marginal saving to the issuer, and in some cases to issue refunding bonds in a principal amount far exceeding the amount which would under normal circumstances be economically sound.

(3) The issuance of refunding bonds in such situation absorbs an unnecessarily high proportion of funds available for long-term investment in the tax-exempt bond market.

(4) It is in the interest of those local agencies needing to accomplish refundings that the market for their refunding bonds not be overshadowed by bonds issued for such marginal savings, or issues in principal amounts larger than dictated by economic necessity.

The Legislature therefore declares that it is its intent in enacting this act to require that local agencies issue refunding bonds only in principal amounts, in a manner and secured by such investments as are fully consonant with the federal laws and regulations applicable to such refunding bonds and with the continued health of the long-term tax-exempt bond market.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are as follows:

Over the past few years, local agencies have taken advantage of "loopholes" available in the federal law and regulations concerning "arbitrage" bonds. Following the first successful marketing of bonds which took advantage of any one of those loopholes, it has appeared that a number of other local agencies have followed suit. One such "loophole" recently taken advantage of has required issuers to issue refunding bonds in double the amount of the bonds to be refunded, or in an even higher ratio, resulting in substantial windfall profits to brokers, even though only marginal economies have been effected by local agencies. Often, in the case particularly of redevelopment agencies, an additional result has been a reduction for many years, perhaps as long as two decades, in the amount of tax income distributed to other public agencies overlapping such

redevelopment agencies. There is every reason to believe that such "loophole" issues will proliferate if not barred by statutory restrictions. This act would provide such statutory restrictions. In order for such statutory restrictions to alleviate this problem at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 898

An act to amend Section 1 of, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 to, Chapter 497 of the Statutes of 1959, relating to tidelands and submerged lands granted in trust to the County of Marin.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 497 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the County of Marin, and to its successors, all of the right, title, and interest of the State of California, held by said state by virtue of its sovereignty or by patent from the United States of America pursuant to an act of Congress (9 Stat. 519) approved September 28, 1850, in and to all of the salt marsh and tide and submerged lands, filled or unfilled, bounded and described as follows:

Parcel A

All that land within the unincorporated area of the County of Marin, lying within Richardson Bay as shown upon the Board of Tide Land Commissioners' "Map No. 1 of the Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, designated as Saucelito Basin and those areas designated as Brickyard, Oyster, Salt Works, Rosedale and Coyote Canals and that portion of Saucelito Canal lying southeasterly from Courses Nos. 160 and 161 of "Meanders at Ordinary High Tide" as tabulated on Table 1 of said Map No. 1, and those areas designated as Monterey, Sonoma, Waldo, Myrtle, Yuba, Grove, Eureka, Pescadero, Madrona, Manzanita, Teutonia, Oro, Fresno, Shasta, Yolo, Parepa, Pohono, Esmeralda, Tulare, Owyhee, Coyote and Canal Streets, and all the street areas normal to the aforementioned streets at present known and referred to as Tomales, Bolinas, Petaluma, Humboldt, Donahue and Railroad Avenues, including Railroad Avenue lying between Coyote Canal and Rosedale Canal and each of the undesignated areas

lying between Railroad Avenue and Blocks 169, 195 and 232.

Parcel B

All that land lying within Gallinas Canal (including the north and south forks thereof) as shown on the Board of Tide Land Commissioners' "Map No. 3 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1871 on file in the office of the State Lands Commission at Sacramento, lying westerly from a line drawn between the southeasterly end of Course No. 1 and the northeasterly end of Course No. 87 as said courses are tabulated on said Map No. 3 in the Table entitled "Meanders of Gallinas Canal".

Parcel C

All that land within Richardson Bay and within the City of Belvedere designated upon the Board of Tide Land Commissioners' "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, as Middle and East Canals and that portion of Sausalito Basin more particularly described as follows:

Beginning at the most westerly corner of Lot 382 as shown upon said Map No. 1 thence running southeasterly along the southwesterly lines of Lots 382, 388, 389 and 390 to the beginning of Course No. 328 of the "Meanders at Ordinary High Tide" as tabulated in Table I of said Map No. 1; thence continuing southeasterly along the "Meanders at Ordinary High Tide" to the southeasterly end of Course No. 342; then westerly to the northeasterly end of Course No. 47 of the "Meanders of the Line of Nine Ft. Depth at the Lowest Tide" as tabulated in Table III of said Map No. 1; then southwesterly along said Course No. 47 to a point on the southwesterly limits of the City of Belvedere; then northwesterly along said limits of the City of Belvedere to the point of beginning.

Parcel D

A parcel of land in Marin County, California, lying adjacent to and northerly of the north fork of Gallinas Canal and being a portion of Lot 17, Sec. 16, and Lot 24, Sec. 15, T2N R6W MDM as shown on Board of Tide Land Commissioners Map No. 3 of Salt Marsh and Tide Lands situate in the County of Marin, State of California approved July 12, 1871, said parcel being more particularly described as follows:

Bounded on the north by the southerly line of Tideland Survey No. 88 and on the east, south and west by the northerly line of the North Fork of Gallinas Canal as said canal is shown on said Board of Tide Lands Commissioners Map No. 3.

Said parcel contains 1.67 acres more or less.

To be forever held by said county, and its successors, in trust for

the uses and purposes and upon the express conditions following, to wit, except that Parcel D shall be used only for park, recreation, or open-space uses:

(a) That said lands shall be used by said county, and its successors, for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, hotels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways,

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pedestrian ways and landscaped areas.

(7) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, prevention of pollution of the granted lands, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique marine phenomena for water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(8) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(9) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

(b) Said county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods, not exceeding 55 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 55 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fisheries, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds

received for such purpose from the state or any board, agency or commission thereof.

(d) The county may conduct such dredging operations to remove accumulated spoils as are necessary to maintain navigable channels. The county shall secure a permit from the State Lands Commission to conduct any such dredging operation, and shall comply with all conditions which the State Lands Commission may impose, but shall not be obligated to pay the state royalties for the spoils removed in the course of such dredging if the State Lands Commission determines that the quality of the spoils and the amounts involved have no significant economic value.

(e) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(f) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(g) There is hereby reserved to the people of the State of California the absolute right to fish in the waters of said lands with the right of convenient access to said waters over said lands for said purposes.

(h) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(i) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(j) The State Lands Commission shall, at the cost of the county, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Marin County.

(k) That within 10 years from November 10, 1969, parcels A, B, and C, and within 10 years from January 1, 1976, parcel D, shall be substantially improved, restored, preserved, or maintained by said county without expense to the state, and if the State Lands Commission determines that the county has failed to improve, restore, preserve, or maintain said lands as herein required, all right,

title, and interest of said county in and to all lands granted by this act shall cease and all right, title, and interest in said lands shall revert and rest in the state. All restoration, preservation, or maintenance shall be effected in accordance with a plan therefor, approved by the State Lands Commission.

SEC. 2. Section 2 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 2. The county shall establish a separate tidelands trust fund or funds in such manner as may be approved by the State Lands Commission and the county shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted lands in the county. An annual statement of financial condition and operations, to conform with such requirements as the State Lands Commission may prescribe, shall be submitted to the State Lands Commission each year by the county on or before September 30th of each year for the preceding fiscal year.

SEC. 3. Section 3 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 3. Notwithstanding any other provision of law to the contrary, the county, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted lands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities.

(c) For the establishment, improvement, and conduct of airport and heliport or aviation facilities, including but not limited to approach takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance, and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in Section

1 of this act.

(e) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement, and conduct of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities, and for the construction, reconstruction, repair, maintenance, and operation of all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(g) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the granted lands and the area, control of dredging or filling of the granted lands, or both, prevention of pollution of the granted lands, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique marine phenomena for water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(h) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(i) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 4. Section 4 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 4. Such revenues may be deposited in one or more reserve

funds for use in accordance with the terms and conditions set forth in this act.

SEC. 5. Section 5 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 5. As to the expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the county shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the county that such capital improvement is not in the statewide interest and benefit and is not authorized by the provisions of Section 3 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the county with the notice of its determination. In the event the State Lands Commission notifies the county that such capital improvement is not authorized, the county shall not disburse any revenue for, or in connection with, such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The county is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 6. Section 6 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 6. On June 30, 1978, and at the end of every third fiscal year thereafter, that portion of the county tideland trust revenues in excess of two hundred fifty thousand dollars ($250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tidelands trust activities have been made, shall be deemed excess revenues, provided, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that, if made after the effective date of this section, they may be so considered only if made in accordance with Section 5 of this act.

The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury and 15 percent to the county, to be deposited in a trust fund created pursuant to Section 2 of this act for use for any purpose

authorized by Section 3 of this act.

SEC. 7. Section 7 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 7. The State Lands Commission, at the request of the county, shall grant an extension of time, not to exceed 90 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 8. Section 8 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 8. In the event that the county fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 9. Section 9 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 9. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 10. Section 10 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 10. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 11. Section 11 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 11. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or conditions reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 12. Section 12 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 12. The Legislature reserves the right to amend or modify, in whole or in part, the tidelands and submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the county during its holding of such lands.

SEC. 13. Section 13 is added to Chapter 497 of the Statutes of 1959, to read:

Sec. 13. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the superior court in the County of Marin to compel compliance with the terms and conditions of the grant and any other provision of law including, but not limited to, this act.

SEC. 14. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of the city for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 899

An act to amend Section 31621.2 of, and to add Sections 31621.6 and 31727.3 to, the Government Code, relating to County Employees' Retirement Law of 1937.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31621.2 of the Government Code is amended to read:

31621.2. In counties adopting Section 31676.12, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter, shall be such as will provide an average annuity at age 60 equal to one one-hundredth of the final compensation of members not covered by Article 6.8 according to tables adopted by the board of supervisors, for each year of service rendered after entering the system.

SEC. 2. Section 31621.6 is added to the Government Code, to read:

31621.6. In counties adopting Section 31676.15, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639) of this chapter, shall be such as to provide an average annuity at age 55 equal to one one-hundredth of the final compensation of members not covered by Article 6.8, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

SEC. 3. Section 31727.3 is added to the Government Code, to read:

31727.3. In counties adopting Section 31676.15, the non-service-connected disability retirement pension shall be such an amount as with that portion of a member's annuity provided by his accumulated normal contributions will make his disability retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal:

(a) Ninety percent of one-fiftieth of his final compensation multiplied by the number of years of service credited to him, if (1) the member must rely upon service in another retirement system in order to be eligible to retire, or (2) such disability retirement allowance exceeds one-third of his final compensation.

(b) If the member is eligible to retire without relying upon service in another retirement system and the disability retirement allowance computed under subdivision (a) does not exceed one-third of his final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 65, but in such case the retirement allowance shall not exceed one-third of his final compensation.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because there are minor savings as well as minor costs in this act which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 900

An act to add Article 38 (commencing with Section 74948) to Chapter 10 of Title 8 of the Government Code, relating to courts.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 38 (commencing with Section 74948) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 38. Napa-Saint Helena

74948. This article applies to the municipal court established in the Napa-Saint Helena Judicial District, County of Napa, which court shall be known as the Napa-Saint Helena Municipal Court.

74949. There shall be two judges in the Napa-Saint Helena Judicial District. The two judges shall select one of them to be presiding judge of the court. Thereafter, the duties of the presiding judge of the court shall alternate annually between the two judges.

74950. Facilities for the court shall be maintained in the City of

Napa and the City of Saint Helena. The court shall hold sessions at each facility as business requires.

74951. All officers and employees of the Napa-Saint Helena Judicial District shall be entitled to the privileges afforded county employees of the County of Napa generally, relative to sick leave, vacation and other benefits. All such officers and employees may be appointed, promoted, demoted, reclassified, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is provided by the personnel and salary ordinances of the County of Napa in effect at the time of any such adjustment in status.

74952. (a) No provision is made for a marshal or deputy marshals in the Napa-Saint Helena Municipal Court and no compensation is established for any such marshal and deputy marshal positions. In lieu thereof, the Sheriff of the County of Napa shall be ex officio marshal.

(b) The sheriff may appoint three individuals to function as ex officio deputy marshals, and who shall also serve the municipal court without additional compensation.

(c) All fees collected by the sheriff or his deputies for services to the municipal court shall be deposited with the county treasurer-tax collector

74953. Official reporters of the Napa-Saint Helena Municipal Court shall be appointed pursuant to Section 72194. For their services in reporting testimony and proceedings in court, they shall receive the fees provided in Section 72195.

74954. (a) Whenever a reference is made to a numbered salary range in any section of this article, the following schedule of monthly salaries shall apply:

Range No	Step A	Step B	Step C	Step D	Step E
16	481	505	530	556	584
16 5	493	517	543	570	598
17	505	530	556	584	613
17.5	517	543	570	598	628
18	530	556	584	613	644
18.5	543	570	598	628	660
19	556	584	613	644	676
19.5	570	598	628	660	693
20	584	613	644	676	710
20.5	598	628	660	693	727
21	613	644	676	710	745
21.5	628	660	693	727	763
22	644	676	710	745	782
22.5	660	693	727	763	801
23	676	710	745	782	821
23.5	693	727	763	801	841
24	710	745	782	821	862
24.5	727	763	801	841	883

25	745	782	821	862	905
25.5	763	801	841	883	927
26	782	821	862	905	950
26.5	801	841	883	927	974
27	821	862	905	950	998
27.5	841	883	927	974	1023
28	862	905	950	998	1048
28.5	883	927	974	1023	1074
29	905	950	998	1048	1100
29.5	927	974	1023	1074	1127
30	950	998	1048	1100	1155
30.5	974	1023	1074	1127	1184
31	998	1048	1100	1155	1213
31.5	1023	1074	1127	1184	1243
32	1048	1100	1155	1213	1274
32.5	1074	1127	1184	1243	1306
33	1100	1155	1213	1274	1338
33.5	1127	1184	1243	1306	1371
34	1155	1213	1274	1338	1405
34.5	1184	1243	1306	1371	1440
35	1213	1274	1338	1405	1475
35.5	1243	1306	1371	1440	1512
36	1274	1338	1405	1475	1549
36.5	1306	1371	1440	1512	1587
37	1338	1405	1475	1549	1626
37.5	1371	1440	1512	1587	1666
38	1405	1475	1549	1626	1707

(b) In the event the board of supervisors of the County of Napa amends the resolution establishing salary ranges and monthly salary rates for the personnel of the County of Napa, effective on the date of this act, or adopts a new resolution which provides for a change in compensation for ranges or steps, such changes shall be effective for the municipal court employees under this article on the effective date of the action of the board of supervisors and shall remain effective only until January 1 of the second year following the year in which such change is made.

74955. There shall be one clerk who shall also be the court administrator, and who shall receive the monthly salary provided for salary range No. 32. In addition to any other duties imposed by law, the clerk shall, at the direction of the presiding judge, perform the following duties:

(a) To direct and coordinate the nonjudicial activities of the court;

(b) To prepare and administer the budget of the court;

(c) To coordinate with other appropriate county agencies the acquisition, utilization, maintenance and disposition of county facilities, equipment and supplies necessary for the operation of the court;

(d) To collect, compare and analyze statistical data on a

continuing basis concerning the status of judicial and nonjudicial business of the court and to prepare periodic reports and recommendations based on such data;

(e) To serve as liaison for the court with other persons, committees, boards, groups and associations as directed by the presiding judge.

74956. (a) There shall also be the following court employee positions, whose numbers and salary range shall be as specified:

Position title	Number of positions	Salary range
Assistant clerk of the court	1	28
Senior municipal court clerk	2	24
Municipal court clerk	3	22
Account clerk III	1	22
Deputy clerk III	4	20
Deputy Clerk II	4	18

(b) Each such person employed on the effective date of this article in the office of the clerk of the municipal court shall receive credit for prior continuous service in office, including service in a court superseded upon the establishment of the municipal court.

74957. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code, and notwithstanding other provisions of this article, in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the board of supervisors of the County of Napa, any officer or employee of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code, may be paid any compensation which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such officer or employee would otherwise be entitled under the salary range established for the applicable classification as set forth in Section 74956. Any such salary adjustment shall remain effective only until January 1 of the second year following the year in which such change is made.

74958. The clerks and other clerical employees of the superseded Napa and Saint Helena Justice Courts shall become the clerks of the Napa-Saint Helena Municipal Court upon its organization so far as such equivalent positions are provided in Section 74956.

If it appears that two or more clerks of the superseded justice courts are equally entitled by virtue of the office held in any such court, to any office in the municipal court, the presiding judge of the municipal court shall determine which person is entitled to the office over which the conflict exists

SEC. 2 Notwithstanding Section 2231 of the Revenue and

Taxation Code, no appropriation is made by this act nor shall any reimbursement be made for any costs that may be incurred by any local government entity pursuant to the act, because the affected local government entities have requested the Legislature to revise state law in accordance with the provisions of this act in order to carry on any program or service required by the act.

SEC. 3. This act shall be operative only if the board of supervisors of the County of Napa enacts an ordinance consolidating the Napa and Saint Helena Judicial Districts.

CHAPTER 901

An act making an appropriation for the state park system.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred twenty-eight thousand dollars ($528,000) is hereby reappropriated from the Bagley Conservation Fund to the Department of Parks and Recreation for development at San Buenaventura State Beach in accordance with the following schedule:

Schedule:

(a) From funds appropriated to the Bagley Conservation Fund by Item 383.5 of the Budget Act of 1974 (Chapter 375, Statutes of 1974) $343,000

(b) From funds appropriated from the Bagley Conservation Fund by Item 350(m) of the Budget Act of 1973 (Chapter 129, Statutes of 1973) $185,000

CHAPTER 902

An act to add Article 2.8 (commencing with Section 290) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to prenatal testing, and making an appropriation therefor.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that there are several genetically transmitted diseases that cause severe retardation and overwhelming physical defects in children, which can be detected in utero. The Legislature further finds that amniocentesis can

successfully detect such diseases, particularly in pregnant women who have indications that they are at increased risk.

The Legislature, therefore, finds that in order to make amniocentesis available to women with high-risk pregnancies so that affected fetuses can be discovered, it is necessary to establish the availability of amniocentesis in at least two medical centers in California.

The purpose of this program shall be to phase in a statewide system of prenatal screening using amniocentesis.

SEC. 2. Article 2.8 (commencing with Section 290) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.8. Prenatal Testing

290. The organizational unit of the State Department of Health relating most directly to maternal and child health shall designate and fund a three-year pilot program for the prenatal testing, by means of amniocentesis, for genetic disorders in at least two medical centers affiliated with a medical school. One of the centers shall be located to serve the region of the state north of the Tehachapi Mountains and one of the centers shall be located to serve the region of the state south of the Tehachapi Mountains.

291. The department shall:

(a) Establish criteria for eligibility for the program. Eligibility shall include, but not be limited to, the following:

(1) Women 35 years of age or older.

(2) Women having had a previous Down's syndrome child or a child with any other genetic disorder.

(3) Pregnancies where one parent is a translocation carrier.

(4) Women who are carriers of an X-linked disease.

(5) Pregnancies where both parents are carriers of an autosomal recessive trait.

(6) Pregnancies where the parents have a previous child who has a neural tube defect.

(b) Formulate a graduated fee schedule based upon the ability of the patient to pay, to offset the costs of the program.

(c) Develop an education program designed to educate physicians and the public concerning the uses of amniocentesis and the availability of the program.

(d) Ensure that genetic counseling be given in conjunction with amniocentesis at the participating medical centers.

(e) Seek the maximum federal funds available, including, but not limited to, those available under Section 503 of Title V (Maternal and Child Health Act) of the Social Security Act.

292. The participation by any individual in this program shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program.

293. The department shall, upon completion of the pilot program, report to the Legislature regarding the results of the program. The report shall include, but not be limited to, the number of patients tested, designated by the categories specified in subdivision (a) of Section 291, and the number of patients diagnosed as carrying defective fetuses.

SEC. 3. The sum of one hundred twenty thousand dollars ($120,000) is hereby appropriated from the General Fund to the State Department of Health to carry out the purposes of Article 2.8 (commencing with Section 290) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

CHAPTER 903

An act relating to the State Department of Health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 19, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of sixty-nine thousand dollars ($69,000) is hereby appropriated from the General Fund to the Health Care Deposit Fund for payment to the San Joaquin Foundation for Medical Care for administrative services performed on behalf of Medi-Cal beneficiaries for the period January 31, 1975 to March 25, 1975.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to maintain the fiscal stability of the San Joaquin Foundation for Medical Care, and to provide payment for services rendered on behalf of Medi-Cal beneficiaries, it is necessary that this act take immediate effect.

CHAPTER 904

An act to amend Sections 11105.5 and 11116 of, and to add Section 851.8 to, the Penal Code, relating to sealing of records.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 851.8 is added to the Penal Code, to read:

851.8. Whenever a person is acquitted of a charge and it appears to the judge presiding at the trial wherein such acquittal occurred that the defendant was factually innocent of the charge, the judge may order that the records in the case be sealed, including any record of arrest or detention, upon the written or oral motion of any party in the case or the court, and with notice to all parties to the case. If such an order is made, the court shall give to the defendant a copy of such order and inform the defendant that he may thereafter state that he was not arrested for such charge and that he was found innocent of such charge by the court.

SEC. 2. Section 11105.5 of the Penal Code is amended to read:

11105.5. When the Bureau of Criminal Identification and Investigation receives a report that the record of a person has been sealed under Section 851.7, 851.8, or 1203.45 of the Penal Code, it shall send notice of that fact to all officers and agencies that it had previously notified of the arrest or other proceedings against the person.

SEC. 3. Section 11116 of the Penal Code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a disposition report of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged in a form prescribed or approved by the Department of Justice.

The disposition report shall state one or more of the following, as appropriate:

(a) "Dismissal in furtherance of justice, pursuant to Section 1385 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the dismissal as stated in its order entered upon the minutes.

(b) "Case compromised; defendant discharged because restitution or other satisfaction was made to the injured person, pursuant to Sections 1377 and 1378 of the Penal Code."

(c) "Court found insufficient cause to believe defendant guilty of a public offense; defendant discharged without trial pursuant to Section 871 of the Penal Code."

(d) "Dismissal due to delay; action against defendant dismissed because the information was not filed or the action was not brought to trial within the time allowed by Section 1381, 1381.5, or 1382 of the Penal Code "

(e) "Accusation set aside pursuant to Section 995 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the disposition.

(f) "Defective accusation; defendant discharged pursuant to Section 1008 of the Penal Code," when the action is dismissed pursuant to that section after demurrer is sustained, because no amendment of the accusatory pleading is permitted or amendment

is not made or filed within the time allowed.

(g) "Defendant became a witness for the people and was discharged pursuant to Section 1099 of the Penal Code."

(h) "Defendant discharged at trial because of insufficient evidence, in order to become a witness for his codefendant pursuant to Section 1100 of the Penal Code."

(i) "Proceedings suspended; defendant found presently insane and committed to state hospital pursuant to Sections 1367 to 1372 of the Penal Code." If defendant later becomes sane and is legally discharged pursuant to Section 1372, his disposition report shall so state.

(j) "Convicted of (state offense)." The disposition report shall state whether defendant was convicted on plea of guilty, on plea of nolo contendere, by jury verdict, or by court finding and shall specify the sentence imposed, including probation granted, suspension of sentence, imposition of sentence withheld, or fine imposed, and if fine was paid.

(k) "Acquitted of (state offense)," when a general "not guilty" verdict or finding is rendered.

(*l*) "Not guilty by reason of insanity," when verdict or finding is that defendant was insane at the time the offense was committed.

(m) "Acquitted; proof at trial did not match accusation," when defendant is acquitted by reason of variance between charge and proof pursuant to Section 1151.

(n) "Acquitted; previously in jeopardy," when defendant is acquitted on a plea of former conviction or acquittal or once in jeopardy pursuant to Section 1151.

(o) "Judgment arrested; defendant discharged," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is released pursuant to Section 1188.

(p) "Judgment arrested; defendant recommitted," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is recommitted to answer a new indictment or information pursuant to Section 1188.

(q) "Mistrial; defendant discharged." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(r) "Mistrial; defendant recommitted." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(s) Any other disposition by which the case was terminated. In addition to the disposition label, the court shall set forth the particular reasons for the disposition.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a person sealed under the provisions of Section 851.7, 851.8, or 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Department of Justice and shall

include therein such information as may be required by said department.

CHAPTER 905

An act making an appropriation to reimburse local agencies for costs incurred in the preparation of inundation maps.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred fifteen thousand five hundred fifteen dollars and seven cents ($415,515.07) is hereby appropriated from the General Fund to the State Controller for disbursement to reimburse local agencies for costs incurred in the preparation of inundation maps pursuant to Section 8589.5 of the Government Code, in accordance with the following schedule:

(1)	Sacramento Municipal Utility District	$6,017.35
(2)	Marin Municipal Water District	$12,765.33
(3)	East Bay Municipal Utility District	$142,000.00
(4)	Vista Irrigation District	$944.00
(5)	Irvine Ranch Water District	$1,719.76
(6)	City of St. Helena	$8,000.00
(7)	City of Napa	$8,221.86
(8)	City of San Diego	$28,627.20
(9)	City of Santa Monica	$2,310.00
(10)	Fresno Metropolitan Flood Control District	$28.40
(11)	Jackson Valley Irrigation District	$1,130.74
(12)	Merced Irrigation District	$10,572.31
(13)	Los Angeles County Flood Control District	$82,326.88
(14)	San Bernardino County Flood Control District	$19,800.00
(15)	Metropolitan Water District of Southern California	$6,754.95
(16)	San Benito County Water Conservation and Flood Control District	$2,500.00
(17)	City of Los Angeles	$50,000.00
(18)	Solano Irrigation District	$823.45
(19)	Helix Water District	$199.92
(20)	Humboldt Bay Municipal Water District	$2,342.66
(21)	City of Whittier Water Department	$900.99
(22)	City of Anaheim	$2,104.95
(23)	Pacheco Pass Water District	$5,500.00
(24)	Modesto Irrigation District	$340.00
(25)	Turlock Irrigation District	$340.00
(26)	City of Escondido	$7,000.00
(27)	Oakdale Irrigation District	$6,138.01

(28) Las Virgenes Water District $2,000.00
(29) Riverside County Flood Control and Water Conservation District $4,106.31

SEC. 2. The funds to be reimbursed pursuant to this act shall be paid by the State Controller upon presentation of claims and satisfactory evidence of costs incurred by local agencies in the preparation of inundation maps pursuant to Section 8589.5 of the Government Code.

CHAPTER 906

An act to add Part 2.7 (commencing with Section 18950) to Division 13 of the Health and Safety Code, relating to historical buildings, and making an appropriation therefor.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Part 2.7 (commencing with Section 18950) is added to Division 13 of the Health and Safety Code, to read:

PART 2.7. STATE HISTORICAL BUILDING CODE

18950. This part shall be known and may be cited as the "State Historical Building Code."

18951. It is the purpose of this part to provide alternative building regulations for the rehabilitation, preservation, restoration or relocation of buildings or structures designated as historic buildings. Such alternative building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

18952. This part shall apply to all qualified historical structures as defined in Section 18955.

18953. It is the intent of this part to provide means for the preservation of the historical value of designated buildings and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of such buildings.

18954. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of a historical building or structure may be made if they conform to this part. The building department of every city or county may apply the provisions of regular building regulations or of alternative building regulations adopted pursuant to Section 18958, or any combination of regular and alternative building code provisions, in permitting

repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of a historical building or structure. A state agency may apply the provisions of the State Building Standards Code or of alternative building regulations adopted pursuant to Section 18958, or any combination of state building standards and alternative building code provisions, in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of a historical building or structure.

18955. For the purposes of this part, a qualified historical building or structure is any structure or collection of structures deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places or landmarks.

18956. The application of the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 and of Part 5.5 (commencing with Section 19955) of Division 13 of this code and Division 15 (commencing with Section 25000) of the Public Resources Code, as they may apply to qualified historical buildings or structures, shall be governed by this part.

18957. Nothing in this part shall be construed to prevent authorized building or fire officials from the performance of their duties when in the process of protecting the public health, safety, and welfare.

18958. The following state agencies shall have the authority to adopt alternative rules, regulations and standards governing the rehabilitation, preservation, restoration or relocation of qualified historical buildings and structures within their jurisdiction:

(a) The Office of Architecture and Construction.

(b) The State Fire Marshal.

(c) The State Building Standards Commission.

(d) The Department of Housing and Community Development.

(e) The State Historical Resources Commission, which shall advise on historical criteria and officially registered historical structures.

(f) Such other state agencies that may be affected by this part.

18959. (a) All the state agencies in Section 18958 shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.

(b) All local building authorities shall administer and enforce this part with respect to qualified historical structures under their respective jurisdictions where applicable.

(c) The State Architect shall coordinate and consult with the other applicable state agencies affected by this part and disseminate provisions adopted pursuant to this part to all local building

authorities and state agencies at cost. The published provisions of this part, in manual form, shall be also available by state agencies to the public, at reasonable cost.

(d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are enforced under Sections 13145, 13146, and 13146.5 of this code.

18960 (a) A State Historical Buildings Code Advisory Board is hereby established within the Office of Architecture and Construction which shall be composed of qualified experts in their respective fields who shall represent various state and local public agencies, professional design societies and building organizations.

(b) This board shall act as a consultant to the State Architect and to the other applicable state agencies. The board shall recommend to the State Architect and the other applicable state agencies rules and regulations for adoption pursuant to this part.

(c) The board shall also act as an advisory review body to state and local agencies and make recommendations on changes in and interpretations of this part as well as on matters of administration and enforcement of it.

(d) The board shall be composed of representatives of state agencies and public and professional building design organizations. Unless otherwise indicated, each named organization shall designate its own representative. Each of the following shall have one member on the board who shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board:

(1) Office of Architecture and Construction.

(2) The State Fire Marshal.

(3) The State Historical Resources Commission.

(4) The California Occupational, Safety and Health Standards Board.

(5) California Council, American Institute of Architects.

(6) Structural Engineers Association of California.

(7) A mechanical engineer, Consulting Engineers Association of California.

(8) An electrical engineer, Consulting Engineers Association of California.

(9) California Council of Landscape Architects.

(10) The Department of Housing and Community Development.

(11) The Department of Parks and Recreation.

(12) County Supervisors Association of California.

(13) League of California Cities.

The 13 members listed above shall select (1) a building contractor and (2) a member of the California building officials to serve as members of the board. Such members shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board.

(e) The term of membership on the board shall be for four years, with the State Architect's representative serving continually until replaced. Vacancies on the board shall be filled in the same manner

as original appointments. The board shall annually select a chairperson from among the members of the board.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 3. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the Office of Architecture and Construction to carry out the purposes of Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code. However, the General Fund shall be reimbursed by the office to the extent that revenues are generated from the sale of publications under Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code.

CHAPTER 907

An act to add Section 12024.6 to the Business and Professions Code, relating to false advertising.

[Approved by Governor September 17, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12024.6 is added to the Business and Professions Code, to read:

12024.6. No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 908

An act to add Section 1198.5 to the Labor Code, relating to employee records.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1198.5 is added to the Labor Code, to read:

1198.5. Every employer shall, at reasonable times upon the request of an employee, permit that employee to inspect such personnel files which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

This section does not apply to the records of an employee relating to the investigation of a possible criminal offense. It shall not apply to letters of reference.

CHAPTER 909

An act to amend Sections 987.56 and 987.65 of, and to add Section 987.93 to, the Military and Veterans Code, relating to veterans' farms and home loans.

[Approved by Governor September 20, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 987.56 of the Military and Veterans Code is amended to read:

987.56. The department shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran and desiring to benefit hereunder, shall submit to the department information, in such form as the department prescribes, which will enable the department to determine his eligibility and qualifications. The department may make further inquiries and investigations in order to determine such eligibility and qualifications. Veterans who are otherwise qualified and who were wounded or disabled as a result of their service shall be given first preference in the benefits conferred by this article. The department shall determine, in each case, whether or not the veteran was wounded or disabled as a result of service.

The following group shall be given second preference in the benefits conferred by this article:

(a) The unremarried spouse of individuals who were members of the armed forces on active military duty, entered active duty while

in the State of California, lived in this state for six months immediately preceding his or her entry into active duty, and were killed in the line of duty while on active duty.

(b) Members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and were held as prisoners of war.

(c) The unremarried spouse of members of the armed forces who entered active military duty while in the State of California, lived in this state for six months preceding his or her entry into active duty, and have been designated by the armed forces as missing in action.

Veterans discharged or released from active duty within 10 years of their application to the department, shall be given third preference in the benefits conferred by this article. The department shall establish a maximum income limit for third-preference veterans, whenever it appears there may be a shortage of loanable funds for third-preference veterans prior to anticipated additional authorizations becoming available. Such maximum income limit shall be established at the highest amount consistent with making funds available to as many third-preference veterans as possible while preventing a shortage of loanable funds prior to availability of anticipated additional authorizations. The department may increase or decrease such limit as necessary to assure that funds for loans to third-preference veterans are not prematurely expended or unnecessarily withheld.

Nothing in this section regarding preferences shall affect any eligibility requirement for benefits conferred by this article.

SEC. 2. Section 987.65 of the Military and Veterans Code is amended to read:

987.65. The purchase price of a home to the department shall not exceed the sum of thirty-five thousand dollars ($35,000), and shall not exceed thirty thousand dollars ($30,000) unless (a) the purchaser does not have assets to purchase the home without borrowing more than thirty thousand dollars ($30,000), and (b) the department has not consented to subordination to a private mortgage loan to allow the purchase to be made at thirty thousand dollars ($30,000) exclusive of any encumbrance, except that the purchase price of a mobilehome to the department shall not exceed twelve thousand five hundred dollars ($12,500), and a veteran purchasing the home may advance, subject to the provisions of Section 987.64, the difference between the total price or cost of the home and the sum of the purchase price of the home to the department and any amount the department is required under Section 987.69 of this code to add to the purchase price of the home in fixing the selling price thereof to the veteran. The purchase price of a farm to the department shall not exceed eighty thousand dollars ($80,000), and a veteran purchasing the farm may advance the difference between the total price of the farm or cost of the dwelling and improvements to be constructed on a farm under a contract and the sum of such purchase

price to the department or contract price to the department and any amount which the department is required under Section 987.69 of this code to add to such purchase or contract price to the department in fixing the selling price of the farm to the veteran.

SEC. 3. Section 987.93 is added to the Military and Veterans Code, to read:

987.93. (a) The Department of Veterans Affairs shall submit to the Legislature on June 30, 1976, a report concerning the utilization of veterans farm and home loan funds by lower income veterans and the feasibility of utilizing federal home mortgage programs and mortgage subsidy programs to make veterans farm and home loan funds available to lower income veterans.

(b) On January 1 of each year commencing with the year 1977, the Department of Veterans Affairs shall submit to the Legislature a report on the utilization of veterans farm and home loan funds by lower income veterans, including an annual summary of the amounts and loan-to-value ratios of loans offered to lower income veterans, the number of lower income veterans who are rejected because of insufficient income, or who declined loan offers because of inability to afford down payments, and of the utilization of longer term financing to make financing available to lower income veterans.

CHAPTER 910

An act making an appropriation to the Department of General Services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated to the Department of General Services from the General Fund the sum of three hundred fifty-four thousand dollars ($354,000) for basic architectural and engineering services related to the construction of a new state office building in the City of Long Beach.

No services shall be performed under the provisions of this act without the approval of the State Public Works Board.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This bill would make money available for basic architectural and engineering services for construction of a new state office building in Long Beach. In order that such money may be made available at the earliest possible time, in order to expedite the commencement

of the project, it is necessary that this act take effect immediately.

CHAPTER 911

An act to amend Sections 39577, 39578, and 39579 of the Government Code, Sections 16470 and 16658 of the Public Utilities Code, and Sections 25806 and 25925 of the Water Code, relating to liens.

[Approved by Governor September 19, 1975. Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 39577 of the Government Code is amended to read:

39577. The cost of abatement in front of or upon each parcel of land constitutes a special assessment against that parcel. After the assessment is made and confirmed, a lien attaches on the parcel upon recordation of the order confirming the assessment in the office of the county recorder of the county in which the property is situated, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes as imposed by Section 39578 would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 2. Section 39578 of the Government Code is amended to read:

39578. Except as provided in Section 39577, after confirmation of the report, a copy shall be given to the city assessor and the tax collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

SEC. 3. Section 39579 of the Government Code is amended to read:

39579. Except as provided in Section 39577, if the county assessor and the tax collector assess property and collect taxes for the city, a certified copy of the report shall be filed with the county auditor on or before August 10th. The descriptions of the parcels reported shall be those used for the same parcels on the county assessor's map books for the current year.

SEC. 4. Section 16470 of the Public Utilities Code is amended to read:

16470. Charges added to an assessment are a lien on the land, except that if any real property to which such lien would attach has

been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date for which the first installment of such charges would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such property and the district shall within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the district of the person liable for the same, and the fact that the district has complied with all provisions of this part in the determination of the amount required to be paid. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 5. Section 16658 of the Public Utilities Code is amended to read:

16658. District taxes are a lien on the property on which they are levied, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of such charges relating to such property shall be transferred to the unsecured roll for collection. The enforcement of the collection of district taxes may be had in the same manner and by the same means as is provided by law for the enforcement of liens for county taxes.

SEC. 6. Section 25806 of the Water Code is amended to read:

25806. In case any charges for water and other services or either remain unpaid at the time specified for the delivery of the assessment book to the collector, the amount of the unpaid charges may be added to and become a part of the annual assessment levied upon the land upon which the water for which the charges are unpaid was used and upon the land subject to the charges for any other district services and shall constitute a lien on that land. However, if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and

attaches thereon prior to the date on which the first installment of such charges would become delinquent, then the lien which would otherwise be imposed by this section shall not be added to and become part of the annual assessment nor shall it attach to such real property and the district shall within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the district of the person liable for the same, and the fact that the district has complied with all provisions of this part in the determination of the amount required to be paid. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him. The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

Where the county assumes the responsibility of assessment and collection pursuant to Chapter 7 (commencing with Section 26500) of this part, the amount of the unpaid charges may be added to and become part of the annual assessment levied upon the land upon which the water for which the charges are unpaid was used and upon the land subject to the charges for any other district services and shall constitute a lien on that land upon recordation of the order confirming the assessment in the office of the county recorder of the county in which the property is situated, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of such water and services or either, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

SEC. 7. Section 25925 of the Water Code is amended to read:

25925. Except as provided in Section 25806, the annual district assessment upon land is a lien against the property assessed from and after the first day in March of the year in which the assessment is levied.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor any appropriation made by this act because the duties,

obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 9. The provisions of this act shall apply to the transfer or conveyance of real property made on or after January 1, 1976.

CHAPTER 912

An act to add Section 24315 to the Education Code, relating to the California State University and Colleges.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24315 is added to the Education Code, to read:

24315. The Trustees of the California State University and Colleges shall establish grievance and disciplinary action procedures for all academic employees, including all temporary employees who have been employed for more than one semester or quarter, whereby:

(a) Grievances and disciplinary actions shall be heard by a faculty hearing committee composed of full-time faculty members, selected by lot from a panel elected by the campus faculty, which shall make a recommendation to the president of the state university or college.

(b) The grievance or disciplinary hearing shall be open to the public at the option of the person aggrieved or the person charged in a disciplinary hearing.

(c) Each party to the dispute shall have the right of representation by a faculty adviser or counsel of his choice and to be provided access to a complete record of the hearing.

(d) If there is disagreement between the faculty hearing committee's decision and the university or college president's decision, the matter shall go before an arbitrator whose decision shall be final.

(e) The costs incurred in arbitration shall be paid by the university or college.

(f) If the parties cannot agree upon an arbitrator, either party may petition either the Federal Mediation Service, the State Conciliation Service, or the American Arbitration Association for a list of seven qualified, disinterested persons, from which list each party shall alternate in striking three names, and the remaining person shall be designated as the arbitrator.

The grievance procedure established pursuant to this section shall be exclusive with respect to any grievance which is not subject to a State Personnel Board hearing. In the case of a grievance or

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disciplinary action which is subject to a State Personnel Board hearing, pursuant to Sections 24306 to 24309, inclusive, and Section 24311.1 the procedures provided for in those sections or those provided for in this section may be utilized. The academic employee shall have the choice of which procedures shall be utilized.

For purposes of this section, a "grievance" is an allegation by an employee that he was directly wronged in connection with the rights accruing to his job classification, benefits, working conditions, appointment, reappointment, tenure, promotion, reassignment, or the like. A grievance does not include matters, such as the salary structure, which require legislative action.

CHAPTER 913

An act to add Section 14302.6 to the Welfare and Institutions Code, relating to health plans.

[Approved by Governor September 18, 1975. Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14302.6 is added to the Welfare and Institutions Code, to read:

14302.6. Each prepaid health plan shall provide the services of a psychologist and psychiatrist when the prepaid health plan contract requires the provision of mental health services.

Mental health services shall be provided so that an enrollee may be seen initially by either a physician or a psychologist.

CHAPTER 914

An act to amend Sections 13456 and 13468 of the Education Code, and to add Section 1420.2 to the Labor Code, relating to school certificated employees.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13456 of the Education Code is amended to read:

13456. The governing board of any school district shall provide for leave of absence from duty for any certificated employee of the district who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom. The

length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.

Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment by any school district.

Except as provided herein, written and unwritten employment policies and practices of any school district shall be applied to disability due to pregnancy or childbirth on the same terms and conditions applied to other temporary disabilities.

This section shall be construed as requiring the governing board of a school district to grant leave with pay only when it is necessary to do so in order that leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage, or childbirth be treated the same as leaves for illness, injury, or disability.

SEC. 2. Section 13468 of the Education Code is amended to read:

13468. Every certificated employee employed five days a week by a school district shall be entitled to 10 days' leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. A certificated employee employed for less than five schooldays a week shall be entitled, for a school year of service, to that proportion of 10 days' leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to such additional days in addition thereto as the governing board may allow for illness or injury to certificated employees employed for less than five schooldays a week; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purposes of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized church or denomination.

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Chapter 3 (commencing with Section 3110) of Division 4 of the Health and Safety Code.

The provisions of Section 13467 relating to compensation shall not

apply to the first 10 days of absence on account of illness or accident of any such employee employed five days a week or to the proportion of 10 days of absence to which such employee employed less than five days a week is entitled hereunder on account of illness or accident or to such additional days granted by the governing board. Any employee shall have the right to utilize sick leave provided for in this section and the benefit provided by Section 13467 for absences necessitated by pregnancy, miscarriage, childbirth, and recovery therefrom.

SEC. 3. Section 1420.2 is added to the Labor Code, to read:

1420.2. It shall be an unlawful employment practice unless based upon a bona fide occupational qualification:

(a) For the governing board of any school district, because of the pregnancy of any female person, to refuse to hire or employ her, or to refuse to select her for a training program leading to employment, or to bar or to discharge her from employment or from a training program leading to employment, or to discriminate against her in compensation or in terms, conditions, or privileges of employment.

(b) For the governing board of any school district to terminate any employee who is temporarily disabled, pursuant to or on the basis of an employment policy under which insufficient or no leave is available, if the policy has a disparate impact on employees of one sex and is not justified by necessity of the public schools.

SEC. 4. Section 13468 of the Education Code is amended to read:

13468. Every certificated employee employed five days a week by a school district shall be entitled to 10 days' leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. Every person employed five days a week and required to report for service 12 months a year by a school district in a position requiring certification qualifications shall be entitled to 12 days' leave of absence for illness or injury and such additional days in addition thereto as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a school year of service. A certificated employee employed for less than five schooldays a week shall be entitled, for a school year of service, to that proportion of the leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to such additional days in addition thereto as the governing board may allow for illness or injury to certificated employees employed for less than five schooldays a week; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken shall be accumulated from year to

year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purposes of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized church or denomination.

Nothing in this section shall be deemed to modify or repeal any provision of law contained in Chapter 3 (commencing with Section 3110 of Division 3 of the Health and Safety Code.

The provisions of Section 13467 relating to compensation, shall not apply to the first 10 days of absence on account of illness or accident of any such employee employed five days a week or to the proportion of 10 days of absence to which such employee employed less than five days a week is entitled hereunder on account of illness or accident or to such additional days granted by the governing board. Any employee shall have the right to utilize sick leave provided for in this section and the benefit provided by Section 13467 for absences necessitated by pregnancy, miscarriage, childbirth, and recovery therefrom.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 1201 are both chaptered and become effective January 1, 1976, both bills amend Section 13468 of the Education Code, and this bill is chaptered after Assembly Bill No. 1201, that the amendments to Section 13468 proposed by both bills be given effect and incorporated in Section 13468 in the form set forth in Section 4 of this act. Therefore, Section 4 of this act shall become operative only if this bill and Assembly Bill No. 1201 are both chaptered and become effective January 1, 1976, both amend Section 13468, and this bill is chaptered after Assembly Bill No. 1201 in which case Section 2 of this act shall not become operative.

SEC. 6. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because this act merely affirms for the state that which has been declared existing law or regulation through action by the federal government.

CHAPTER 915

An act to amend Sections 81005, 82039, 84212, 84305, 87207, 87303, and 91013 of, and to add Section 84200.5 to, the Government Code, relating to public office, declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

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SECTION 1. Section 81005 of the Government Code is amended to read:

81005. Reports and statements required by this title shall be filed as follows:

(a) Reports and statements required by Chapter 6 and reports and statements of statewide elected officers, candidates for statewide elective office, committees supporting such candidates, state central committees of political parties, and committees supporting or opposing statewide measures—one original and one copy with the Secretary of State and, except for reports and statements required by Chapter 6, two copies with the Clerk of Los Angeles County and two copies with the Clerk of the City and County of San Francisco;

(b) Reports and statements of candidates for and persons holding the office of superior court judge, Member of the State Legislature, and member of the Board of Equalization, and of committees supporting such candidates—one original and one copy with the Secretary of State, and two copies with the clerk of the largest county by population which in whole or in part is included in the election district which the officeholder represents or in which the candidate or any of the candidates seek nomination or election, and two copies with the clerk of the county in which the candidate or officeholder resides, or in which the committee is domiciled, provided that a committee not domiciled in California shall file two copies with the Registrar-Recorder of Los Angeles County instead of its county of domicile. For the purposes of this section, the domicile of a committee is the address of the committee listed on the campaign statement. No more than two copies of each such statement need be filed with the clerk of any one county.

(c) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon in more than one county, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in more than one county but not statewide—one original and one copy with the clerk of the county having the largest population, and two copies with the clerk of the county in which the candidate or officeholder resides, or in which the committee is domiciled, provided that a committee not domiciled in California shall file two copies with the Registrar-Recorder of Los Angeles County instead of its county of domicile For the purposes of this section, the domicile of a committee is the address of the committee listed on the campaign statement. No more than two copies of each such statement need be filed with the clerk of any one county.

(d) Reports and statements of candidates for and persons holding any elective office not mentioned above which is voted upon wholly within one city, of committees supporting such candidates and committees supporting or opposing measures to be voted upon wholly within one city—one original and one copy with the city clerk.

(e) Reports and statements of candidates for and persons holding

any elective office not mentioned above, of committees supporting such candidates and committees supporting or opposing measures to be voted upon in not more than one county—one original and one copy with the county clerk.

(f) Reports and statements of the county central committees of political parties—one original and one copy with the Secretary of State, and two copies with the county clerk.

(g) All reports and statements required by Chapter 7—one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body.

SEC. 2. Section 82039 of the Government Code is amended to read:

82039. "Lobbyist" means any person who is employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his agents with any elective state official, agency official or legislative official for the purpose of influencing legislative or administrative action, if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action. No person is a lobbyist by reason of activities described in Section 86300.

SEC. 3. Section 84200.5 is added to the Government Code, to read:

84200.5. Notwithstanding the provisions of Section 84200, a candidate for county central committee shall file a campaign statement within 38 days following the election and shall not be required to file any additional campaign statement, unless he has received contributions for that election in which case he shall observe the requirements of Section 84200.

This section is not applicable to a committee supporting or opposing one or more candidates for county central committee, and each such committee shall observe the requirements of Section 81005.

SEC. 4. Section 84212 of the Government Code is amended to read:

84212. Whenever any provision of this chapter requires the filing of a campaign statement by a candidate or officeholder, the candidate or officeholder may in lieu thereof file a statement signed under penalty of perjury that to the best of his knowledge not more than two hundred dollars ($200) has been received or expended on behalf of or in support of his candidacy.

SEC. 5. Section 84305 of the Government Code is amended to read:

84305. No person shall make an expenditure for the purpose of sending a mass mailing the cost of which is reportable pursuant to this chapter unless the postage is paid by postage meter, the mail is sent by bulk rate mail or the sender shows on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of such mailing the sender's name,

street address and city in no less than 6-point type. The bulk rate number or meter number shall be stated in a campaign statement, and a copy of every mass mailing in support of or in opposition to a state candidate or state measure shall be sent to the commission on the same day on which it is mailed to the public generally. Such copies sent to the commission shall be public records.

SEC. 6. Section 87207 of the Government Code is amended to read:

87207. (a) When income is required to be reported under this article, the statement shall contain, except as provided in subsection (b):

(1) The name and address of each source of income aggregating two hundred fifty dollars ($250) or more in value, or twenty-five dollars ($25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(2) A statement whether the aggregate value of income from each source was greater than one thousand dollars ($1,000), and whether it was greater than ten thousand dollars ($10,000);

(3) A description of the consideration, if any, for which the income was received;

(4) In the case of a gift, the amount and the date on which the gift was received.

(b) When income of a business entity, including income of a sole proprietorship, is required to be reported under this article, the statement shall contain:

(1) The name, address, and a general description of the business activity of the business entity;

(2) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars ($1,000);

(3) In the case of a business entity not covered by paragraph (2), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000) during a calendar year.

SEC. 7. Section 87303 of the Government Code is amended to read:

87303. No conflict of interest code shall be effective until it has been approved by the code-reviewing body. Each agency shall submit a proposed conflict of interest code to the code-reviewing body by the deadline established for the agency by the code-reviewing body. The deadline for any agency in existence on April 1, 1975, shall not be earlier than April 1, 1976. The deadline for any agency not in existence on April 1, 1976, shall be six months after it comes into existence. Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code-reviewing body shall:

(a) Approve the proposed code as submitted;

(b) Revise the proposed code and approve it as revised; or

(c) Return the proposed code to the agency for revision and resubmission within 60 days. The code-reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

SEC. 8. Section 91013 of the Government Code is amended to read:

91013. (a) If any person files an original statement or report, after any deadline imposed by this act he shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars ($10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except that no liability shall be waived if a statement or report is not filed within five days after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars ($10) per day, starting five days after the officer has sent specific notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars ($100), whichever is greater.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the duties, obligations and responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

SEC. 10. The provisions of this act shall be operative from January 7, 1975.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are: Liability for late filings under the Political Reform Act of 1974 must be ascertained and this act is necessary to eliminate any confusion and hardship which may exist under existing law.

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CHAPTER 916

An act to amend Section 37902 of the Government Code, relating to city public projects.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 37902 of the Government Code is amended to read:

37902. When the expenditure required for a public project exceeds five thousand dollars ($5,000), it shall be contracted for and let to the lowest responsible bidder after notice.

CHAPTER 917

An act to amend Section 1536 of, and to add Section 1530.5 to, the Health and Safety Code, relating to community care facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that there exists an unmet need for sufficient family homes for foster children in California. One result of the lack of sufficient family homes is that an increasing number of foster children must be placed in institutions, resulting in a substantial increase in unnecessary expense, and a failure to meet the needs of such children for family care and surroundings. It is necessary to establish policies that will encourage more persons to become and remain foster parents.

SEC. 2. Section 1530.5 is added to the Health and Safety Code, to read:

1530.5. The state department, in establishing regulations under this chapter for family homes providing 24-hour care for six or fewer foster children, shall consider such homes as private residences, and shall establish regulations for such family homes separate from regulations for all other community care facilities. The department, in adopting and amending regulations for such family homes, shall consult with foster parent organizations in order to insure compliance with the requirement of this section.

SEC. 3. Section 1536 of the Health and Safety Code is amended to read:

1536. At least annually, the director shall publish and make available to interested persons a list or lists covering all licensed

community care facilities other than family homes providing 24-hour care for six or fewer foster children, the services for which each such facility is certified, and the relative evaluation rating of each such community care facility, as determined pursuant to Section 1535. A list or lists containing changes in facility ratings shall be published and made available periodically as determined by the director.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Regulations affecting community care facilities that are family homes are to take effect July 1, 1975. In order to implement the provisions of this act and to avoid the necessity of changing such regulations, it is necessary that this act take effect immediately.

CHAPTER 918

An act to amend Sections 9915 and 9916 of, and repeal Section 9904 of, the Vehicle Code, relating vessels.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9904 of the Vehicle Code is repealed.

SEC. 2. Section 9915 of the Vehicle Code is amended to read:

9915. (a) Whenever the title or interest of any owner or legal owner in or to a vessel numbered under this code passes to another otherwise than by a voluntary transfer, the new owner or legal owner may obtain a transfer of ownership upon application therefor and upon presentation of the last certificate of ownership and certificate of number issued for the vessel, if available, and any instruments or documents of authority or certified copies thereof as may be required by the department, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) The department when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vessel as shown by the records of the department, and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the ownership of the vessel accordingly and issue a new certificate of ownership and certificate of number to the person or persons entitled thereto. Such notice shall not be required for an involuntary transfer when repossession involves a secured party.

SEC. 3. Section 9916 of the Vehicle Code is amended to read:

9916. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving other

property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the total value of the decedent's property in this state does not exceed the amount specified in Section 630 of the Probate Code, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the department the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the department, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

CHAPTER 919

An act to add Section 13135.1 to the Education Code, relating to teacher qualifications.

[Approved by Governor September 19, 1975. Filed with Secretary of State September 20, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 13135.1 is added to the Education Code, to read:

13135.1. The commission shall issue, upon direct application by a qualified applicant, any credential specified in Section 13135 and such other specialists instruction credentials as the commission may establish, except that special education specialist credentials issued under the provisions of this section shall only be those which authorize teaching in programs for the learning handicapped or the severely handicapped, as both are defined in Section 7027, to an applicant who possesses a valid regular California teaching credential and who is, in the judgment of the commission, qualified to receive the credential. The credential issued under the terms of this section shall be a "full," "clear," or "professional" credential. Determination of qualification shall be limited to either (a) or (a) and (b):

(a) Specialized training: Twenty-four semester units, or equivalent credit, of specialized training in the field for which the credential is to be issued shall be required. Such training may include training in a related field or fields. The commission shall establish guidelines to determine what constitutes qualifying training and what are related fields. Qualifications for specialist in special education credentials authorizing teaching in programs for learning handicapped or severely handicapped pupils, as both are defined in

Section 7027, shall include, but need not be limited to, training in (1) learning disabilities, (2) perceptual-motor training, and (3) language development. Such training shall have commenced on or after the beginning of the school year 1964–65 and been completed on or before September 15, 1977, and shall have been undertaken in a California institution accredited by the State Board of Education, or approved by the commission. If the applicant received training, within the same time limits, in an out-of-state institution, credit for such training shall apply only if, at the time the training was taken, the institution was accredited by the appropriate regional accrediting body and accredited or approved by the certification agency of the state in which the institution is located. The commission shall allow up to six semester units credit for experience, pursuant to subdivision (b), in lieu of course work.

(b) Experience in actual practice of the specialization in the public schools. Such experience shall have commenced on or after September 1, 1970. Such experience need not have been full time in the specialization, but shall, demonstrate the applicant's ability to function in the specialization, as shown by continued employment in public schools in a position or in positions which utilize the skills of the credential field or related fields.

(c) Application for credentials pursuant to this section shall be made by September 15, 1977.

CHAPTER 920

An act to amend Sections 27201 and 27500 of the Elections Code, relating to elections.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 27201 of the Elections Code is amended to read:

27201. The holder of any elective office of any county or of any district not subject to the provisions of the Uniform District Election Law who has held office at least 90 days, may be recalled at any time by the voters, by means of the recall procedure set forth in this chapter, unless a notice of intention to circulate a recall petition has been filed against such holder within the preceding six months.

SEC. 2. Section 27500 of the Elections Code is amended to read:

27500. Proceedings may be commenced for recall of the holder of any elective office of any city by the service, filing and publication of a notice of intention to circulate a recall petition pursuant to Section 27504. Proceedings may not be commenced against the holder of an office unless, at the time of commencement, the holder

has held office at least 90 days and no notice of intention to circulate a recall petition has been filed against such holder within the preceding six months.

CHAPTER 921

An act to add Section 6216.1 to the Public Resources Code, relating to state lands.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6216.1 is added to the Public Resources Code, to read:

6216.1. The commission may remove or cause to be removed any manmade structures or obstructions from ungranted lands under its jurisdiction if the commission determines that such removal is appropriate and the Attorney General advises that there is no legal recourse to compel other responsible parties to effect such removal.

CHAPTER 922

An act to amend Sections 186 and 188.3 of the Streets and Highways Code, relating to the maintenance of state highways and toll bridges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration (but excluding research) and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Account in the State Transportation Fund, to an amount not exceeding the net revenue derived from one and one-eighth cents ($0.01125) per gallon tax on motor vehicle fuel under Part 2 (commencing with Section 2301), and on the use of fuel under Part 3 (commencing with Section 8601), of Division 2 of the Revenue and Taxation Code, except that during the 1975–76 fiscal year the limit on such expenditures shall not exceed the revenues derived from one and five-eighths cents ($0.01625) per gallon of such tax. Of that amount, the department shall expend such proportion as the

commission determines is necessary for each of the following:

(a) General administration purposes.

(b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.

(c) Maintenance of highways in state parks.

SEC. 2. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Account in the State Transportation Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to twenty-five million dollars ($25,000,000) annually.

SEC. 3. This act shall become operative on its effective date or on July 1, 1975, whichever is later.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that sufficient funds be available to the Department of Transportation during the 1975–76 fiscal year to maintain the state highway system in a safe and adequate fashion, it is necessary that this act take effect immediately.

CHAPTER 923

An act to add Chapter 17 (commencing with Section 22410) to Division 8 of the Business and Professions Code, relating to appliance labeling.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17 (commencing with Section 22410) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 17. APPLIANCE LABELING

22410. The following terms, as used in this chapter, have the meaning expressed in this section:

(a) "Appliance" means any new television, radio, audio or video

recorder, or playback device normally used or sold for use in the home or in a private motor vehicle, or any new refrigerator, freezer, range, oven, washer, dryer, dishwasher, room air conditioner, or sewing machine normally used or sold for use in the home, or any new typewriter, adding machine, calculator, or other similar machine, or any electrically operated tool, any of which appliances have a manufacturer's invoice sale value of fifty dollars ($50) or more.

(b) "Manufacturer" means any individual, partnership, corporation, association, or other legal relationship which is involved in the manufacture, assembly, or production of an appliance or whose brand name appears on any appliance. The term "manufacturer" also means any agent, representative or distributor of a manufacturer who sells, transfers, or exchanges an appliance to or with a retailer.

22411. No manufacturer shall sell any appliance in this state unless such appliance has embossed or permanently stamped or cast on its frame, or imprinted or stamped upon a plate which is permanently affixed to such appliance a serial number unique to the particular appliance.

Every manufacturer of an appliance to be sold within this state shall provide on the first page of the warranty or instruction manual, or, if no manual is provided, on a separate card, a description of the appliance providing a space thereon for recording the model number and serial number, the description of the location of such numbers on the appliance, and instructions to the final purchaser of the appliance to record and retain such numbers.

SEC. 2. The provisions of this chapter shall become operative on April 1, 1977.

CHAPTER 924

An act to add Section 208.5 to the Civil Code, to amend Sections 10850, 11457, 11478.5, 11487, and 15200.1 of, to add Sections 11268, 11350, 11350.1, 11350.2, 11450.1, 11475, 11475.1, 11475.2, 11476, 11476.1, 11477, 11477 1, 11500.2, and 15204.2 to, and to repeal Sections 10850.1, 11350, 11352, 11475, 11476, 11477, and 11488 of, the Welfare and Institutions Code, and to repeal Section 42.5 of Chapter 578 of the Statutes of 1971, relating to enforcement of child support, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 208.5 is added to the Civil Code, to read:

208.5. The father or mother of a minor child shall not be liable for the support of a child of such minor child.

SEC. 1.5. Section 10850 of the Welfare and Institutions Code is amended to read:

10850. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such program. The disclosure of any information which identifies by name or address any applicant for or recipient of such grants-in-aid to any committee or Legislature is prohibited.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the Department of Benefit Payments or the State Department of Health, and such lists or any other records shall be released when requested by any county welfare department or the Department of Benefit Payments or the State Department of Health. Such lists or other records shall only be used for purposes directly connected with the administration of public social services. Except for such purposes, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. However, this section shall not prohibit the furnishing of such information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services Any person knowingly and intentionally violating the provisions of this paragraph is guilty of a misdemeanor.

The Department of Benefit Payments shall inform the Department of Motor Vehicles of the names, birth dates, and addresses of all applicants or recipients of aid to the blind. The Department of Motor Vehicles, upon receipt of such information, shall inform the Department of Benefit Payments of any such applicant or recipient of aid to the blind who holds a valid California driver's license.

The Department of Benefit Payments may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services. The rules and regulations shall be binding on all departments, officials and

employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or political subdivisions of the state, and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

SEC. 2. Section 10850.1 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 11268 is added to the Welfare and Institutions Code, to read:

11268. Each applicant for or recipient of aid shall be required as a condition of eligibility, to furnish or cooperate in securing the applicant's social security account number (or numbers, if the applicant has more than one such number). The county shall utilize such account numbers in the administration of aid. Aid, and the opportunity to apply for aid, shall not be denied, delayed, suspended, or terminated pending the issuance or verification of such number. Payment pursuant to Section 11056 or 11266 shall not be denied because of an applicant's inability to comply with the condition imposed by this section at the time of application therefor.

SEC. 4. Section 11350 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 11350 is added to the Welfare and Institutions Code, to read:

11350. In any case of separation or desertion of a parent or parents from a child or children which results in aid under this chapter being granted to such family, the noncustodial parent or parents shall be obligated to the county for an amount equal to:

(a) The amount specified in an order for the support and maintenance of such family issued by a court of competent jurisdiction; or in the absence of such court order,

(b) The amount of aid paid to the family during such period of separation or desertion limited by such parent's reasonable ability to pay during that period in which aid was granted; and

(c) Such obligation shall be reduced by any amount actually paid by such parent during such period of separation or desertion for the support and maintenance of such family.

The district attorney shall take appropriate action pursuant to this

section in the superior court of the county which provided aid under this chapter.

The court may order the defendant to pay the county attorney fees and court costs, based on such defendant's reasonable ability to pay, in any proceeding brought by the county pursuant to this section.

In making the determination of the defendant's reasonable ability to pay attorney's fees and court costs under this section, the court shall be limited to the following considerations:

(a) The wealth and income of the defendant;

(b) The current ability of the defendant to earn;

(c) The age of the defendant.

SEC. 5.5. Section 11350.1 is added to the Welfare and Institutions Code, to read:

11350.1. Notwithstanding the provisions of any other statute, in any action brought by the district attorney for the support of a minor child or children, the action may be prosecuted in the name of the county on behalf of such minor child or children. The mother shall not be a necessary party in such action but may be subpoenaed as a witness. In an action under this section there shall be no joinder of actions, or coordination of actions, or cross-complaints, and the issues shall be limited strictly to the question of paternity, if applicable, and child support. Nor shall such support or paternity action be delayed or stayed because of the pendency of any other action between the parties. Nothing herein contained shall be construed to prevent the parties from bringing an independent action under the Family Law Act or otherwise, and litigating the issue of support. In such event, the court in such proceedings shall make an independent determination on the issue of support which shall supersede the order made pursuant to this section.

SEC. 5.6. Section 11350.2 is added to the Welfare and Institutions Code, to read·

11350.2. In no event shall public social service benefits, as defined in Section 10051, or benefits paid pursuant to Title XVI of the Social Security Act be employed to satisfy a support obligation.

SEC. 6. Section 11352 of the Welfare and Institutions Code is repealed.

SEC. 6.5. Section 11450 1 is added to the Welfare and Institutions Code, to read:

11450.1. To the extent that the additional costs to the state imposed by this section do not exceed 50 percent of the total costs incurred thereby, and notwithstanding any other provision of law, during such times that federal law ceases to provide for a disregard of a certain portion of child support payments as is presently provided in Section 457(a) (1) of the Social Security Act, 40 percent of the first fifty dollars ($50) of any amount collected in a month which represents payment on the required support obligation for that month shall be paid to the recipient and deducted from the amounts specified in Section 11452, not to exceed the amount of the difference between such amounts and the amount of the maximum

aid payable pursuant to subdivision (a) of Section 11450.

If this section is determined by a final judicial decision to be unlawful, it shall cease to be operative after the date of finality of such decision.

SEC. 7. Section 11457 of the Welfare and Institutions Code is amended to read:

11457. Money from noncustodial parents for the support of a needy child with respect to whom an assignment under Section 11477 has been made shall be paid directly to the district attorney or his designee and shall not be paid directly to the family. Such absent parent support payments, when collected by or paid through any public officer or agency, shall be transmitted to the county department providing aid under this chapter.

The Department of Benefit Payments, by regulation, shall establish procedures not in conflict with federal law, for the distribution of such noncustodial parent support payments.

If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned under subdivision (a) of Section 11477 for the current months and all past months.

SEC. 8. Section 11475 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 11475 is added to the Welfare and Institutions Code, to read:

11475. The State Department of Benefit Payments is hereby designated the single organizational unit whose duty it shall be to administer the state plan for securing child support and determining paternity. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements. The Director of the Department of Benefit Payments shall, not later than February 1, 1976, and annually thereafter, report to the Legislature on the administration of the state plan for securing support and determining paternity. Such report shall include, but not be limited to, the following:

(a) Information on the administration of the program, including the number of cases and a summary of the amounts collected from noncustodial parents and an analysis of the disbursement of such funds to recipients, counties, and the state.

(b) An analysis of the cost effectiveness of the program.

(c) Any changes in federal statutes or regulations which have occurred on or after July 1, 1975.

The Director of the Department of Benefit Payments shall formulate, adopt, amend or repeal, in accordance with provisions of Section 10554, regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of the state plan for securing child support and determining

paternity. The Department of Benefit Payments, with the cooperation of the Department of Justice, shall insure that there is an adequate organizational structure and sufficient staff to perform functions delegated to any governmental unit relating to Title IV-D of the Social Security Act.

SEC. 10. Section 11475.1 is added to the Welfare and Institutions Code, to read:

11475.1. Each county shall maintain a single organizational unit located in the office of the district attorney which shall have responsibility for promptly and effectively enforcing the obligation of parents to support their children and determining paternity in the case of a child born out of wedlock. The district attorney shall take appropriate action, both civil and criminal, to enforce this obligation when the child is receiving public assistance and when requested to do so by the individual on whose behalf the enforcement efforts will be made when the child is not receiving public assistance. There shall be prominently displayed in every public area of every office of the units established by this section a notice, in clear and simple language prescribed by the Director of the Department of Benefit Payments, that child support enforcement services are provided to all individuals whether or not they are recipients of public social services.

Nothing herein shall prohibit the district attorney from entering into cooperative arrangements with other county departments as necessary to carry out the responsibilities imposed by this section pursuant to plans of cooperation with such departments approved by the Department of Benefit Payments.

SEC. 11. Section 11475.2 is added to the Welfare and Institutions Code, to read:

11475.2. If at any time the Director of the Department of Benefit Payments considers any public agency, which is required by law, by delegation of the department, or by cooperative agreement, to perform functions relating to the state plan for securing child support and determining paternity, to be failing in a substantial manner to comply with any provision of the state plan, the director shall put such agency on written notice to that effect.

If the director determines that there is a failure on the part of such public agency to comply with the provisions of the state plan, or if the State Personnel Board certifies to the director that such public agency is not in conformity with applicable merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that sanctions are necessary to secure compliance, the director may invoke either or both of the following sanctions:

(a) Withhold part or all of state and federal funds, including incentive funds, from such public agency until the public agency shall make a showing to the director of full compliance; or

(b) Notify the Attorney General that there has been a failure to comply with the state plan and the Attorney General shall take

appropriate action to secure compliance.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued operation of the state plan as required by law.

SEC. 12. Section 11476 of the Welfare and Institutions Code is repealed.

SEC. 13. Section 11476 is added to the Welfare and Institutions Code, to read:

11476. It shall be the duty of the county department to refer all cases where a parent is absent from the home, or where the parents are unmarried and parentage has not been determined by a court of competent jurisdiction, to the district attorney immediately at the time the application for assistance, or certificate of eligibility, is signed by the applicant or recipient. If an applicant is found to be ineligible, such applicant shall be notified in writing that the referral of case to the district attorney may be terminated at such applicant's request. The county department shall cooperate with the district attorney and shall make available to him all pertinent information as provided in Section 11478.

Upon referral from the county department, the district attorney shall investigate the question of nonsupport or paternity and shall take all steps necessary to obtain support for the needy child and determine paternity in the case of a child born out of wedlock. Upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay the investigation and other actions with respect to the case until advised that the adoption is no longer under consideration. The granting of aid to an applicant shall not be delayed or contingent upon investigation by the district attorney.

Where a court order has been obtained, any contractual agreement for support between the district attorney or the county department and the noncustodial parent shall be deemed null and void to the extent that it is not consistent with the court order.

Whenever a family which has been receiving aid to families with dependent children ceases to receive assistance, the district attorney shall:

(1) Continue to enforce support payments from the noncustodial parent, at the request of the custodial parent, for a period not to exceed three months from the month following the month in which such family ceased to receive assistance and pay all amounts so collected to the family; and

(2) At the end of such three-month period, if after written notice to the individual, the district attorney is requested to do so by the individual on whose behalf the enforcement efforts will be made, continue to enforce such support payments from the noncustodial parent.

The district attorney shall, where appropriate, utilize reciprocal arrangements adopted with other states in securing support from an absent parent for any child. In individual cases where utilization of

reciprocal arrangements has proven ineffective, the district attorney may forward to the Attorney General a request to utilize federal courts in order to obtain or enforce orders for child support. In individual cases where there is a court order for support and where reasonable efforts to collect amounts assigned pursuant to Welfare and Institutions Code Section 11477 have failed, the district attorney may forward a certified copy of such court order to the Attorney General with a request that the case be forwarded to the Treasury Department for collection. The Attorney General shall forward such requests to the Secretary of Health, Education, and Welfare, or his designated representative.

SEC. 13.5. Section 11476.1 is added to the Welfare and Institutions Code, to read:

11476.1. In any case where the district attorney has undertaken enforcement of support, the district attorney may enter into an agreement with the noncustodial parent, on behalf of the custodial parent, a minor child, or children, for the entry of a judgment determining paternity, if applicable, and for periodic child support payments based on the noncustodial parent's reasonable ability to pay. Prior to entering into this agreement, the noncustodial parent shall be informed that a judgment will be entered based on the agreement. The clerk shall file the agreement without the payment of any fees or charges. The court shall enter judgment thereon without action. The provisions of Civil Code Section 4702 shall apply to such judgment. The district attorney shall be directed to effect service upon the obligor of a copy of the judgment and notify the obligor in writing of the right to seek modification of the amount of child support order upon a showing of changes of circumstances and upon such showing the court shall immediately modify the order and set the amount of child support payment pursuant to Section 11350, and to promptly file proof of service thereof.

For the purposes of this section, in making a determination of the noncustodial parent's reasonable ability to pay, the following factors shall be considered:

(a) The standard of living and situation of the parties;

(b) The relative wealth and income of the parties;

(c) The ability of the noncustodial parent to earn;

(d) The ability of the custodial parent to earn;

(e) The needs of the custodial parent and any other persons dependent on such person for their support;

(f) The age of the parties;

(g) Any previous court order imposing an obligation of support.

SEC. 14. Section 11477 of the Welfare and Institutions Code is repealed.

SEC. 15. Section 11477 is added to the Welfare and Institutions Code, to read:

11477. As a condition of eligibility for aid paid under this chapter, each applicant or recipient shall:

(a) Assign to the county any rights to support from any other

person such applicant may have in their own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid, and which have accrued at the time such assignment is made. Receipt of public assistance under this chapter shall operate as an assignment by operation of law.

(b) Cooperate with the county welfare department and district attorney in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining any support payments due any person for whom aid is requested or obtained. The Department of Benefit Payments shall establish an exclusive list of acts, in accordance with federal law, which shall be the only acts deemed to be a refusal to offer reasonable cooperation and assistance. The county welfare department shall verify that the applicant or recipient refused to offer reasonable cooperation prior to determining that such applicant or recipient is ineligible. The granting of aid shall not be delayed or denied if the applicant is otherwise eligible, if the applicant completes the necessary forms and agrees to cooperate with the district attorney in securing support and determining paternity, where applicable.

A recipient shall be considered to be cooperating with the county welfare department or the district attorney's office and they shall be eligible for aid, if otherwise eligible, if they cooperate to the best of their ability or have good cause for refusal to cooperate. The department, in accordance with federal law, shall establish standards for determining good cause for refusal to cooperate. All required forms to obtain child support or establish paternity shall be made available during the initial interview at the county welfare department. Persons eligible for immediate aid pursuant to Section 11056 or Section 11266 shall receive such aid prior to completing the forms required to obtain child support and establish paternity, provided that they indicate they will cooperate in these matters. Appearances at public agencies required pursuant to this section, subsequent to certification of the applicant shall be scheduled with due regard for his parental duties and employment responsibilities. If an appearance is required at a time other than normal working hours, a statement as to the reason for such appearance shall be inserted in the file of the applicant.

If the relative with whom a child is living is found to be ineligible because of failure to comply with the provisions of this section, any aid for which such child is eligible will, to the extent required by federal law, be provided in the form of protective payments.

The department shall insure that all applicants for or recipients of aid under this chapter are properly notified of the conditions imposed by this section.

SEC. 15.5. Section 11477.1 is added to the Welfare and Institutions Code, to read:

11477.1. No polygraph tests shall be administered to any applicant or recipient of aid under this chapter for the purposes of enforcement of Title IV-D of the Social Security Act, without written

notice to applicant or recipient that such test is not required and without written consent thereto by such applicant or recipient.

SEC. 16. Section 11478.5 of the Welfare and Institutions Code is amended to read:

11478.5. There is in the Department of Justice a parent locator service showing, as far as is known, with respect to any parent who has deserted or abandoned any child:

(a) The full and true name of such parent together with any known aliases;

(b) Date and place of birth;

(c) Physical description;

(d) Social security number;

(e) Occupation;

(f) Military status and Veterans Administration or military service serial number;

(g) Last known address and date thereof;

(h) Driver's license number;

(i) Any police record; and

(j) Any further information that may be of assistance in locating the noncustodial parent.

To effectuate the purposes of this section, the Attorney General shall, to the extent necessary, utilize the parent locator service in the Department of Health, Education, and Welfare, and, may request and shall receive from departments, boards, bureaus, or other agencies of the state, or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the Justice Department and the local public agencies to carry out their powers and duties to locate such parents and to enforce their liability for the support of their children. In addition the district attorneys shall submit to the Attorney General a uniform statistical report each month summarizing case and collection activity in their counties in connection with child support enforcement. The Attorney General shall adopt a uniform report form to be used by the district attorneys in submitting this monthly report. The purpose of this uniform monthly report is to facilitate the analysis of each county's performance in child support activities.

Any records established pursuant to the provisions of this section shall be available only to district attorneys, probation departments, state locator services, the federal parent locator service, and courts having jurisdiction in support or abandonment proceedings or actions.

The Department of Justice, in consultation with the Department of Benefit Payments, shall promulgate rules and regulations to facilitate maximum and efficient use of such locator service.

This section shall be construed in a manner consistent with the other provisions of this article.

SEC. 17. Section 11487 of the Welfare and Institutions Code is amended to read:

11487. Except as provided in Section 11457, whenever any aid

under this chapter is repaid to a county or recovered by a county, the state shall be entitled to a share of the amount received or recovered, proportionate to the amount of state funds paid, and, if funds advanced by the federal government were paid, the federal government shall be entitled to a share of the amount received or recovered, proportionate to the amount of federal funds paid.

SEC. 18. Section 11488 of the Welfare and Institutions Code is repealed.

SEC. 19. Section 15200.1 of the Welfare and Institutions Code is amended to read:

15200.1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to a fund to be known as the Support Enforcement Incentive Fund, from which the Department of Benefit Payments shall make payments to each county to be deposited in the county general fund which shall be a combination of state and federal funds equivalent to: (a) effective October 1, 1975, through June 30, 1976, 33.75 percent of that portion of the amounts received from or collected from noncustodial parents which is used to reduce or repay aid paid pursuant to this chapter, and which qualify for federal incentive funds (b) effective July 1, 1976, 27.75 percent of the amounts received from or collected from noncustodial parents which is used to reduce or repay aid payment pursuant to this chapter and which qualify for federal incentive funds.

Where more than one county has participated in such enforcement or collection, the incentive payment authorized by this section shall be made to the county making the collection.

Where more than one state has participated in such enforcement or collection, the incentive payment, if any, shall be made in accordance with Section 15200.2.

SEC. 20. Section 15200.2 is added to the Welfare and Institutions Code, to read:

15200.2. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to a fund to be known as the Interstate Collection Incentive Fund, from which the department shall make payments to California counties and other states which shall be a combination of state and federal funds equivalent to: (a) effective October 1, 1975, through June 30, 1976, 33.75 percent of that portion of the amounts received from or collected from noncustodial parents residing outside California which is used to reduce or repay aid paid pursuant to this chapter and which qualify for federal incentive funds (b) effective July 1, 1976, 27.75 percent of that portion of the amounts received from or collected from noncustodial parents residing outside California which is used to reduce or repay aid paid pursuant to this chapter and which qualify for federal incentive funds. The Department of Benefit Payments shall, by regulation, apportion the incentive payment between the collecting state and the county receiving the noncustodial parent support payment.

Where a county makes a collection for another state, the Department of Benefit Payments shall forward any incentive payment received from such state to the county making the collection from the noncustodial parent.

SEC. 21. Section 15204.2 is added to the Welfare and Institutions Code, to read:

15204.2. The state shall pay 50 percent of the nonfederal administrative costs of administering the payment of aid grants under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code, with the exception of activities related to the collection of support from noncustodial parents and the determination of paternity in the case of a child born out of wedlock.

SEC. 22. Section 42.5 of Chapter 578 of the Statutes of 1971 is repealed.

SEC. 22.5. The Department of Benefit Payments is hereby authorized to establish those administrative support positions necessary to carry out the provisions of this enactment. These positions will be 75 percent federally funded and 25 percent state funded.

SEC. 23. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because appropriations are made in Sections 15200.1 and 15200.2, and this act contains a revenue source which may be utilized by local governments to cover the cost of the mandate.

SEC. 24. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are as follows:

This proposed legislation is based on Public Law 93-647, Part B, which deals with enforcement of child support and which requires all states to adopt child support programs in accordance with federally established standards. The effective date of this public law is July 1, 1975, and in order to bring California law into conformity with the federal requirements, this legislation must be enacted and in effect by that date.

If these conforming amendments are not in effect by July 1, 1975, the following will occur:

1. The provisions of California's incentive program will be out of conformity with federal requirements. The Support Enforcement Incentive Fund presently returns to the counties 21.25 percent of the moneys collected in welfare cases. Public Law 93-647 mandates a payment of 25 percent.

2. Eligibility requirements for the AFDC program will be out of conformity with the requirements of the Social Security Act, since P.L. 93-647 imposes conditions of eligibility not existent in present state law. These conditions are furnishing social security numbers, cooperation by the custodial parent in securing support, and

assigning support rights to the county. Other changes mandated by P.L. 93-647 are single child support organizational units and a prohibition against support payments made directly to the custodial parent.

Failure to remedy this inconsistency will result in applicants who are ineligible under federal law qualifying for aid under state law. This will result in possible fiscal sanctions being imposed because ineligible persons are included in the caseload.

3. States which do not have statutory and regulatory plans in conformity with federal requirements by January 1, 1977, will be subject to fiscal sanctions in the amount of 5 percent per quarter of the federal AFDC funds.

4. Failure to have an approved state plan will result in disallowance of claims for costs of collection after July 1, 1975. This would have a serious impact as most counties presently receive 50 percent reimbursement for such activities from the federal government and 25 percent from the state.

CHAPTER 925

An act to add a chapter heading immediately preceding Section 19900 of, and to add Chapter 2 (commencing with Section 19980) to Division 11 of, the Welfare and Institutions Code, relating to an alcoholism research center, and making an appropriation therefor.

[Approved by Governor September 18, 1975 Filed with Secretary of State September 20, 1975]

I am deleting the appropriation contained in Section 3 of Senate Bill No 327

This appropriation relies for its funding on the provisions of Senate Bill No 204, which has been vetoed Funds for this program can be considered during the budget process

With this deletion, I approve Senate Bill No 327

Sincerely,

EDMUND G BROWN JR , Governor

The people of the State of California do enact as follows:

SECTION 1. A chapter heading is added immediately preceding Section 19900 of the Welfare and Institutions Code, to read:

CHAPTER 1. GENERAL PROVISIONS

SEC. 2. Chapter 2 (commencing with Section 19980) is added to Division 11 of the Welfare and Institutions Code, to read:

CHAPTER 2. RESEARCH

19980. From funds made available by the Legislature, the Office of Alcohol Program Management is authorized to contract with the Regents of the University of California or a private university or universities located within California for purposes of establishing and maintaining research centers on a campus or campuses of the University of California or such private university or universities for the study of the primary biomedical or social causes of alcoholism. Funds appropriated by the Legislature pursuant to this section may be expended for salaries of staff and the acquisition of equipment and related research materials, and may not be expended for capital outlay purposes.

SEC. 3. A sum not to exceed one million dollars ($1,000,000) is hereby appropriated from moneys made available pursuant to the provisions of Senate Bill No. 204 of the 1975–76 Legislative Session to the Office of Alcohol Program Management without regard to fiscal year for purposes of establishing and funding the alcoholism research center or centers as provided by Section 19980 of the Welfare and Institutions Code.

CHAPTER 926

An act to amend Section 6310 of the Welfare and Institutions Code, relating to mental health, and making an appropriation therefor.

[Approved by Governor September 19, 1975. Filed with Secretary of State September 20, 1975]

I am deleting the appropriation contained in Section 2 of Senate Bill No 1023 Current law provides that counties out of their own funds should pay any costs incurred because of this bill

Sincerely,
EDMUND G BROWN JR., Governor

The people of the State of California do enact as follows:

SECTION 1. Section 6310 of the Welfare and Institutions Code is amended to read:

6310. The psychiatrists so appointed by the court shall be allowed fees not exceeding one hundred fifty dollars ($150) per day, prorated by the court when services are rendered for less than a full day. The fees allowed shall be paid by the county in which the hearing is held.

SEC. 2. The sum of fifty thousand dollars ($50,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act; provided, claims for

direct and indirect costs hereunder shall be filed as prescribed by the State Controller.

CHAPTER 927

An act making an appropriation for the state park system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 1975 Filed with Secretary of State September 20, 1975]

I am reducing the appropriation contained in Section 1 of Senate Bill No. 525 from $3,300,000 to $3,000,000 by deleting subparagraph (b)

The Department of Parks and Recreation has the Woodland Opera House project under study and believe that funding at this time is not consistent with overall priorities

With this reduction, I approve Senate Bill No. 525

Sincerely,

EDMUND G BROWN JR., Governor

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Section 5098.2 of the Public Resources Code, there is hereby appropriated from the Park and Recreation Revolving Account in the General Fund to the Department of Parks and Recreation the sum of three million three hundred thousand dollars ($3,300,000) for expenditure according to the following schedule:

(a) For acquisition of lands as an addition to the Border Field Area in the County of San Diego for the state park system $3,000,000

Provided, that such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code).

(b) For restoration and related new construction of the Woodland Opera House..... $300,000

Provided, that such restoration and reconstruction shall be subject to the following conditions:

(1) Title to the Woodland Opera House and adjacent lands included in the north 106 feet of Lot 5 of Block 2, as shown on the map of the former Town of Woodland, is transferred to the state at no cost to the state, and inclusion of such lands in the state park system is approved by the State Park and Recreation Commission.

(2) Funds appropriated by this subdivision shall not be available for expenditure until the project has been approved by the federal government for matching funds under the National Historic Preservation Act of 1966 (P.L. 89-665) and such matching funds are allocated to the project by the state.

(3) Funds appropriated pursuant to this subdivision shall not be

available for expenditure until the City of Woodland submits evidence satisfactory to the Department of Parks and Recreation that the city has available labor, materials, and funds equal to the sum of sixty thousand dollars ($60,000) which the city will expend on the project.

(4) Funds appropriated by this subdivision shall not be available for expenditure until the City of Woodland enters into an agreement with the state for the operation, care, and maintenance of the Woodland Opera House and related facilities in behalf of the state.

SEC. 2. Funds appropriated by Section 1 of this act shall not be expended for the purchase of any real property or the acquisition of any other interest in real property until the State Public Works Board has determined both of the following:

(a) That the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) That the Department of General Services, in making its investigations and appraisals, has found no evidence that there is any person or group of persons who assert any prescriptive right or claim in the property to be acquired; or, if such prescriptive right or claim has been asserted or established, that the department has appraised the property at a price that reflects the value of such right or claim.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the state to acquire and preserve lands of significant environmental and recreational value, it is necessary that this act take immediate effect.

CHAPTER 928

An act to amend Section 3352 of the Labor Code, relating to workers' compensation.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person performing services in return for aid or sustenance only, received from any religious, charitable, or relief organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(d) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(e) Any person engaged in household domestic service except as provided in Section 3358.5. For purposes of this subdivision, household domestic service shall include, but not be limited to, the part-time care and supervision of children in a private residence.

(f) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101(6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(g) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other person employing him for injuries occurring in the course of and arising out of the employment.

(h) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than meals or lodging or the use of ski tow or ski lift facilities.

(i) Any person employed by a ski lift operator to work at a snow ski area who is relieved of and not performing any prescribed duties, while participating in recreational activities on his own initiative.

(j) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental thereto.

SEC. 2. Section 3352 of the Labor Code, as amended by Section 1 of this act, is amended to read:

3352. "Employee" excludes:

(a) Any person defined in subdivision (d) of Section 3351 who is employed by his parent, spouse, or child.

(b) Any person performing services in return for aid or sustenance only, received from any religious, charitable, or relief

organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(d) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(e) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101(6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(f) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than meals or lodging or the use of ski tow or ski lift facilities.

(g) Any person employed by a ski lift operator to work at a snow ski area who is relieved of and not performing any prescribed duties, while participating in recreational activities on his own initiative.

(h) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental thereto.

SEC. 3. It is the intent of the Legislature, if this bill and Assembly Bill No. 469 are both chaptered and become effective January 1, 1976, both bills amend Section 3352 of the Labor Code, and this bill is chaptered after Assembly Bill No. 469, that Section 3352 of the Labor Code, as amended by Section 1 of this act shall remain operative only until the operative date of Assembly Bill No. 469, and that on that operative date of Assembly Bill No. 469 Section 3352 of the Labor Code as amended by Section 1 of this act be further amended in the form set forth in Section 2 of this act to incorporate the changes in Section 3352 proposed by Assembly Bill No. 469. Therefore, Section 2 of this act shall become operative only if this bill and Assembly Bill No. 469 are both chaptered and become effective January 1, 1976, both bills amend Section 3352, and this bill is chaptered after Assembly Bill No. 469, in which case Section 2 of this act shall become operative on the operative date of Assembly Bill No. 469.

CHAPTER 929

An act to amend Section 70141.6 of the Government Code, relating to court commissioners.

[Became law without Governor's signature September 21, 1975. Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.6 of the Government Code is amended to read:

70141.6. In Kern County, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary in accordance with the following salary range of five annual steps; two thousand twelve dollars ($2,012) a month for the first year; two thousand one hundred thirteen dollars ($2,113) a month for the second year; two thousand two hundred nineteen dollars ($2,219) a month for the third year; two thousand three hundred thirty dollars ($2,330) a month for the fourth year; and two thousand four hundred forty-seven dollars ($2,447) a month for the fifth year. He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 930

An act to amend Section 17524 of the Education Code, relating to the ratio of administrative employees to teachers, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17524 of the Education Code is amended to read:

17524. The Superintendent of Public Instruction shall, for each current fiscal year, determine for each school district in the state, to

two decimal points, the following:

(a) The total number of administrative employees, except those serving in positions which are completely supported by categorical grants from any source and are in programs which require specific teacher administrator ratios, or which are completely supported by federal funds.

(b) The total number of teachers except those serving in positions which are completely supported by federal funds or by categorical grants from any source and are in programs which require specific teacher administrator ratios.

(c) The total maximum number of administrative employees which should be employed by the district based upon the application of the appropriate ratio prescribed by Section 17523 to the number of teachers determined pursuant to subdivision (b).

(d) The number of administrative employees in excess of the number allowable without penalty as determined by subtracting the number determined pursuant to subdivision (c) from the number determined pursuant to subdivision (a).

The number of employees reported pursuant to subdivisions (a), (b), (c), and (d) shall include the full-time equivalent of all fractional time of such employees.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent the loss of state school support to school districts operating special programs for disadvantaged pupils in the 1974–75 school year, it is necessary that this act take effect immediately.

CHAPTER 931

An act to add Section 653.5 to the Welfare and Institutions Code, relating to juveniles.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 653.5 is added to the Welfare and Institutions Code, to read:

653.5. Notwithstanding any other provision of this article, a petition shall be filed by the probation officer in any case in which the officer has probable cause to believe that there was or is within the county, or is residing therein, a minor who has committed an aggravated assault or battery upon a public school employee during the course of such employee's school-related duties.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section, nor shall there be any appropriation made by this act because (1) this act is in accordance with the request of a local government entity which desired legislative authority to act to carry out the program specified in this act, and (2) the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 932

An act to amend Sections 31620, 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, and 31676.15 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31620 of the Government Code is amended to read:

31620. The normal rates of contribution of members shall be based on sex and age at the nearest birthday at the time of entrance into the retirement system. However, upon the recommendation of the board of retirement, the board of supervisors or the governing board of a district may provide that the contribution of all members shall be based upon (1) age at the nearest birthday at the time of entrance into the retirement system and (2) the male mortality table adopted by the board of supervisors pursuant to Section 31454.

SEC. 2. Section 31676.1 of the Government Code is amended to read:

31676.1. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In

any county or district in which the board of supervisors or the governing body of a district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality table the applicable fraction for both in the following table shall be that prescribed for women.

Age of retirement	Fraction	
	Men	Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1.1500

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60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1 2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system.

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

SEC. 3. Section 31676.11 of the Government Code is amended to read:

31676.11. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In any county or district in which the board of supervisors or the governing body of the district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality table, the applicable fraction for both in the following table shall be that

prescribed for women.

Age at retirement	Fraction Men	Women
50	.7279	.7454
50¼	.7393	.7561
50½	.7506	.7668
50¾	.7619	.7775
51	.7732	.7882
51¼	.7885	.7998
51½	.7978	.8114
51¾	.8102	.8230
52	.8225	.8346
52¼	.8360	.8472
52½	.8494	.8598
52¾	.8629	.8724
53	.8764	.8850
53¼	.8911	.8987
53½	.9059	.9125
53¾	.9206	.9262
54	.9353	.9399
54¼	.9515	.9549
54½	.9676	.9699
54¾	.9838	.9849
55	1.0000	1.0000
55¼	1.0110	1.0111
55½	1.0221	1.0223
55¾	1.0332	1.0335
56	1.0443	1.0447
56¼	1.0591	1.0597
56½	1.0739	1.0747
56¾	1.0887	1.0898
57	1.1035	1.1048
57¼	1.1191	1.1207
57½	1.1348	1.1367
57¾	1.1504	1.1526
58	1.1660	1.1686
58¼	1.1826	1.1855
58½	1.1991	1.2025
58¾	1.2157	1.2195
59	1.2322	1.2365
59¼	1.2498	1.2547
59½	1.2673	1.2729
59¾	1.2849	1.2911
60	1.3025	1.3093
60¼	1.3153	1.3221
60½	1.3282	1.3350
60¾	1.3411	1.3479
61	1.3540	1.3608

61¼	1.3668	1.3736
61½	1 3797	1.3865
61¾	1.3926	1.3994
62	1.4055	1.4123
62¼	1.4183	1.4251
62½	1.4312	1.4380
62¾	1.4441	1.4509
63	1.4570	1.4638
63¼	1.4698	1.4766
63½	1.4827	1.4895
63¾	1.4956	1.5024
64	1.5085	1.5153
64¼	1.5213	1.5281
64½	1.5342	1.5410
64¾	1.5471	1.5539
65	1.5600	1.5668

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 4. Section 31676.12 of the Government Code is amended to read:

31676.12. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In any county or district in which the board of supervisors or the governing body of the district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality table, the applicable fraction for both in the following table shall be that prescribed for women.

Age at retirement	Fraction Men	Women
50	.6467	.6681
50¼	.6565	.6775
50½	.6664	.6869
50¾	.6762	.6962
51	.6860	.7056
51¼	.6965	.7156
51½	.7070	.7255
51¾	.7174	.7355
52	.7279	.7454
52¼	.7393	.7561
52½	.7506	.7668
52¾	.7619	.7775
53	.7732	.7882
53¼	.7885	.7998
53½	.7978	.8114
53¾	.8102	.8230
54	.8225	.8346
54¼	.8360	.8472
54½	.8494	.8598
54¾	.8629	.8724
55	.8764	.8850
55¼	.8911	.8987
55½	.9059	.9125
55¾	.9206	.9262
56	.9353	.9399
56¼	.9515	.9549
56½	.9676	.9699
56¾	.9838	.9849
57	1.0000	1.0000
57¼	1.0110	1.0111
57½	1.0221	1.0223
57¾	1.0332	1.0335
58	1.0443	1.0447
58¼	1.0591	1.0597
58½	1.0739	1.0747
58¾	1.0887	1.0898
59	1.1035	1.1048
59¼	1.1191	1.1207
59½	1.1348	1.1367
59¾	1.1504	1.1526
60	1.1660	1.1686
60¼	1.1826	1.1855
60½	1.1991	1.2025
60¾	1.2157	1.2195
61	1.2322	1.2365
61¼	1.2498	1.2547
61½	1.2673	1.2729

61¾	1.2849	1.2911
62 and over	1.3025	1.3093

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 5. Section 31676.13 of the Government Code is amended to read:

31676.13. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In any county or district in which the board of supervisors or the governing body of the district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality rate, the applicable fraction for both in the following table shall be that prescribed for women.

Age of retirement	Fraction Men	Women
50	.7967	.8181
50¼	.8065	.8275
50½	.8164	.8369
50¾	.8262	.8462
51	.8360	.8556
51¼	.8465	.8656
51½	.8570	.8755
51¾	.8674	.8855
52	.8779	.8954
52¼	.8893	.9061
52½	.9006	.9168
52¾	.9119	.9275
53	.9232	.9382
53¼	.9355	.9498
53½	.9478	.9614
53¾	.9602	.9730
54	.9725	.9846
54¼	.9860	.9972
54½	9994	1.0098

54¾	1.0129	1.0224
55	1.0264	1.0350
55¼	1.0411	1.0487
55½	1.0559	1.0625
55¾	1.0706	1.0762
56	1.0853	1.0899
56¼	1.1015	1.1049
56½	1.1176	1.1199
56¾	1.1338	1.1349
57	1.1500	1.1500
57¼	1.1610	1.1611
57½	1.1721	1.1723
57¾	1.1832	1.1835
58	1.1943	1.1947
58¼	1.2091	1.2097
58½	1.2239	1.2247
58¾	1.2387	1.2398
59	1.2535	1.2548
59¼	1.2691	1.2707
59½	1.2848	1.2867
59¾	1.3004	1.3026
60	1.3160	1.3186
60¼	1.3326	1.3355
60½	1.3491	1.3525
60¾	1.3657	1.3695
61	1.3822	1.3865
61¼	1.3998	1.4047
61½	1.4173	1.4229
61¾	1.4349	1.4411
62 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system.

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

This section shall not be operative in any county until adopted by a resolution of the board of supervisors.

SEC. 6. Section 31676.14 of the Government Code is amended to read:

31676.14. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the

following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In any county or district in which the board of supervisors or the governing board of the district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality table, the applicable fraction for both in the following table shall be that prescribed for women.

Age at retirement	Fraction	
	Men	Women
50	.8764	.8850
50¼	.8911	.8987
50½	.9059	.9125
50¾	.9206	.9262
51	.9353	.9399
51¼	.9515	.9549
51½	.9676	.9699
51¾	.9838	.9849
52	1.0000	1.0000
52¼	1.0110	1.0111
52½	1.0221	1.0223
52¾	1.0332	1.0335
53	1.0443	1.0447
53¼	1.0591	1.0597
53½	1.0739	1.0747
53¾	1.0887	1.0898
54	1.1035	1.1048
54¼	1.1191	1.1207
54½	1.1348	1.1367
54¾	1.1504	1.1526
55	1.1660	1.1686
55¼	1.1826	1.1855
55½	1.1991	1.2025
55¾	1.2157	1.2195
56	1.2322	1.2365
56¼	1.2498	1.2547
56½	1.2673	1.2729
56¾	1.2849	1.2911
57	1.3025	1.3093
57¼	1.3153	1.3221
57½	1.3282	1.3350
57¾	1.3411	1.3479
58	1.3540	1.3608
58¼	1.3668	1.3736
58½	1.3797	1.3865
58¾	1.3926	1.3994
59	1.4055	1.4123

59¼	1.4183	1.4251
59½	1.4312	1.4380
59¾	1.4441	1.4509
60	1.4570	1.4638
60¼	1.4698	1.4766
60½	1.4827	1.4895
60¾	1.4956	1.5024
61	1.5085	1.5153
61¼	1.5213	1.5281
61½	1.5342	1.5410
61¾	1.5471	1.5539
62 and over	1.5600	1.5668

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

This section shall not be operative in any county until adopted by a resolution of the board of supervisors.

SEC. 7. Section 31676.15 of the Government Code is amended to read:

31676.15. This section may be made applicable in any county which has implemented the provisions of Article 15.6 (commencing with Section 31855). The provisions of this section shall be applicable if a majority of all the members of the board of supervisors vote to adopt a resolution so to do and a majority of the members of the affected class or classes voting at an election held during 1974, with more than 50 percent of the members participating, favor the termination of retirement benefits under social security. Such resolution may specify a date subsequent to the date of adoption of the resolution as the operative date for this section. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to the member's sex, multiplied by the number of years of current service or years of current and prior service with which the member is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the member's final compensation. In any county or district which the board of supervisors or the governing body of the district pursuant to Section 31620 has provided for a contribution rate based upon age and the male mortality table, the applicable fraction for both in the following table shall be that prescribed for

women.

Age at retirement	Fraction Men	Women
50	.7279	.7454
50¼	.7393	.7561
50½	.7506	.7668
50¾	.7619	.7775
51	.7732	.7882
51¼	.7885	.7998
51½	.7978	.8114
51¾	.8102	.8230
52	.8225	.8346
52¼	.8360	.8472
52½	.8494	.8598
52¾	.8629	.8724
53	.8764	.8850
53¼	.8911	.8987
53½	.9059	.9125
53¾	.9206	.9262
54	.9353	.9399
54¼	.9515	.9549
54½	.9676	.9699
54¾	.9838	.9849
55	1.0000	1.0000
55¼	1.0110	1.0111
55½	1.0221	1.0223
55¾	1.0332	1.0335
56	1.0443	1.0447
56¼	1.0591	1.0597
56½	1.0739	1.0747
56¾	1.0887	1.0898
57	1.1035	1.1048
57¼	1.1191	1.1207
57½	1.1348	1.1367
57¾	1.1504	1.1526
58	1.1660	1.1686
58¼	1.1826	1.1855
58½	1.1991	1.2025
58¾	1.2157	1.2195
59	1.2322	1.2365
59¼	1.2498	1.2547
59½	1.2673	1.2729
59¾	1.2849	1.2911
60	1.3025	1.3093
60¼	1.3153	1.3221
60½	1.3282	1.3350
60¾	1.3411	1.3479
61	1.3540	1.3608

0 1009 29 5 220 159

61¼	1.3668	1.3736
61½	1.3797	1.3865
61¾	1.3926	1.3994
62	1.4055	1.4123
62¼	1.4183	1.4251
62½	1.4312	1.4380
62¾	1.4441	1.4509
63	1.4570	1.4638
63¼	1.4698	1.4766
63½	1.4827	1.4895
63¾	1.4956	1.5024
64	1.5085	1.5153
64¼	1.5213	1.5281
64½	1.5342	1.5410
64¾	1.5471	1.5539
65	1.5600	1.5668

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Whenever in this chapter reference is made to survivorship and other benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 8. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 933

An act to add and repeal Section 53707 to the Government Code, relating to cities.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53707 is added to the Government Code, to read:

53707. Whenever funds are made available to any city, under the Comprehensive Employment and Training Act of 1973 (Pub.L. 93-203), under such act as amended, or under any similar federal laws relating to employment, job training, or manpower programs, for the employment of any person by such city for the erection,

improvement, repair, remodeling, or alteration of any public building or works, or any street or highway, or sewer, the city may authorize such projects without complying with the provisions of Chapter 6 (commencing with Section 37901) of Division 3 of Title 4 of the Government Code, provided that substantially all of the employees hired by the city to perform such projects are compensated pursuant to, and are otherwise subject to, the provisions of the Comprehensive Employment and Training Act of 1973.

However, all such employees shall be compensated at least at the same prevailing wage rate and with the same benefits determined by the city pursuant to Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code, and no such project as defined in Section 37901 shall exceed twenty-five thousand dollars ($25,000).

This section shall remain in effect only until January 1, 1977, and as of such date is repealed, unless a later enacted statute, which is chaptered before January 1, 1977, deletes or extends such date.

SEC. 2. The Legislature finds that the Comprehensive Employment and Training Act of 1973 was enacted in recognition that transitional public service employment is an integral part of a comprehensive manpower program, provides additional public employment opportunities in areas of substantial unemployment. Under Title 1 of such act a program of financial assistance is made available to states and local governments to enable them to hire and train the economically disadvantaged and unemployed. In many instances cities are in a position to provide such employment and training for the erection, improvement, repair, remodeling or altering of public buildings or works, streets, highways, or sewers, but by reason of the provisions of Chapter 6 (commencing with Section 37901) of Division 3 of Title 4 of the Government Code, such persons cannot be retained or utilized by cities for this purpose, since under such Government Code provisions it is necessary that a city award a contract to private persons for the performance of such public project pursuant to competitive bidding procedures, if the cost of such project exceeds three thousand five hundred dollars ($3,500). It is the intent of the Legislature by the enactment of Section 53707 of the Government Code, pursuant to Section 1 of this act, to authorize cities to enter into such projects with the use of their own forces, including those in which the estimated cost exceeds three thousand five hundred dollars ($3,500), where all of the employees hired and utilized by the city from the commencement to the completion of the project have been so hired by the city by reason of funding under, and subject to the provisions of, the Comprehensive Employment and Training Act of 1973, or any similar federal laws relating to employment, job training, or manpower programs.

CHAPTER 934

An act to add Section 21677 to the Public Utilities Code, relating to airports.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21677 is added to the Public Utilities Code, to read:

21677. Notwithstanding the provisions of Section 21676 which require a four-fifths vote of the governing body of a public agency in order to overrule a commission, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body.

SEC. 2. The Legislature finds and declares that this bill is necessary since special facts and circumstances applicable to the County of Marin, and not generally applicable make the accomplishment of this purpose impossible by any general law. Such facts and circumstances include the relatively few airports within the County of Marin and the relatively few public agencies affected by such airports. The Legislature further finds and declares that the County of Marin is the only county involved, that the purpose of this act is impossible to accomplish by any general law, and that special legislation applicable only to the County of Marin is therefore necessary.

CHAPTER 935

An act to add Section 31836.1 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31836.1 is added to the Government Code, to read:

31836.1. "Service" for the purpose of qualifying members for the discontinuance of contributions pursuant to 31625.2 shall also include service as an employee of the state, a contracting agency under the Public Employees' Retirement System, of another county having a retirement system established under this chapter, or of any other public agency if the compensation for such service constitutes compensation earnable by a member under Section 31835.

SEC. 2. Notwithstanding Section 2231 of the Revenue and

Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 936

An act to amend Sections 69991 and 70045.4 of, and to add Section 68518 to, the Government Code, relating to official reporters.

[Became law without Governor's signature September 21, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 68518 is added to the Government Code, to read:

68518. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in Merced or Stanislaus County. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts; and

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

SEC. 2. Section 69991 of the Government Code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of one thousand eighty-one dollars ($1,081), and the fee for reporting testimony and proceedings in civil contested cases is seventy-five dollars ($75) a day, or any fractional part thereof, and for the purposes of retirement, the compensation of each reporter shall be deemed to be

the total of all per diem and transcription fees paid by the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary. All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

SEC. 3. Section 70045.4 of the Government Code is amended to read:

70045.4. Notwithstanding the provisions of Section 70045 or any other provision of this article, in Merced County:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings in the superior court.

(2) Report all civil commitment proceedings and all contempt proceedings in the superior court.

(3) Report all juvenile proceedings in the superior court other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings in the superior court.

(5) Report all civil jury trials in the superior court.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and corum nobis in the superior court.

(7) Report any other court proceedings in the superior court when a party requests a court reporter in accordance with the rules of court.

(8) Report all criminal proceedings of the grand jury.

(9) Report proceedings for the board of equalization, when requested by the board.

(b) Each regular full-time court reporter shall be paid an annual salary of fifteen thousand one hundred eighty dollars ($15,180), unless the board of supervisors of the county shall provide for compensation in excess of that amount.

The foregoing salary is for compensation for reporting services under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to group insurance and retirement as other employees of such county. Retirement contributions shall be based upon the annual salary provided for in subdivision (b) of this section.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts and county may require, in order that the business of the

courts and county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

(d) In such a county, the fee required by Section 70053 shall be twelve dollars ($12).

SEC. 3.5. The Legislature hereby finds and declares that, in view of its constitutionally delegated responsibility of setting salaries for court reporters, it is necessary to obtain information regarding the total compensation paid to court reporters from all sources so to allow proper evaluation of legislative proposals relating to court reporters' salaries on an ongoing basis.

Such legislative proposals are not made on a uniform statewide basis, but on a county-by-county basis. Therefore, it is necessary to monitor the compensation provided court reporters on an individual county basis reflecting the periodic legislative proposals which are made for specific counties. Accordingly, this legislation affecting Merced and Stanislaus Counties is necessary to permit the Legislature to carry out its constitutionally delegated responsibility of setting court reporters' salaries in these counties in view of their submitted requests for adjustments in the compensation provided to court reporters in such counties.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of local government entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 937

An act relating to the practice of medicine.

[Became law without Governor's signature September 21, 1975. Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Sections 2192 and 2310 of the Business and Professions Code, the Board of Medical Examiners of the State of California shall permit any person who meets the other requirements of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code to take the examination referred to in Sections 2321 and 2323 of the Business and Professions Code if he also meets all of the following requirements:

(a) Is a graduate of a medical school which grants a doctor of medicine degree and which is located in the United States.

(b) Was licensed after written examination on the basis of submission of a doctor of medicine degree by the state in which such medical school is located.

(c) Was engaged in the practice of medicine in the United States for at least 15 years.

(d) Has completed three years of residency training.

(e) Has practiced medicine at a Veterans Administration Hospital located in this state for at least five years.

If the applicant successfully passes the examination referred to in Sections 2321 and 2323 of the Business and Professions Code, the Board of Medical Examiners of the State of California shall issue him a reciprocity certificate as provided for in Section 2310 of the Business and Professions Code.

SEC. 2. This act shall be operative until December 31, 1976, and after that date shall have no force or effect.

CHAPTER 938

An act to repeal Article 4 (commencing with Section 12241) of Chapter 3 of Part 7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 12241) of Chapter 3 of Part 7 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 2. This act shall become operative only if either Senate Constitutional Amendment No. 12 or Assembly Constitutional Amendment No. 35 of the 1975–76 Regular Session is approved by the voters; in which case, this act shall become operative on January 1, 1977.

CHAPTER 939

An act making an appropriation for local assistance to cities and counties for park and recreation purposes; and in this connection to amend and supplement the Budget Act of 1975 (Chapter 176, Statutes of 1975), by adding Section 2.5A thereto.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5A is added to the Budget Act of 1975 (Chapter 176, Statutes of 1975), to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1964 PROGRAM

Sec. 2.5A. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1975–76 fiscal year beginning July 1, 1975, and ending June 30, 1976. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund of 1964.

LOCAL ASSISTANCE

Resources

382.3A—For grants to counties, cities, or cities and counties pursuant to subdivision (d) of Section 5096.15 of the Public Resources Code, Department of Parks and Recreation, for expenditure during the 1975–76, 1976–77, and 1977–78 fiscal years, payable from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 900,000

Schedule:

(1) City of Torrance for the purchase of 54.5 acres, more or less, in the City of Torrance known as Madrona Marsh 900,000

provided, that such property shall be maintained by the City of Torrance as a wildlife refuge and public park;

Provided further, that if Assembly Bill No. 979 of the 1975–76 Regular Session is chaptered, no funds shall be available for expenditure under this item unless and until funds have been expended from the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 for acquisition of Baldwin Hills Regional Park as provided in A.B. 979, and sufficient unencumbered funds are available in the State Beach, Park, Recreational, and Historical Facilities Fund of 1964 to carry out the provisions of this item; provided further, that

none of the funds appropriated by this item for the project set forth herein shall be available for expenditure unless and until such project is recommended by the State Park and Recreation Commission and reviewed by the Secretary of the Resources Agency.

CHAPTER 940

An act to amend Section 11555.2 of the Insurance Code, relating to malpractice insurance.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 11555.2 of the Insurance Code is amended to read:

11555.2. Each insurer transacting insurance covering liability for malpractice of any person licensed under the Dental Practice Act (Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code), or under the Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code), shall report the following statistics to the commissioner, by profession and by medical specialty, on a date to be set by the commissioner, but not later than July 1st of each calendar year:

(a) The total number of doctors written during the immediately preceding calendar year.

(b) The total amount of premiums received from insured's, both written and earned (as reported in the annual statement), during the immediately preceding calendar year.

(c) The number of claims reported to the insurer for the first time separately by the year the claim occurred, and, the number of claims reported closed during a previous calendar year which were reopened separately by the year claim occurred.

(d) The total number of claims outstanding, together with the monetary amount reserved for loss and allocated loss expense, in the annual statement as of December 31 of the calendar year next preceding, separately stated by the year the claim occurred.

(e) (1) The number of claims closed with payment to the claimant during the calendar year next preceding, to be reported by the year the claim occurred, (2) the total monetary amount paid thereon, reported by the year the claim occurred, and (3) the total allocated loss expense paid thereon, reported by the year claim occurred.

(f) The monetary amount paid on claims during the calendar year next preceding, to be reported separately by the year the claim occurred, with allocated loss expense paid, to be reported separately by the year the claim occurred.

(g) The number of claims closed without payment to the claimant during the calendar year next preceding, by the year the claim occurred, and the allocated loss expense paid thereon, separately by the year the claim occurred.

(h) The monetary amount reserved in the annual statement for the calendar year next preceding on claims incurred but not reported to the insurer.

(i) The number of lawsuits filed against the insurer's insureds, and the number of doctors included therein, during the calendar year next preceding, to be separately reported by the year the claim occurred.

(j) A distribution by size of payment for those claims closed during the calendar year next preceding, showing the number of claims and total amount paid for each monetary category, as determined by the commissioner.

SEC. 2. It is the intent of the Legislature that the reports required of insurers by Section 11555.2 of the Insurance Code be first made not later than July 1, 1976, for the 1975 calendar year.

SEC. 3. During the first effective year of this act, the Insurance Commissioner may require any or all of the information required by Section 11555.2 of the Insurance Code for previous calendar years, to the extent that such information is readily available to the insurer. Such information shall be subject to the time deadlines of Section 11555.2.

CHAPTER 941

An act to repeal Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of the Government Code, and to add Chapter 2.2 (commencing with Section 1340) to Division 2 of the Health and Safety Code, relating to health.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of the Government Code is repealed.

SEC. 2. Chapter 2.2 (commencing with Section 1340) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 2.2. HEALTH CARE SERVICE PLANS

Article 1. General

1340. This chapter shall be known and may be cited as the Knox-Keene Health Care Service Plan Act of 1975.

1341. Responsibility for the administration and enforcement of this chapter is vested in the Commissioner of Corporations. All references to commissioner in this chapter shall be references to the Commissioner of Corporations and all references to department shall be references to the Department of Corporations.

1342. It is the intent and purpose of the Legislature to promote the delivery of health and medical care to the people of the State of California who enroll or subscribe for the services rendered by a health care service plan or specialized health care service plan by:

(a) Assuring the continued role of the professional as the determiner of the patient's health needs which fosters the traditional patient professional relationship of trust and confidence.

(b) Assuring that subscribers and enrollees are educated and informed as to the benefits and services available so as to enable a rational consumer choice in the marketplace.

(c) Protecting the potential subscriber or enrollee from fraudulent solicitations, deceptive methods, misrepresentations, or practices which are inimical to the general purpose of enabling a rational choice for the consumer public.

(d) Help assure the best possible health care for the public at the lowest possible cost by transferring the financial risk of health care from the patient to the providers.

(e) Promoting effective representation of the interests of subscribers and enrollees.

(f) Assuring the financial stability thereof by means of proper regulatory procedures.

(g) Assuring that subscribers and enrollees receive available and accessible health and medical services rendered in a manner providing continuity of care.

1343. (a) The provisions of this chapter shall apply to health care service plans and specialized health care service plans as defined in subdivisions (f) and (m) of Section 1345.

(b) The commissioner may by the adoption of such rules as deemed necessary and appropriate, either unconditionally or upon specified terms and conditions or for specified periods, exempt from the provisions of this chapter any class of persons or plan contracts, if the commissioner finds such action to be in the public interest and not detrimental to the protection of subscribers, enrollees, or persons regulated under this chapter, and that the regulation of such persons or plan contracts is not essential to the purposes of this chapter.

(c) The provisions of this chapter shall not apply to:

(1) A person organized and operating pursuant to a certificate issued by the Insurance Commissioner unless the entity is directly

providing the health care service through such entity-owned or contracting health facilities and providers, in which case the provisions of this chapter shall apply to the insurer's plan and to the insurer.

(2) A plan directly operated by bona fide public or private institution of higher learning which directly provides health care services only to its students, faculty, staff, administration, and their respective dependents.

(3) A nonprofit corporation formed under Chapter 11A (commending with Section 11491) of Part 2 of Division 2 of the Insurance Code.

(d) The provisions of Section 1357 shall not apply to:

(1) A plan, or to any officer, director, or partner of a plan acting in the course of their employment by such plan, unless such officer, director, or partner receives compensation specifically related to the sale of subscriptions or enrollments to the plan.

(2) A provider, or an employee of a provider or of a plan, who disseminates information about the plan only incidentally to such employment and at the unsolicited request of a subscriber, enrollee, or member of the public.

(3) A person who disseminates information concerning plans and plan benefits only as a public employee, only as an employee or representative of a subscriber group, or only as an employee of a person contracting with a plan on behalf of subscribers or enrollees.

1344. (a) The commissioner may from time to time adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this chapter, including rules governing applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with the provisions of this chapter. For the purpose of rules and forms, the commissioner may classify persons and matters within the commissioner's jurisdiction, and may prescribe different requirements for different classes. The commissioner may waive any requirement of any rule or form in situations where in the commissioner's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to this chapter. Initial regulations shall be adopted by July 1, 1976

(b) The commissioner may honor requests from interested parties for interpretive opinions.

(c) No provision of this chapter imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, order, or written interpretive opinion of the commissioner, or any such opinion of the Attorney General, notwithstanding that the rule, form, order, or written interpretive opinion may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

1345. As used in this chapter:

(a) "Advertisement" means any written or printed

communication or any communication by means of recorded telephone messages or by radio, television, or similar communications media, published in connection with the offer or sale of plan contracts.

(b) "Basic health care services" means all of the following:

(1) Physician services, including consultation and referral.

(2) Hospital inpatient services and ambulatory care services.

(3) Diagnostic laboratory and diagnostic and therapeutic radiologic services.

(4) Home health services.

(5) Preventive health services.

(6) Emergency health care services, including ambulance services and out-of-area coverage.

(c) "Enrollee" means a person who is enrolled in a plan and who is a recipient of services from the plan.

(d) "Evidence of coverage" means any certificate, agreement, contract, brochure, or letter of entitlement issued to a subscriber or enrollee setting forth the coverage to which the subscriber or enrollee is entitled.

(e) "Group contract" means a contract which by its terms limits the eligibility of subscribers and enrollees to a specified group.

(f) "Health care service plan" means any person who undertakes to arrange for the provision of health care services, including basic health care services, to subscribers or enrollees, or to pay for or to reimburse any part of the cost for such services, in return for a prepaid or periodic charge paid by or on behalf of such subscribers or enrollees, and who does not substantially indemnify subscribers or enrollees for the cost of provided services.

(g) "Provider" means any professional person, organization, health facility, or other person or institution licensed by the state to deliver or furnish health care services.

(h) "Person" means any person, individual, firm, association, organization, partnership, business trust, foundation, labor organization, or corporation, public agency, or political subdivision of the state.

(i) "Service area" means a geographical area designated by the plan within which a plan shall provide health care services.

(j) "Solicitation" means any presentation or advertising conducted by, or on behalf of, a plan, where information regarding the plan, or services offered and charges therefor, is disseminated for the purpose of inducing persons to subscribe to, or enroll in, the plan.

(k) "Solicitor" means any person who, for compensation paid directly or indirectly by a plan, engages in the acts defined in subdivision (j) of this section. "Solicitor" does not include a person who is an officer, director, or partner of a solicitor firm licensed under the provisions of Section 1357, and who does not receive compensation specifically related to the sale of subscriptions or enrollments to a plan, and also does not include a sole proprietor licensed as a solicitor firm.

(*l*) "Solicitor firm" means any person, other than a plan, who through one or more solicitors engages in the acts defined in subdivision (j) of this section.

(m) "Specialized health care service plan" means any person who undertakes to arrange for health care services in a single specialized area of health care, including dental care, to subscribers or enrollees, or to pay for or to reimburse any part of the cost for such services, in return for a prepaid or periodic charge paid by or on behalf of such subscribers or enrollees, and who does not substantially indemnify subscribers or enrollees for the cost of provided services.

(n) "Subscriber" means the person who is responsible for payment to a plan or whose employment or other status, except for family dependency, is the basis for eligibility for membership in the plan.

(o) "Subsequent provider" means the person who agrees to provide the subscriber or enrollee coverage upon failure, suspension, or revocation of the plan to which the subscriber or enrollee originally belonged.

(p) Unless the context indicates otherwise, "plan" refers to health care service plans and specialized health care service plans.

(q) "Plan contract" means the contract between a plan and its subscribers or enrollees or a person contracting on their behalf pursuant to which health care services are furnished; and unless the context otherwise indicates it includes both health care service plan contracts and specialized health care service plan contracts; and unless the context otherwise indicates it includes group contracts.

(r) All references in this chapter to financial statements, assets, liabilities, and other accounting items mean such financial statements and accounting items prepared or determined in accordance with generally accepted accounting principles, and fairly presenting the matters which they purport to present, subject to any specific requirement imposed by this chapter or by the commissioner.

Article 2. Administration

1346. The commissioner shall administer and enforce the provisions of this chapter.

The commissioner shall have the following powers:

(a) Recommend and propose the enactment of such legislation as necessary to protect and promote the interests of the public, subscribers, enrollees, and providers of health care services in health care service plans in the State of California.

(b) Provide information to federal and state legislative committees and executive agencies concerning plans.

(c) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of plans, subscribers, enrollees and the public.

(d) Study, investigate, research, and analyze matters affecting the

interests of plans, subscribers, enrollees and the public.

(e) Hold public hearings, subpoena witnesses, take testimony, compel the production of books, papers, documents, and other evidence, and call upon other state agencies for information to implement the purposes, and enforce the provisions of this chapter.

(f) Conduct audits and examinations of the books and records of plans and other persons subject to this chapter, and may prescribe by rule or order the following:

(1) The form and contents of financial statements required under this chapter.

(2) The circumstances under which consolidated statements shall be filed.

(3) The circumstances under which financial statements shall be audited by independent certified public accountants or public accountants.

(g) Conduct necessary onsite medical surveys of the health delivery system of each plan.

(h) Propose, develop, conduct, and assist in educational programs for the public, subscribers, enrollees, and licensees.

(i) Promote and establish standards of ethical conduct for the administration of plans and undertake activities to encourage responsibility in the promotion and sale of plan contracts and the enrollment of subscribers or enrollees in such plans.

(j) Advise the Governor on all matters affecting the interests of plans, subscribers, enrollees, and the public.

(k) Determine that investments of a plan's assets necessary to meet the requirements of Section 1376 are acceptable. For such purposes, reinvestment in the plan and investment in any obligations set forth in Articles 3 and 4 of Chapter 2 of Part 2 of Division 1 of the Insurance Code shall be considered acceptable. All other assets shall be invested in a prudent manner.

1347. (a) There is established in the Department of Corporations a Health Care Service Plan Advisory Committee consisting of 14 members. The members shall consist of the commissioner or the commissioner's designee; a physician and surgeon with five years experience in providing services to enrollees of a health care service plan; a person with expertise and five years experience in an administrative capacity of a hospital-based plan; a person with five years experience with a corporation formed under Section 9201 of the Corporations Code; a person with five years experience with a medical foundation; a person with five years experience in an administrative capacity with a non-hospital-based health care service plan; a person with five years experience in an administrative capacity with a specialized health care service plan; a certified public accountant with five years experience in auditing plans; and six public members having no financial interest in the delivery of health care services or in plans except for being enrolled in a health care service plan or specialized health care service plan.

The six public members shall include at least one person enrolled

in a specialized health care service plan, one person enrolled in a medical foundation, one person enrolled in a prepaid health plan under contract with the Department of Health pursuant to the Waxman-Duffy Prepaid Health Plan Act and a member of a hospital-based health care service plan.

The members shall be appointed by the commissioner for a term of three years, except that of the members first appointed four shall serve for a term of one year and five shall serve for a term of two years, as designated by the commissioner.

The committee shall meet at the call of the commissioner and the commissioner, or the commissioner's designee, shall be chairman of the committee. All members shall serve without compensation, but shall be reimbursed from department funds for the expenses actually and necessarily incurred by them in the performance of their duties.

(b) The purpose of the committee is to assist and advise the commissioner in the implementation of the commissioner's duties under this chapter. The commissioner shall consult with the advisory committee on regulations and the recommendations of the committee shall be made a part of the record with regard to such regulations.

1348. The commissioner shall submit to the Governor and the Legislature during the month of December, prior to each regular session of the Legislature, a full and accurate report of the activities of the department regarding all actions undertaken pursuant to this chapter. Such report shall include recommendations, when appropriate, for legislation which will protect and promote the interests of subscribers, enrollees, plans and the public. A copy of the report shall be filed with the Secretary of State as a public document.

Article 3. Licensing and Fees

1349. It is unlawful for any person to engage in business as a plan in this state or to receive advance or periodic consideration in connection with a plan from or on behalf of persons in this state unless such person has first secured from the commissioner a license, then in effect, as a plan or unless such person is exempted by the provisions of Section 1343 or a rule adopted thereunder. A person licensed pursuant to this chapter need not be licensed pursuant to the Insurance Code to operate a health care service plan or specialized health care service plan unless the plan is operated by an insurer, in which case the insurer shall also be licensed by the Insurance Commissioner.

1350. (a) Every plan not exempted from this chapter who on June 30, 1976, is registered under the Knox-Mills Health Plan Act as in effect prior to the operative date of this chapter, shall promptly notify the commissioner of its intention to seek licensing under this chapter and shall file an application for licensing as a plan by September 30, 1976. Each such plan may continue to operate under the provisions of the Knox-Mills Health Plan Act as in effect prior to

the operative date of this chapter until the commissioner grants or denies its application.

(b) If an application filed pursuant to subdivision (a) is denied, the commissioner shall give notice thereof as provided in Section 1354 and the plan shall not, after receipt of such notice, solicit or receive further enrollment or subscription unless and until such order of denial is revoked or set aside. Within 30 days after the date of mailing of such notice, the plan shall either cease operations in this state or request a hearing pursuant to Section 1354, such hearing to commence within 15 business days after receipt of such request unless the plan and the commissioner consent in writing to a later date. If, after hearing, the denial of the application is affirmed by the commissioner, such plan shall cease operations in this state within 15 days after the date of such order. Thereafter, such plan shall be subject in all respects to the provisions of this chapter.

(c) On and after July 1, 1976, all administrative powers exercised by the Attorney General under the terms and provisions of the Knox-Mills Health Plan Act shall be exercised by the commissioner under the provisions of this section, and the Attorney General shall act as attorney for the commissioner except that the Attorney General may continue all civil or administrative proceedings initiated by the Attorney General prior to such date.

(d) Upon filing its application as provided in subdivision (a), each plan shall pay the application fee prescribed by subdivision (a) of Section 1356. In addition, each plan shall, on or before September 30, 1976, pay the annual assessment under subdivision (b) of Section 1356 for the fiscal year commencing July 1, 1976, and the commissioner shall, on or before September 1, 1976, give notice to such plans of the amount of such assessment.

1351 Each application for licensure as a health care service plan or specialized health care service plan under this chapter shall be verified by an officer or authorized representative of the applicant, and shall be in a form prescribed by the department. Such application shall be accompanied by the fee prescribed by subdivision (a) of Section 1356 and shall set forth or be accompanied by each and all of the following:

(a) The basic organizational documents of the applicant, such as, the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents and all amendments thereto.

(b) A copy of the bylaws, rules and regulations, or similar documents regulating the conduct of the internal affairs of the applicant.

(c) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant, which shall include among others, all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the principal officers, each shareholder with over 5-percent interest in the case of a corporation,

and all partners or members in the case of a partnership or association, and each person who has loaned funds to the applicant for the operation of its business.

(d) A copy of any contract made, or to be made, between the applicant and any provider of health care services, or persons listed in subdivision (c), or any other person or organization agreeing to perform an administrative function or service for the plan. The commissioner by rule may identify contracts excluded from this requirement and make provision for the submission of form contracts. The payment rendered or to be rendered to such provider of health care services shall be deemed confidential information that shall not be divulged by the commissioner, except that such payment may be disclosed and become a public record in any legislative, administrative, or judicial proceeding or inquiry. The plan shall also submit the name and address of each physician employed by or contracting with the plan, together with his or her license number.

(e) A statement describing the plan, its method of providing for health care services and its physical facilities. If applicable, this statement shall include the health care delivery capabilities of the plan including the number of full-time and part-time primary physicians, the number of full-time and part-time and specialities of all nonprimary physicians; the numbers and types of licensed or state-certified health care support staff, the number of hospital beds contracted for, and the arrangements and the methods by which health care services will be provided. For purposes of this subdivision, primary physicians include general and family practitioners, internists, pediatricians, obstetricians, and gynecologists.

(f) A copy of the forms of evidence of coverage and of the disclosure forms or material which are to be issued to subscribers or enrollees of the plan.

(g) A copy of the form of the individual contract which is to be issued to individual subscribers and the form of group contract which is to be issued to any employers, unions, trustees, or other organizations.

(h) Financial statements consisting of a certified balance sheet and a certified statement of income and expense.

(i) A description of the proposed method of marketing the plan and a copy of any contract made with any person to solicit on behalf of the plan or a copy of the form of agreement used and a list of the contracting parties.

(j) A power of attorney duly executed by any applicant, not domiciled in this state, appointing the commissioner the true and lawful attorney in fact of such applicant in this state for the purposes of service of all lawful process in any legal action or proceeding against the plan on a cause of action arising in this state.

(k) A statement describing the service area or areas to be served, including the service location for each provider rendering professional services on behalf of the plan and the location of any

other plan facilities where required by the commissioner.

(*l*) A description of enrollee-subscriber grievance procedures to be utilized as required by this chapter, and a copy of the form specified by subdivision (c) of Section 1368.

(m) A description of the procedures and programs for internal review of the quality of health care pursuant to the requirements set forth in this chapter.

(n) A description of the mechanism by which enrollees and subscribers will be afforded an opportunity to express their views on matters relating to the policy and operation of the plan.

(o) The agreement with an insurer, a health facility or medical service corporation, or a licensed health care service plan or specialized health care service plan, or a governmental organization to provide the payment of the cost of the originally contracted health care services or to provide the originally contracted health care services in the event of failure, suspension, or revocation of the plan or a showing that the plan meets the requirements of subdivision (d) of Section 1375.

(p) Evidence of adequate insurance coverage or self-insurance to respond to claims for damages arising out of the furnishing of health care services.

(q) Evidence of adequate insurance coverage or self-insurance to protect against losses of facilities where required by the commissioner.

(r) If required by the commissioner by rule pursuant to Section 1376, a fidelity bond or a surety bond in the amount prescribed.

(s) Evidence of adequate workmen's compensation insurance coverage to protect against claims arising out of work-related injuries that might be brought by the employees and staff of a plan against the plan.

(t) Such other information as the commissioner may reasonably require.

1352. (a) A licensed plan shall, within 30 days after any change in the information contained in its application, other than financial or statistical information, file an amendment thereto in such manner as the commissioner may by rule prescribe setting forth such changed information.

(b) Prior to any material modification of its plan or operations, a plan shall give notice thereof to the commissioner, who shall, within 20 business days or such additional time as the plan may specify, by order approve, disapprove, suspend, or postpone the effectiveness of any such change, subject to the provisions of Section 1354.

(c) A plan shall, within five days, give written notice to the commissioner in such form as by rule may be prescribed, of any change in the officers, directors, partners, controlling shareholders, principal creditors, or persons occupying similar positions or performing similar functions, of such plan and of any management company of the plan, and of any parent company of such plan or management company. The commissioner may by rule define the

positions, duties, and relationships which are referred to in this subdivision.

(d) The fee for filing a notice of major modification pursuant to subdivision (b) shall be the actual cost to the commissioner of processing such notice, including overhead, but shall not exceed two hundred fifty dollars ($250).

1353. The commissioner shall issue a license to any person filing an application pursuant to this article, if the commissioner, upon due consideration of the application and of the information obtained in any investigation, including, if necessary, an onsite inspection, determines that the applicant has satisfied the provisions of this chapter and that, in the judgment of the commissioner, a disciplinary action pursuant to Section 1386 would not be warranted against such applicant. Otherwise, the commissioner shall deny the application.

1354. Upon denial of application for licensure, or the issuance of an order pursuant to Section 1352 disapproving, suspending, or postponing a material modification, the commissioner shall notify the applicant in writing, stating the reason for the denial and that the applicant has the right to a hearing if the applicant makes written request within 30 days after the date of mailing of the notice of denial. Service of the notice required by this subdivision may be made by certified mail addressed to the applicant at the latest address filed by the applicant in writing with the department.

1355. Every plan's license issued under this chapter shall remain in effect until revoked or suspended by the commissioner.

1356. (a) Each plan applying for licensure under this chapter shall pay to the commissioner a nonrefundable cash application fee in the amount of two thousand five hundred dollars ($2,500) at the time of submission of his application.

(b) In addition to other fees and reimbursements required to be paid under this chapter, each licensed plan shall pay to the commissioner on or before the 30th day of June of each year, as a reimbursement of its share of all costs and expenses reasonably incurred in the administration of this chapter and not otherwise recovered by the commissioner, including overhead, an amount as estimated by the commissioner for the ensuing year and for any deficit for prior years. The amount paid by each plan shall be five hundred dollars ($500) plus an amount up to but not exceeding eighteen cents ($0.18) for each family unit enrolled in its plan in this state as of December 31 of the preceding year and shall be fixed by the commissioner by notice to all licensed plans on or before the first day of June of each year. In determining the amount assessed, the commissioner shall consider all fees and other reimbursements provided for in this chapter and, insofar as practicable, balance total revenues and reimbursements with total expenditures under this chapter. For the purpose of this section, a family unit is a household composed of one or more individuals.

(c) All moneys collected pursuant to this chapter shall be transmitted to the State Treasurer at least weekly, accompanied by

a detailed statement thereof, and shall be credited to the General Fund.

Article 4. Solicitation and Enrollment

1357. (a) It is unlawful for any person to act as a solicitor or solicitor firm in this state unless such person has first secured from the commissioner a license, then in effect, authorizing such person to do so, or unless such person is exempted pursuant to the provisions of Section 1343, except that any person who files an application for as a solicitor or solicitor firm, and who pays the fee prescribed by this section on or before July 15, 1976, may act in the capacity for which such license application is filed until such time as the application is denied by the commissioner.

(b) An applicant for a solicitor or solicitor firm license under this article shall file with the commissioner an application in the form and with such supporting documents as the commissioner prescribes, together with the fee prescribed by subdivision (d). The commissioner shall investigate applicants and licensees in such manner and in respect of such manner as the commissioner deems advisable.

(c) A solicitor's license shall be issued only to an individual. No individual may act as a solicitor except as an employee of a plan or solicitor firm.

(d) The fee for filing an application for a solicitor license is fifty dollars ($50), and payment of this amount shall keep the license, if granted, in effect during the calendar year during which it is granted, and if that year is an even-numbered year, during the following calendar year. Every solicitor who has secured a license from the commissioner shall, in order to keep such license in effect for an additional two-year period, pay a renewal fee of fifty dollars ($50) on or before the 15th day of December preceding the additional period.

(e) The fee for filing an application for a solicitor firm license shall be two hundred dollars ($200), and payment of this amount shall keep the license, if granted, in effect during the calendar year during which it is granted and if that year is an even-numbered year, during the following calendar year. Every solicitor firm which has secured a license from the commissioner shall, in order to keep such license in effect for an additional two-year period, pay a renewal fee of two hundred dollars ($200) on or before the 15th day of December preceding the additional period.

(f) The license of every solicitor and solicitor firm issued under this chapter shall remain in effect until revoked or suspended by the commissioner.

(g) The commissioner may, by regulation, reduce the fees required by subdivisions (d) and (e) for persons licensed pursuant to Chapter 5 (commencing with Section 1621) of Part 2 of Division 1 of the Insurance Code, but such reduced fees shall not be less than

one-half of the fee prescribed in such subdivisions.

1358. The commissioner shall issue a solicitor or solicitor firm license if an applicant satisfies the following and may decline to issue a license, or may suspend or revoke such a license, if the applicant does not satisfy the following:

(a) That the applicant is of good business reputation and of good general reputation.

(b) That the applicant has never been refused a license or had a license revoked by any public authority for reasons which indicated lack of honesty or integrity, or which show improper business practice on the part of the applicant.

(c) That the applicant has an understanding of the operation of a health care service plan, and where applicable, a specialized health care service plan and of the obligations and duties of a solicitor on behalf of a plan, and of the provisions of this chapter and the rules adopted thereunder, as are appropriate to the conduct of activities under the license.

(d) That the applicant has not previously engaged in a fraudulent practice or act and has not conducted any business in a dishonest manner.

(e) That the applicant has not shown untrustworthiness in the conduct of any business, or has not, by commission of a wrongful act or practice in the course of any business, exposed the public or those dealing with the applicant to the danger of loss.

(f) That the applicant has not knowingly misstated any material fact in the application or procured a misstatement in the supporting documents thereof.

(g) That the applicant has not committed an act prohibited by this chapter or knowingly failed to perform a duty enjoined upon the applicant by this chapter.

(h) That the applicant has not been convicted of either a felony or any offense, misdemeanor or felony, involving moral turpitude. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this subdivision. The commissioner may inquire into the circumstances surrounding the commission of the crime and the record of conviction shall be conclusive evidence only of the fact the conviction occurred. The commissioner may deny licensure irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(i) In the event an application for a license under this article is denied by the commissioner, the provisions of Section 1354 shall apply.

1359. (a) The commissioner may require that individuals employed in principal management or supervisory positions in solicitor firms and solicitors meet such reasonable and appropriate standards with respect to training, experience, and other qualifications as the commissioner finds necessary and appropriate in

the public interest or for the protection of subscribers, enrollees, and plans. For such purposes, the commissioner may do the following:

(1) Appropriately classify such persons and individuals.

(2) Specify that all or any portion of such standards shall be applicable to any such class.

(3) Require individuals in any such class to pass examinations prescribed in accordance with such rules.

(b) The commissioner may prescribe by rule reasonable fees and charges to defray the costs of carrying out this section, including, but not limited to, fees for any examination administered by the commissioner or under his direction.

1360. (a) No plan, solicitor, solicitor firm, or representative shall use or permit the use of any advertising or solicitation which is untrue or misleading, or any form of evidence of coverage which is deceptive. For purposes of this article:

(1) A written or printed statement or item of information shall be deemed untrue if it does not conform to fact in any respect which is, or may be significant to an enrollee or subscriber, or potential enrollee or subscriber in a plan.

(2) A written or printed statement or item of information shall be deemed misleading whether or not it may be literally true, if, in the total context in which the statement is made or such item of information is communicated, such statement or item of information may be understood by a person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage, or the absence of any exclusion, limitation, or disadvantage of possible significance to an enrollee, or potential enrollee or subscriber, in a plan, and such is not the case.

(3) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole and with consideration given to typography and format, as well as language, shall be such as to cause a reasonable person, not possessing special knowledge of plans, and evidence of coverage therefor to expect benefits, service charges, or other advantages which the evidence of coverage does not provide or which the plan issuing such coverage or evidence of coverage does not regularly make available to enrollees or subscribers covered under such evidence of coverage.

(b) No plan, or solicitor, or representative shall use or permit the use of any verbal statement which is untrue, misleading, or deceptive or make any representations about coverage offered by the plan or its cost that does not conform to fact. All verbal statements are to be held to the same standards as those for printed matter provided in subdivision (a).

1361. (a) No person licensed or regulated under this chapter shall publish any new or materially revised advertisement unless a true copy thereof has first been filed with the commissioner, at least 30 days prior to such publication, or such shorter period as the commissioner may by rule or order allow. The commissioner may by rule classify advertisements and exempt certain classes, wholly or in

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part, from the application of this section.

(b) No person licensed or regulated under this chapter shall publish any advertisement, after receipt by such person of notice that the commissioner finds such advertisement, wholly or in part, to be untrue, misleading, or deceptive. The person filing or using such advertisement may, within 30 days after receipt of such notice, file a written request for a hearing with the commissioner.

1362. As used in Sections 1363 and 1364:

(a) "Benefits and coverage" means the health care services available under a plan contract.

(b) "Exception" means any provision in a plan contract whereby coverage for a specified hazard or condition is entirely eliminated.

(c) "Reduction" means any provision in a plan contract which reduces the amount of a plan benefit to some amount or period less than would be otherwise payable for medically authorized expenses or services had such a reduction not been used.

(d) "Limitation" means any provision other than an exception or a reduction which restricts coverage under the plan.

(e) "Presenting for examination or sale" means either (1) publication and dissemination of any brochure, mailer, advertisement, or form which constitutes a presentation of the provisions of the plan and which provides a plan enrollment or application form, or (2) consultations or discussions between prospective plan members or their contract agents and solicitors or representatives of a plan, when such consultations or discussions include presentation of formal, organized information about the plan which is intended to influence or inform the prospective member or contract holder, such as brochures, summaries, charts, slides, or other modes of information.

(f) "Disclosure form" means the disclosure form, material, or information required pursuant to Section 1363.

(g) For the purposes of Sections 1363 and 1364, where the definition of the term "hospital" in the plan contract omits care in any "health facility" defined pursuant to subdivision (a) or (b) of Section 1250 of this code, the omitted coverage shall constitute a limitation; and where the definition of the term "nursing home" in the plan omits care in any "health facility" defined pursuant to subdivision (c) or (d) of Section 1250 of this code, the omitted coverage shall constitute a limitation.

1363. (a) The commissioner shall require for use by each plan disclosure forms or materials containing such information regarding the benefits, services, and terms of the plan contract as the commissioner may require, so as to afford the public, subscribers, and enrollees with a full and fair disclosure of the provisions of the plan in readily understood language and in a clearly organized manner. The commissioner may require that such materials be presented in a reasonably uniform manner so as to facilitate comparisons between plan contracts of the same or other types of plans. Nothing contained in this chapter shall preclude the commissioner from permitting such

disclosure form to be included with the evidence of coverage or plan contract.

The disclosure form shall provide for at least the following information, in concise and specific terms, relative to the plan, together with such additional information as may be required by the commissioner, in connection with the plan or plan contract:

(1) The principal benefits and coverage of the plan.

(2) The exceptions, reductions, and limitations that apply to such plan.

(3) The full premium cost of such plan.

(4) Any copayment, coinsurance, or deductible requirements that may be incurred by the member or the member's family in obtaining coverage under the plan.

(5) The terms under which the plan may be renewed by the plan member, including any reservation by the plan of any right to change premiums.

(6) A statement that the disclosure form is a summary only, and that the plan contract itself should be consulted to determine governing contractual provisions.

(7) A statement as to when benefits shall cease in the event of nonpayment of the prepaid or periodic charge and the effect of nonpayment upon an enrollee who is hospitalized or undergoing treatment for an ongoing condition.

(8) To the extent that the plan permits a free choice of provider to its subscribers and enrollees, the statement shall disclose the nature and extent of choice permitted and the financial liability which is, or may be, incurred by the subscriber, enrollee, or a third party by reason of the exercise of such choice.

(9) A summary of the provisions required by subdivision (g) of Section 1373, if applicable.

(b) All plans, solicitors, and representatives of a plan shall, when presenting any plan contract for examination or sale to an individual prospective plan member, provide such individual with a properly completed disclosure form, as prescribed by the commissioner pursuant to this section for each plan so examined or sold.

(c) In the case of group contracts, the completed disclosure form shall be presented to the contract holder upon delivery of the completed health care service plan agreement.

(d) Group contract holders shall disseminate copies of the completed disclosure form to all persons eligible under the group contract at the time such persons are offered the plan. Where the individual group members are offered a choice of plans, separate disclosure forms shall be supplied for each plan available.

1364. Where the commissioner finds it necessary in the interest of full and fair disclosure, all advertising and other consumer information disseminated by a plan for the purpose of influencing persons to become members of a plan shall contain such supplemental disclosure information as the commissioner may require.

1365. (a) An enrollment or a subscription may not be canceled or not renewed except for the following:

(1) Failure to pay the charge for such coverage if the subscriber has been duly notified and billed for the charge and at least 15 days has elapsed since the date of notification.

(2) Fraud or deception in the use of the services or facilities of the plan or knowingly permitting such fraud or deception by another.

(3) Such other good cause as is agreed upon in the contract between the plan and a group or the subscriber.

(b) An enrollee or subscriber who alleges that an enrollment or subscription has been canceled or not renewed because of the enrollee's or subscriber's health status or requirements for health care services may request a review by the commissioner. If the commissioner determines that a proper complaint exists under the provisions of this section, the commissioner shall notify the plan. Within 15 days after receipt of such notice, the plan shall either request a hearing or reinstate the enrollee or subscriber. If, after hearing, the commissioner determines that the cancellation or failure to renew is contrary to subdivision (a), the commissioner shall order the plan to reinstate the enrollee or subscriber. A reinstatement pursuant to this subdivision shall be retroactive to the time of cancellation or failure to renew and the plan shall be liable for the expenses incurred by the subscriber or enrollee for covered health care services from the date of cancellation or nonrenewal to and including the date of reinstatement.

(c) This section shall not abrogate any preexisting contracts entered into prior to the effective date of this chapter between a subscriber or enrollee and a health care service plan or a specialized health care service plan including, but not limited to, the financial liability of such plan, except that each plan shall, if directed to do so by the commissioner, exercise its authority, if any, under any such preexisting contracts to conform them to the provisions of subdivision (a).

1366. (a) No plan may use in its name, any of the words "insurance," "casualty," "surety," "mutual," or any other words descriptive of the insurance, casualty, or surety business or use any name similar to the name or description of any insurance or surety corporation doing business in this state unless such plan controls or is controlled by an entity licensed as an insurer pursuant to the provisions of the Insurance Code and the plan employs a name related to that of such controlled or controlling entity.

(b) Section 2393 of the Business and Professions Code, pertaining to fictitious names, shall not apply to plans, except specialized health care service plans.

(c) No plan or solicitor firm may adopt a name style that is deceptive, or one that could cause the public to believe the plan is affiliated with, or recommended by any governmental or private entity unless such affiliation or endorsement exists.

Article 5. Standards

1367. Each health care service plan, and where applicable, each specialized health care service plan, shall meet the following requirements:

(a) All facilities located in this state including, but not limited to, clinics, hospitals, and skilled nursing facilities to be utilized by the plan shall be licensed by the State Department of Health, if such licensure is required by law. Facilities not located in this state shall conform to all licensing and other requirements of the jurisdiction in which they are located.

(b) All personnel employed by or under contract to the plan shall be licensed or certified by their respective board or agency, where such licensure or certification is required by law.

(c) All equipment required to be licensed or registered by law shall be so licensed or registered and the operating personnel for such equipment shall be licensed or certified as required by law.

(d) The plan shall furnish services in a manner providing continuity of care and ready referral of patients to other providers at such times as may be appropriate consistent with good professional practice.

(e) All services shall be readily available at reasonable times to all enrollees. To the extent feasible, the plan shall make all services readily accessible to all enrollees.

(f) The plan shall employ and utilize allied health manpower for the furnishing of services to the extent permitted by law and consistent with good medical practice.

(g) The plan shall have the organizational and administrative capacity to provide services to subscribers and enrollees. The plan shall be able to demonstrate to the department that medical decisions are rendered by qualified medical providers, unhindered by fiscal and administrative management.

(h) All contracts with subscribers and enrollees, including group contracts, and all contracts with providers, subsequent providers, and other persons furnishing services, equipment, or facilities to or in connection with the plan, shall be fair, reasonable, and consistent with the objectives of this chapter.

(i) Each health care service plan contract shall provide to subscribers and enrollees all of the basic health care services included in subdivision (b) of Section 1345, except that the commissioner may, for good cause, by rule or order exempt a plan contract or any class of plan contracts from such requirement. The commissioner shall by rule define the scope of each basic health care service which health care service plans shall be required to provide as a minimum for licensure under this chapter. Nothing in this chapter shall prohibit a health care service plan from charging subscribers or enrollees a copayment or a deductible for a basic health care service or from setting forth, by contract, limitations on maximum coverage of basic health care services, provided that such

copayments, deductibles, or limitations are reported to, and held unobjectionable by, the commissioner and set forth to the subscriber or enrollee pursuant to the disclosure provisions of Section 1363.

Nothing in this section shall be construed to permit the commissioner to establish the rates charged subscribers and enrollees for contractual health care services.

1368. (a) Every plan shall establish and maintain a grievance system approved by the department under which enrollees may submit their grievances to the plan. Each system shall provide reasonable procedures in accordance with department regulations which shall insure adequate consideration of enrollee grievances and rectification when appropriate.

(b) Every plan shall inform its subscribers and enrollees upon enrollment in the plan and annually thereafter of the procedure for processing and resolving grievances. Such information shall include the location and telephone number where grievances may be submitted.

(c) Every plan shall provide forms for complaints to be given to subscribers and enrollees who wish to register written complaints. The form shall be approved by the commissioner in advance as to format.

(d) The plan shall keep in its files all copies of complaints, and the responses thereto, for a period of five years.

1369. Every plan shall establish procedures to permit subscribers and enrollees to participate in establishing the public policy of the plan. For purposes of this section, public policy means acts performed by a plan or its employees and staff to assure the comfort, dignity, and convenience of patients who rely on the plan's facilities to provide health care services to them, their families, and the public.

Compliance with the requirements of the Health Maintenance Organization Act of 1973 (42 U.S.C. § 300e et seq.) shall be deemed sufficient compliance with this section.

1370. Every plan shall establish procedures in accordance with department regulations for continuously reviewing the quality of care, performance of medical personnel, utilization of services and facilities, and costs.

1371. Every plan shall submit to the commissioner in the annual report required in Section 1383 such information as shall be uniformly required of all health care service plans or when applicable, all specialized health care service plans and the commissioner may classify plans for such purposes. In establishing the requirements of the statistical report, the commissioner shall consider the costs of the plans in compiling and reporting the information.

1372. Every plan shall demonstrate to the commissioner that it is financially responsible for and may reasonably be expected to meet its contractual obligations. In determining whether the conditions of this section have been met, the commissioner shall consider, but not be limited to, the following:

(1) The financial soundness of the plan's arrangements for health care services and a schedule of rates and charges adopted by the plan.

(2) The adequacy of working capital.

(3) Agreements with providers and subsequent providers for the provision of health care services.

1373. (a) A plan contract may not provide an exception for other coverage where such other coverage is entitlement to Medi-Cal benefits under Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of the Welfare and Institutions Code.

Each plan contract shall be interpreted not to provide an exception for such Medi-Cal benefits.

A plan contract may not provide that the benefits payable thereunder are subject to reduction if the individual insured has entitlement to such Medi-Cal benefits.

(b) A plan contract which provides coverage, whether by specific benefit or by the effect of general wording, for sterilization operations or procedures shall not impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization.

As used in this section, "sterilization operations or procedures" shall have the same meaning as that specified in Section 10120 of the Insurance Code.

(c) Every plan contract which provides coverage to family members or dependents of the subscriber or enrollee shall grant immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant, and to each minor adopted child from and after the moment the child is placed in the custody of the adoptive parents for adoption, of any subscriber or enrollee covered. No such plan may be entered into or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a subscriber or enrollee covered from and after the moment of birth or of minor adopted children from and after the moment the child is placed in the custody of the adoptive parents for adoption.

(d) Every plan contract which provides that coverage of a dependent child of a subscriber shall terminate upon attainment of the limiting age for dependent children specified in the plan, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (a) incapable of self-sustaining employment by reason of mental retardation or physical handicap and (b) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the plan by the member within 31 days of the request for such information by the plan or group plan contract holder and subsequently as may be required by the plan or group plan contract holder, but not more frequently than annually after the two-year

period following the child's attainment of the limiting age.

(e) A plan contract which provides coverage, whether by specific benefit or by the effect of general wording, for both an employee and one or more covered persons dependent upon such employee and provides for an extension of such coverage for any period following a termination of employment of the employee shall also provide that such extension of coverage shall apply to dependents upon the same terms and conditions precedent as applied to the covered employee, for the same period of time, subject to payment of premiums, if any, as required by the terms of the policy and subject to any applicable collective-bargaining agreement.

(f) A group contract shall not discriminate against handicapped persons or against groups containing handicapped persons. Nothing in this subdivision shall preclude reasonable provisions in a plan contract against liability for services or reimbursement of the handicap condition or conditions relating thereto, as may be allowed by rules of the commissioner.

(g) Every group contract shall set forth the terms and conditions under which subscribers and enrollees may remain in the plan in the event the group ceases to exist, the group contract is terminated or an individual subscriber leaves the group, or the enrollees' eligibility status changes.

Article 6. Operation and Renewal Requirements and Procedures

1375. (a) Except as provided in subdivision (d), every plan shall maintain an agreement, held unobjectionable by the commissioner, with an unrelated subsequent provider who may be an insurer, a health facility or medical service corporation, another licensed plan, or a governmental organization to provide the payment of the cost of the originally contracted health care service or to provide the originally contracted health care service in the event the plan ceases to do business, because of business failure, suspension of or revocation of its license, or any other reason. For purposes of this section, "unrelated subsequent provider" means a person who is not, directly or indirectly, controlled by, under common control with, or in control of the plan or of any officer, director, employee, or person providing financial support of the plan. Upon a finding by the commissioner that the purposes of this chapter and the public interest are fully served, the commissioner may waive the requirement that the subsequent provider shall be an unrelated entity.

(b) In the event of failure, suspension or revocation of a plan, the subsequent provider shall, at least 15 days prior to cessation of operation, notify in writing, all subscribers and enrollees as to such cessation and as to the manner in which health care services will be paid for or provided to them after the cessation date by the subsequent provider.

(c) The requirement of a subsequent provider of health care

services to subscribers and enrollees in the event of a discontinuance of services may be satisfied by an agreement between two or more plans licensed under this chapter. Such agreement shall be expressly approved by the commissioner, if the commissioner finds that:

(1) Each plan has the financial resources to meet such an obligation.

(2) Each plan has facilities sufficiently close to the service area of the other to minimize inconvenience to subscribers and enrollees of the nonfunctioning plan.

(3) Each plan has the personnel available, or can obtain the personnel, to provide adequate services to the subscribers and enrollees of the nonfunctioning plan.

(d) After five continuous years of active operation, a plan may apply to the commissioner for an exemption from the requirements of this section. Any plan certified under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of the Government Code prior to its repeal shall be able to count its years of continuous operation under Article 2.5 towards the exemption requirements of this subdivision. The commissioner shall grant such an exemption if the commissioner finds upon application that:

(1) In the case of a plan certified under Article 2.5 (commencing with Section 12530) of Chapter 6 of Part 2 of Division 3 of the Government Code prior to its repeal, the plan has continuously maintained for the preceding 12-month period a tangible net equity of not less than seven hundred fifty thousand dollars ($750,000). The commissioner may waive the provisions of this paragraph if the commissioner finds such action to be in the public interest.

(2) The plan has not been found to be significantly in violation of the fiscal requirements of this chapter in the preceding two years.

(3) The commissioner specifically finds that the operation of the plan is such that the subscribers and enrollees are protected from the likelihood of the plan's failure.

(e) If after having been granted the exemption contained in subdivision (d), the plan fails to meet the requirements of the exemption, the provisions requiring insurance or a subsequent provider shall be reapplied by the commissioner following a hearing.

(f) Upon denial of the application, the commissioner shall notify the applicant in writing, stating the reasons for the denial and that the applicant has the right to a hearing if the applicant makes a written request within 30 days after the date of the mailing of the notice of denial.

1376. (a) No plan or solicitor firm shall conduct any activity regulated by this chapter in contravention of such rules and regulations as the commissioner may prescribe by adoption as necessary or appropriate in the public interest or for the protection of plans, subscribers, and enrollees to provide safeguards with respect to the financial responsibility of plans and solicitor firms. Such rules and regulations may require a minimum capital or net worth, limitations on indebtedness, procedures for the handling of

funds or assets, including segregation of funds, assets and net worth, the maintenance of appropriate casualty and fire insurance and a fidelity bond, and the maintenance of a surety bond in an amount not exceeding ten thousand dollars ($10,000).

(b) The surety bond referred to in subdivision (a) shall be conditioned upon compliance by the licensee with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter and orders issued under this chapter. Such bond, unless previously canceled, shall apply to the entire period that the license is in effect. Every surety bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two years after the act upon which such suit is based, and shall also provide that the liability of the surety on such bond to all persons aggrieved shall, in no event, exceed in the aggregate the amount thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel the bond upon 30 days' written notice to the licensee and to the commissioner; except that such cancellation shall not affect any liability incurred or accrued prior to the effective date of such cancellation.

(c) Any appropriate deposits of cash or securities shall be accepted in lieu of the surety bond required pursuant to subdivision (a).

1377. (a) Every plan which reimburses providers of health care service that do not contract in writing with the plan to provide health care services for a specified consideration, or which reimburses its subscribers or enrollees for expenditures incurred in having received health care service from providers that do not contract with the plan, in an amount which exceeds 10 percent of its total expenditures for health care services for the immediately preceding two calendar quarters, shall either (1) maintain cash or equivalents at least equal to the aggregate sum of the last four months of reimbursable payments which were made and accrued to such providers of service and its subscribers and enrollees, or (2) maintain adequate insurance to compensate for any loss resulting from the insolvency of the plan; provided however, that the commissioner may waive or reduce these requirements to such amount as the commissioner deems sufficient to protect subscribers and enrollees of such plan. Every plan shall promptly report to the commissioner whenever such reimbursables exceed 10 percent of its total expenditures for health care services over the immediately preceding two calendar quarters.

(b) Every plan which reimburses providers of health care service on a fee-for-services basis; or which directly reimburses its subscribers or enrollees, to an extent exceeding 10 percent of its total payments for health care services, shall estimate and record in the books of account a liability for incurred and unreported claims. Upon a determination by the commissioner that the estimate is inadequate, the commissioner may require the plan to increase its estimate of incurred and unreported claims. Every plan shall promptly report to the commissioner whenever such reimbursables

exceed 10 percent of its total expenditures for health care services.

As used herein the term "fee-for-services" refers to the situation where the amount of reimbursement paid by the plan to providers of service is determined by the amount and type of service rendered by the provider of service.

1378. No plan shall expend for administrative costs in any fiscal year an excessive amount of the aggregate dues, fees and other periodic payments received by the plan for providing health care services to its subscribers or enrollees. The term "administrative costs," as used herein, includes costs incurred in connection with the solicitation of subscribers or enrollees for the plan.

This section shall not preclude a plan from expending additional sums of money for administrative costs provided such money is not derived from revenue obtained from subscribers or enrollees of the plan.

1379. (a) Every contract between a plan and a provider of health care services shall be in writing, and shall set forth that in the event the plan fails to pay for health care services as set forth in the subscriber contract, the subscriber or enrollee shall not be liable to the provider for any sums owed by the plan.

(b) In the event that the contract has not been reduced to writing as required by this chapter or that the contract fails to contain the required prohibition, the contracting provider shall not collect or attempt to collect from the subscriber or enrollee sums owed by the plan.

(c) No contracting provider, or agent, trustee or assignee thereof, may maintain any action at law against a subscriber or enrollee to collect sums owed by the plan.

1380. (a) The department shall conduct periodically an onsite medical survey of the health delivery system of each plan. The survey shall include a review of the procedures for obtaining health services, the procedures for regulating utilization, peer review mechanisms, internal procedures for assuring quality of care, and the overall performance of the plan in providing health care benefits and meeting the health needs of the subscribers and enrollees.

(b) The survey shall be conducted by a panel of qualified health professionals experienced in evaluating the delivery of prepaid health care. The department shall be authorized to contract with professional organizations or outside personnel to conduct medical surveys. Such organizations or personnel shall have demonstrated the ability to objectively evaluate the delivery of health care by plans or health maintenance organizations.

(c) Surveys performed by this section shall be conducted as often as deemed necessary by the commissioner to assure the protection of subscribers and enrollees, but not less frequently than once every five years. Nothing in this section shall be construed to require the survey team to visit each clinic, hospital office, or facility of the plan. To avoid duplication the commissioner shall employ, but is not bound by, the following:

(1) In hospital-based health care service plans, to the extent necessary to satisfy the requirements of this section, the findings of inspections conducted pursuant to Section 1279 of this code.

(2) In health care service plans contracting with the State Department of Health pursuant to the Waxman-Duffy Prepaid Health Plan Act, the findings of reviews conducted pursuant to Section 14456 of the Welfare and Institutions Code.

(3) To the extent feasible, reviews of providers conducted by professional standards review organizations.

(d) Nothing in this section shall be construed to require the medical survey team to review medical records. However, the commissioner shall be authorized to require such review where necessary to determine that quality health care is being delivered to subscribers and enrollees. Where medical record review is authorized, the survey team shall insure that the confidentiality of physician-patient relationship is safeguarded in accordance with existing law and neither the survey team nor the commissioner or the commissioner's staff may be compelled to disclose such information except in accordance with the physician-patient relationship.

(e) The procedures and standards utilized by the survey team shall be made available to the plans prior to the conducting of medical surveys.

(f) During the survey the members of the survey team shall offer such advice and assistance to the plan as deemed appropriate.

(g) The commissioner shall notify the plan of deficiencies found by the survey team. The commissioner shall give the plan a reasonable time to correct the deficiencies and failure on the part of the plan to comply to the commissioner's satisfaction shall constitute cause for disciplinary action against the plan.

(h) Reports of all surveys, deficiencies, and correction plans shall be open to public inspection, except that no surveys, deficiencies, or correction plans shall be made public unless the plan has had an opportunity to review the survey and file a statement or response within 30 days, to be attached to the report. Deficiencies shall not be made public if they are corrected within 30 days of the date that the plan was notified.

(i) Nothing in this section shall be construed as affecting the commissioner's authority pursuant to Article 7 (commencing with Section 1386) or Article 8 (commencing with Section 1390) of this chapter.

1381. (a) All records, books, and papers of a plan, management company, and any provider or subcontractor providing health care or other services to a plan, or management company shall be open to inspection during normal business hours by the commissioner.

(b) To the extent feasible, all such records, books, and papers described in subdivision (a) shall be located in this state. In examining such records outside this state, the commissioner shall consider the cost to the plan, consistent with the effectiveness of the

commissioner's examination, and may upon reasonable notice require that such records, books and papers, or a specified portion thereof, be made available for examination in this state, or that a true and accurate copy of such records, books and papers, or a specified portion thereof, be furnished to the commissioner.

1382. (a) The commissioner shall conduct an examination of the fiscal and administrative affairs of any plan, and each person with whom the plan has made arrangements with for administrative, management, or financial services, as often as deemed necessary to protect the interest of subscribers or enrollees, but not less frequently than once every five years.

(b) The expense of conducting an examination pursuant to this section, and of the medical survey pursuant to Section 1379, shall be charged against the plan being examined or surveyed. The amount shall include the actual salaries or compensation paid to the persons making such examination or survey, the expenses incurred in the course thereof, and overhead costs in connection therewith as fixed by the commissioner. The amount charged shall be remitted by the plan to the commissioner.

1383. Every plan licensed pursuant to this chapter shall file an annual report with the department. Such report shall be filed on or before the 15th day of September of each year and shall be for the preceding fiscal year ending the 30th day of June. Except as otherwise provided herein, the information required in the annual report shall be provided upon request to the plan's enrollees and subscribers, and interested members of the public.

(a) The annual report shall be verified by a person responsible for conduct of the affairs of the licensee within the meaning of Section 1351.

(b) The report shall be made in a form prescribed by the commissioner and shall include the following:

(1) A financial statement of the plan including its balance sheet and statement of income and expense for the plan's most recently completed fiscal year together with a balance sheet as of June 30th of the year in which the report is made and a profit and loss statement for the period from the close of the plan's fiscal year to such June 30th. All such financial statements shall be prepared on an accrual basis.

(2) The statistical report required by the commissioner pursuant to Section 1371.

(3) Such other information relating to the performance or organization of the plan as the commissioner deems necessary to carry out the provisions of this chapter. The commissioner may provide that specified information furnished pursuant to this paragraph be withheld from public inspection for an appropriate period, if the commissioner finds that such action is necessary for the protection of plans and in the public interest; but nothing in this paragraph shall preclude the commissioner from making such information public when in the commissioner's opinion the public

interest so requires.

(c) For purposes of this section, a plan may provide the information required in the annual report to its subscribers and enrollees by publication in any annual mailing designed to reach individual subscribers and enrollees at their regular mailing address.

1384. (a) Within 90 days after receipt of a request from the commissioner, a plan or other person subject to this chapter shall submit to the commissioner an audit report containing audited financial statements covering the 12 calendar months next preceding the month of receipt of the request, or such other period as the commissioner may require. Unless the public interest shall otherwise require, the commissioner shall exempt a licensee from the provisions of Section 1383, in whole or in part, if such licensee has complied with a request pursuant to this subdivision for financial statements as of a date within the calendar or fiscal year for which such exemption is granted.

(b) A plan whose license has been surrendered or revoked shall submit to the commissioner on or before 105 days after the effective date of such surrender or revocation, a closing audit report containing audited financial statements as of such effective date for the 12 months ending with such effective date, or for such other period as the commissioner may specify Such report shall include the information requested by Section 1383 and other relevant information specified by the commissioner. A licensee who has complied with this subdivision is exempted from Section 1383.

(c) The reports and financial statements referred to in subdivisions (a) and (b) of this section and in Section 1383 shall include at least a balance sheet and a statement of income for the year ended on the balance sheet date together with such other relevant information as the commissioner may require, and shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a report, certificate, or opinion of an independent certified public accountant or independent public accountant. The audits shall be conducted in accordance with generally accepted auditing standards and the rules and regulations of the commissioner.

(d) A plan or solicitor firm shall make such special reports to the commissioner as the commissioner may from time to time require.

(e) For good cause and upon written request, the commissioner may extend the time for compliance with subdivisions (a), (b) and (h) of this section and Section 1383.

(f) A plan or solicitor firm shall, when requested by the commissioner, for good cause, submit its unaudited financial statement, prepared in accordance with generally accepted accounting principles and consisting of at least a balance sheet and statement of income as of the date and for the period specified by the commissioner. The commissioner may require the submission of such reports on a monthly or other periodic basis.

(g) If the report, certificate, or opinion of the independent

accountant referred to in subdivision (c) is in any way qualified, the commissioner may require the plan to take such action as the commissioner deems appropriate to permit an independent accountant to remove such qualification from the report, certificate, or opinion.

(h) The commissioner may reject any financial statement, report, certificate, or opinion filed pursuant to this section by notifying the plan or solicitor firm required to make such filing of its rejection and the cause thereof. Within 30 days after the receipt of such notice, the licensee shall correct such deficiency, and the failure so to do shall be deemed a violation of this chapter. The commissioner shall retain a copy of all filings so rejected.

(i) The commissioner may make rules and regulations specifying the form and content of the reports and financial statements referred to in this section, and may require that such reports and financial statements be verified by the licensee in such manner as the commissioner may prescribe.

1385. Each plan, solicitor firm, and solicitor shall keep and maintain current such books of account and other records as the commissioner may by rule require for the purposes of this chapter. Every plan shall require all providers who contract with the plan to report to the plan in writing all surcharge and copayment moneys paid by subscribers and enrollees directly to such providers, unless the commissioner expressly approves otherwise.

Article 7. Discipline

1386. (a) The commissioner may suspend or revoke a license issued under this chapter to a health care service plan or specialized health care service plan or assess civil penalties if the commissioner determines that the licensee has committed any of the acts or omissions constituting grounds for disciplinary action.

(b) The following acts or omissions constitute grounds for disciplinary action by the commissioner.

(1) The plan is operating at variance with the basic organizational documents as filed pursuant to Section 1351 or 1352, or with its published plan, or in any manner contrary to that described in, and reasonably inferred, from the plan as contained in its application for licensure and annual report, or any modification thereof, unless amendments allowing such variation have been submitted to, and approved by, the commissioner.

(2) The plan has issued evidence of coverage or uses a schedule of charges for health care services which do not comply with those published in the latest evidence of coverage found unobjectionable by the commissioner.

(3) The health care service plan does not provide basic health care services to its enrollees and subscribers as set forth in the evidence of coverage This subdivision shall not apply to specialized health care service plans.

(4) The plan is no longer able to meet the standards set forth in Article 5 (commencing with Section 1369).

(5) The continued operation of the plan will constitute a substantial risk to its subscribers and enrollees.

(6) The plan has violated or attempted to violate, or conspired to violate, directly or indirectly, or assisted in or abetted a violation or conspiracy to violate any provision of this chapter or any rule or regulation adopted by the commissioner pursuant to this chapter.

(7) The plan has engaged in any conduct which constitutes fraud or dishonest dealing or unfair business practice as defined by Section 3369 of the Civil Code.

(8) The plan has permitted, or aided or abetted any violation by an employee or contractor who is a holder of any certificate, license, permit, registration or exemption issued pursuant to the Business and Professions Code, or the Health and Safety Code which would constitute grounds for discipline against such certificate, license, permit, registration, or exemption.

(9) The plan has aided or abetted or permitted the commission of any illegal act.

(10) The engagement of a person as an officer, director, associate, or provider of the plan contrary to the provisions of an order issued by the commissioner pursuant to subdivision (c).

(11) The plan, its management company, or any other affiliate of the plan, or any controlling person, officer, director, or other person occupying a principal management or supervisory position in such plan, management company or affiliate, has been convicted of either a misdemeanor involving moral turpitude or a felony and the commissioner finds that the misdemeanor or felony is reasonably related to the administration of the law. A plea or verdict of guilty or a conviction following a plea of nolo contendere is a conviction within the meaning of this subdivision. The commissioner may revoke or deny a license hereunder irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(c) The commissioner may prohibit any person from serving as an officer, director, associate, or provider of any plan if such person was an officer, director, associate, or provider of a plan whose license has been suspended or revoked pursuant to this section and such person had knowledge of, or participated in, any of the prohibited acts for which such license was suspended or revoked. A proceeding for the issuance of an order under this subdivision may be included with a proceeding against a plan under this section or may constitute a separate proceeding, subject in either case to notice and hearing to the person affected in accordance with the provisions of subdivision (a) of Section 1397.

1387. (a) In addition to suspension or revocation of a license issued under this chapter, the commissioner may levy a civil penalty. The civil penalty may be in lieu of, or in addition to, the penalties of suspension or revocation.

(b) The amount of the civil penalty may not be less than one

hundred dollars ($100) nor more than two thousand five hundred dollars ($2,500) for each violation of this chapter.

1388. The commissioner may, after hearing, suspend or revoke the license of any solicitor or solicitor firm licensed under this chapter for any of the reasons set forth in Section 1360.

1389. (a) A person whose license has been revoked, or suspended for more than one year, may petition the commissioner to reinstate the license as provided by Section 11522 of the Government Code. No petition may be considered if the petitioner is under criminal sentence for a violation of this chapter, or any offense which would constitute grounds for discipline, or denial of licensure under this chapter, including any period of probation or parole.

(b) The petition for restoration shall be in the form of an application for the appropriate license and the commissioner may condition the granting of such petition upon payment of the fees for the current year prescribed by Section 1357 or 1359.1, as may be appropriate, and if such fees have not been paid, upon the filing of the report required by Section 1383 if the petitioner is a plan.

(c) If a license issued under this chapter is suspended, the holder thereof shall not be entitled to operate during the term of suspension.

Article 8. Other Enforcement Procedures

1390. Any person who willfully violates any provision of this chapter or of any rule or order thereunder shall upon conviction be fined not more than ten thousand dollars ($10,000) or imprisoned in the state prison for not more than 10 years or in a county jail for not more than one year, or be punished by both such fine and imprisonment, but no person may be imprisoned for the violation of any rule or order if it is proven that such person had no knowledge of the rule or order.

1391. The commissioner, acting in the name of the state, may issue an order directing a plan, solicitor firm, or any representative thereof, or solicitor to cease and desist from engaging in any act or practice in violation of the provisions of this chapter.

Within 15 days after service of the order of cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. If a timely request for a hearing is made, such request shall automatically stay the effect of the order only to the extent that such order either requires the cessation of operation of the plan or prohibits acceptance of new members by the plan, unless reports or documents submitted to the commissioner by the plan pursuant to this chapter shall on their face show that the plan is in violation of any fiscal requirement of this chapter. In the event of such automatic stay, only that portion of the order requiring cessation of operation or prohibiting enrollment shall be stayed and all other portions of the

order shall remain effective. If a hearing is held, and a finding is made that the health or safety of the members and potential members of the plan might be adversely affected by its continued operation, the stay shall be terminated. Such a finding shall be made, if at all, not later than 30 days after the date of the hearing.

1392. In the case of any violation of the provisions of this chapter, the commissioner, through the Attorney General, may institute a proceeding to obtain injunctive or other equitable relief, including the appointment of a receiver or conservator for the defendant or the defendant's assets, in the superior court in and for the county in which the violation occurs, or in which the principal place of business of the plan is located. The proceeding under this section shall conform with the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that no undertaking shall be required of the commissioner in any action commenced under this section, nor shall the commissioner be required to allege facts necessary to show lack of adequate remedy at law, or to show irreparable loss or damage.

Upon a proper showing, the court shall grant the relief provided by law and requested by the commissioner.

A receiver or conservator appointed by the superior court pursuant to this section may, with the approval of the court, exercise all of the powers of the officers and directors of the plan, including the filing of a petition for bankruptcy. No action at law or in equity may be maintained by any party against the commissioner, or a receiver or conservator, by reason of their exercising the powers of the officers and directors of a plan pursuant to the order of, or with the approval of, the superior court.

1393. (a) The superior court of the county in which is located the principal office of the plan in this state shall, upon the filing by the commissioner of a verified application showing any of the conditions enumerated in Section 1386 to exist, issue its order vesting title to all of the assets of the plan, wheresoever situated, in the commissioner or the commissioner's successor in office, in his official capacity as such, and direct the commissioner to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business or portion of the business of the person to the commissioner as may seem appropriate, and enjoining the person and its officers, directors, agents, servants, and employees from the transaction of its business or disposition of its property until the further order of the court.

(b) Whenever it appears to the commissioner that irreparable loss and injury to the property and business of the plan has occurred or may occur unless the commissioner acts immediately, the commissioner, without notice and before applying to the court for any order, shall take possession of the property, business, books, records and accounts of such plan, and of the offices and premises occupied by it for the transaction of its business, and retain possession subject to the order of the court. Any person having possession of and

refusing to deliver any of the books, records or assets of a plan against whom a seizure order has been issued by the commissioner, shall be guilty of a misdemeanor and punishable by fine not exceeding one thousand dollars ($1,000) or imprisonment not exceeding one year, or both such fine and imprisonment.

1394. The civil, criminal, and administrative remedies available to the commissioner pursuant to this article are not exclusive, and may be sought and employed in any combination deemed advisable by the commissioner to enforce the provisions of this chapter.

Article 9. Miscellaneous

1395. (a) Notwithstanding Article 6 (commencing with Section 650) of Chapter 1 of Division 2 of the Business and Professions Code, any health care service plan or specialized health care service plan may solicit or advertise with regards to the cost of subscription or enrollment, facilities and services rendered, provided, however, Article 5 (commencing with Section 600) of Chapter 1 of Division 2 of the Business and Professions Code remains in effect.

(b) Plans licensed under this chapter shall not be deemed to be engaged in the practice of a profession, and may employ, or contract with, any professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code to deliver professional services. Employment by or a contract with a plan as a provider of professional services shall not constitute a ground for disciplinary action against a health professional licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code by a licensing agency regulating a particular health care profession.

(c) A health care service plan licensed under this chapter may directly own, and may directly operate through its professional employees or contracted licensed professionals, such offices as are necessary to provide health care services to the plan's subscribers and enrollees.

(d) A professional licensed pursuant to the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code who is employed by, or under contract to, a plan may not own or control offices or branch offices beyond those expressly permitted by the provisions of the Business and Professions Code.

(e) Nothing in this chapter shall be construed to repeal, abolish or diminish the effect of Section 431 of the Health and Safety Code.

(f) Except as specifically provided in this chapter, nothing in this chapter shall be construed to limit the effect of the laws governing professional corporations, as they appear in applicable provisions of the Business and Professions Code, upon specialized health care service plans.

1396. (a) All entities registered and operating under the Knox-Mills Health Plan Act as of January 1, 1975, shall be licensed under this chapter provided they meet all provisions of this chapter

other than Section 1343(a).

(b) Those entities so licensed who are substantially engaged in providing health care services by means of indemnification payments made to noncontracting health providers, shall reduce the gross percentage of said indemnity payments to a level in compliance with the provisions of Section 1343(a) of this chapter, within three years of the latest approved registration.

1397. (a) Whenever reference is made in this chapter to a hearing before or by the commissioner, such hearing shall be held in accordance with the provisions of the Administrative Procedure Act (Chapter 5, commencing with Section 11500, Part 1, Division 3, Title 2 of the Government Code), and the commissioner shall have all of the powers granted under that act.

(b) Every final order, decision, license, or other official act of the commissioner under this chapter is subject to judicial review in accordance with the law.

1398. Neither the commissioner nor any employee of the department shall be precluded from subscribing to or enrolling in any plan which is subject to the provisions of this chapter, subject to such rules as may be adopted hereunder or pursuant to other proper authority.

1399. (a) Surrender of a license as a health plan, solicitor, or solicitor firm, becomes effective 30 days after receipt of an application to surrender such license or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, surrender becomes effective at such time and upon such conditions as the commissioner by order determines

(b) If the commissioner finds that any plan, solicitor, or solicitor firm is no longer in existence, or has ceased to do business as such a licensee or is subject to an adjudication of mental incompetence or to the control of a committee or conservator or guardian, or cannot be located after reasonable search, the commissioner may by order summarily revoke the license of such person.

(c) The commissioner may summarily suspend or revoke the license of a plan, solicitor, or solicitor firm upon (1) failure to pay any fee required by this chapter within 15 days after notice by the commissioner that such fee is due and unpaid, or (2) failure to file any amendment or report required under this chapter within 15 days after notice by the commissioner that such report is due, or (3) failure to maintain any bond or insurance pursuant to Section 1376.

1399.5. It is the intent of the Legislature that the provisions of this chapter shall be applicable to any private or public entity or political subdivision which, in return for a prepaid or periodic charge paid by or on behalf of a subscriber or enrollee, provides, administers or otherwise arranges for the provision of health care services, as

defined in this chapter, unless such entity substantially indemnifies subscribers and enrollees for the cost of provided services and is organized and operating pursuant to a certificate issued by the Insurance Commissioner.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code in 1975–76 because there are no duties, obligations, or responsibilities imposed on local government in 1975–76 by this act. However, there are state-mandated local costs of approximately eleven thousand three hundred dollars ($11,300) in this act in 1976–77 and one thousand eight hundred dollars ($1,800) annually thereafter that require reimbursement under Section 2231 of the Revenue and Taxation Code which can be handled in the regular state budget process.

SEC. 4. The Commissioner of Corporations is hereby authorized to prepare and adopt necessary and appropriate rules and regulations for the purposes of Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code. However, such rules and regulations shall not have any force or effect until the operative date of Section 2 of this act.

SEC. 5. During the period from January 1, 1976, to July 1, 1976, inclusive, the Attorney General shall request and, with the approval of the Department of Finance, the Controller shall transfer funds from the Health Care Service Plan Account to the Commissioner of Corporations for establishing rules and regulations for the purposes of Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code pursuant to Section 4 of this act.

SEC. 6. All actions commenced by the Attorney General prior to July 1, 1976, under the provisions of the Knox-Mills Health Plan Act shall be continued to final judgment by the Attorney General. After July 1, 1976, upon request of the Commissioner of Corporations and with the approval of the Department of Finance, the Controller shall transfer funds from the Health Care Service Plan Account to the Attorney General to pay for the costs of pursuing to final judgment all actions commenced by the Attorney General prior to July 1, 1976, to carry out and enforce the provisions of the Knox-Mills Health Plan Act.

SEC. 7. Notwithstanding any other provision of law, the Attorney General or the Attorney General's representatives may make available to the Commissioner of Corporations or the commissioner's representatives any and all records, documents, files or other information relating to health care service plans under the Knox-Mills Health Plan Act as the Attorney General or the Attorney General's representatives deem appropriate to the orderly transition of the regulation of health care service plans from the Attorney General to the Commissioner of Corporations as provided by this act.

SEC. 8. Except for Sections 4, 5, 6, 7, and this section, this act shall become operative July 1, 1976. Sections 4, 5, 6, 7, and this section of this act shall become operative January 1, 1976.

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CHAPTER 942

An act to amend Sections 13403, 13551, 13554, 13694, 13801, 13805, 15301, 15303.5, 15421 and 18045 of, to add Section 15310 to, and to repeal Sections 13560 and 15310 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13403 of the Revenue and Taxation Code is amended to read:

13403. In computing the tax, the exemption allowed by Sections 13801 to 13803, inclusive, is deducted from the clear market value of the property transferred, and the tax is computed on the remainder of the property at the same rates that would have been applicable had the exemption provided in Sections 13801 to 13803, inclusive, not been allowed.

SEC. 2. Section 13551 of the Revenue and Taxation Code is amended to read:

13551. Upon the death of a spouse:

(a) All of the decedent's one-half interest in the community property passing to anyone, including the surviving spouse, is subject to this part.

(b) The one-half of the community property which belongs to the surviving spouse is not subject to this part.

SEC. 3. Section 13554 of the Revenue and Taxation Code is amended to read:

13554. Where community property is transferred within the provisions of Chapter 4 (commencing with Section 13601) of this part other than by will or the laws of succession from one spouse to the other, the property transferred up to a value not exceeding one-half of the clear market value of the community is not subject to this part.

SEC. 4. Section 13560 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 13694 of the Revenue and Taxation Code is amended to read:

13694. Except as otherwise provided in this article, a gift of a general or limited power of appointment made in conjunction with a disposition of property otherwise subject to this part effected before or after 5 p.m. of June 25, 1935, is a transfer subject to this part from the donor to the donee at the date of the donor's death.

A transfer in trust wherein the trustee, under the terms of the trust, is granted a power limited to making discretionary payments of principal or income for the benefit of a trust beneficiary (or beneficiaries) other than the trustee, is a transfer to the trust beneficiary (or beneficiaries) within the meaning of Section 13306

and is not a power of appointment within the meaning of this section.

SEC. 6. Section 13801 of the Revenue and Taxation Code is amended to read:

13801. Property of the clear market value of sixty thousand dollars ($60,000) transferred to the spouse of the decedent, of twelve thousand dollars ($12,000) transferred to a minor child of the decedent, and of five thousand dollars ($5,000) transferred to any other class A transferee is exempt from the tax imposed by this part.

SEC. 7. Section 13805 of the Revenue and Taxation Code is amended to read:

13805. (a) Property equal in amount to the clear market value of one-half of the decedent's separate property shall, if transferred to the spouse of the deceased, not be subject to this part. A transfer, for the purpose of this exclusion, shall include a transfer of property in trust with a general or limited power of appointment in the surviving spouse.

(b) The exclusion provided for in subdivision (a) shall not apply with respect to any separate property, the transfer of which is subject to this part, which was by the decedent and the surviving spouse converted, by one transaction or a series of transactions, from community property or quasi-community property.

For the purposes of this section, the term "quasi-community property" has the meaning given that term by Section 15300.

SEC. 8. Section 15301 of the Revenue and Taxation Code is amended to read:

15301. In the case of a transfer to either spouse by the other of community property, the transferor's one-half interest in the community property is subject to this part and the transferee's one-half interest in the community property is not subject to this part.

SEC. 9. Section 15303.5 of the Revenue and Taxation Code is amended to read:

15303.5. A transfer of quasi-community property of either spouse into community property of both spouses or into property held by the spouses as joint tenants or as tenants in common with equal interests is not a transfer subject to this part.

SEC. 10. Section 15310 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 15310 is added to the Revenue and Taxation Code, to read:

15310. (a) In the case of a transfer to either spouse by the other of separate property, one-half of the property transferred is not subject to this part.

(b) The exclusion provided for in subdivision (a) shall not apply with respect to any separate property, or the proceeds thereof, the transfer of which is subject to this part, which was by the decedent and surviving spouse converted, by one transaction or a series of transactions, from community property or quasi-community property.

SEC. 12. Section 15421 of the Revenue and Taxation Code is amended to read:

15421. Property of the clear market value of sixty thousand dollars ($60,000) transferred to the spouse of the donor, of twelve thousand dollars ($12,000) transferred to a minor child of the donor, and of five thousand dollars ($5,000) transferred to any other class A donee is exempt from the tax imposed by this part.

SEC. 13. Section 18045 of the Revenue and Taxation Code is amended to read:

18045. For purposes of Section 18044, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In case of decedents dying on or after January 1, 1976, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory or possession of the United States or any foreign country, if the decedent's one-half of the whole of the community interest in such property was transferred, within the meaning of Chapter 3 of the California Inheritance Tax Law, to someone other than the surviving spouse.

(f) In the case of decedents dying after April 8, 1953, but before January 1, 1976, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any state, territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includable in determining the value of the decedent's gross estate under Chapter 3 of the California Inheritance Tax Law.

(g) In the case of decedents dying after December 31, 1952, and before the annuity starting date, if such date is on or after January 1, 1968, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under the California Inheritance Tax Law.

(h) In the case of decedents dying after December 31, 1954, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or nonexercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's estate under Division 2, Part 8 of the Revenue and Taxation Code. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under Section 18044 reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this part or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to—

(1) Property described in any other subdivision of this section; and

(2) Annuities described in Sections 17101 to 17112, inclusive.

SEC. 14. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, and shall become operative on January 1, 1976.

CHAPTER 943

An act to amend Sections 426, 3001, 3003, 3050, 3051, 11723, and 11724 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 426 of the Vehicle Code is amended to read:

426. "New motor vehicle dealer" is a dealer, as defined in Section 285, who, in addition to the requirements of that section, acquires for resale new and unregistered motor vehicles from manufacturers or distributors of such motor vehicles. No distinction shall be made, nor any different construction be given to the definition of "new motor vehicle dealer" and "dealer" except for the application of the provisions of Chapter 6 (commencing with Section 3000) of Division 2. The provisions of Sections 3001 and 3003 shall not, however, apply to a dealer who deals exclusively in motorcycles.

SEC. 2. Section 3001 of the Vehicle Code is amended to read:

3001. Four of the appointive members of the board shall be new motor vehicle dealers as defined in Section 426 who have engaged for a period of not less than five years preceding their appointment

in activities regulated by Article 1 (commencing with Section 11700) of Chapter 4 of Division 5. Such members shall be appointed by the Governor.

Each of the five remaining appointive members shall be a public member who is not a licentiate under Article 1 (commencing with Section 11700) or 2 (commencing with Section 11800) of Chapter 4 of Division 5 or an employee of such licentiate at the time of such appointment and one of such five appointive members shall have been admitted to practice law in the state for at least 10 years immediately preceding his appointment. One public member shall be appointed by the Senate Rules Committee, one by the Speaker of the Assembly, and three by the Governor.

Each member shall be of good moral character.

The provisions of this section shall not apply to a dealer who deals exclusively in motorcycles.

SEC. 3. Section 3003 of the Vehicle Code is amended to read:

3003. Each appointive member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board first appointed shall expire as follows: one public member and one new motor vehicle dealer member, January 15, 1969; two public members and one new motor vehicle dealer member, January 15, 1970; two public members and two new motor vehicle dealer members, January 15, 1971. The terms shall thereupon expire in the same relative order.

Vacancies occurring shall be filled by appointment for the unexpired term.

The provisions of this section shall not apply to a dealer who deals exclusively in motorcycles.

SEC. 4. Section 3050 of the Vehicle Code is amended to read:

3050. The board shall:

(a) Adopt rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code governing such matters as are specifically committed to its jurisdiction.

(b) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, an appeal presented by an applicant for, or holder of, a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative when any such applicant or licensee submits such an appeal provided for in this chapter from a decision arising out of the department.

(c) Consider any matter concerning the activities or practices of any person applying for or holding a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any person; and, after such

consideration, the board may do any one or any combination of the following:

(1) Direct the department to conduct such investigation of such matter as the board deems reasonable, and make a written report on the results of such investigation to the board within the time specified by the board;

(2) Undertake to arbitrate amicably or resolve any honest difference of opinion or viewpoint existing between any member of the public and any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative;

(3) Order the department to exercise any and all authority or power that the department may have with respect to the issuance, renewal, refusal to renew, suspension or revocation of the license of any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative as such license is required under Chapter 4 (commencing with Section 11700) of Division 5.

(d) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, a protest presented by a franchisee pursuant to Section 3060, 3062, 3064, or 3065.

SEC. 5. Section 3051 of the Vehicle Code is amended to read:

3051. The provisions of this chapter are not applicable to any person licensed as a transporter under Article 1 (commencing with Section 11700) or as a salesman under Article 2 (commencing with Section 11800) of Chapter 4 of Division 5, or to any licensee who is not a new motor vehicle dealer, motor vehicle manufacturer, manufacturer branch, new motor vehicle distributor, distributor branch or representative. The provisions of this chapter shall not apply to transactions involving "mobilehomes", as defined in Section 18008 of the Health and Safety Code, "recreational vehicles", as defined in Section 18010.5 of the Health and Safety Code, or "commercial coaches", as defined in Section 18012 of the Health and Safety Code. Except as otherwise provided in this chapter, the provisions of this chapter shall be applicable to a new motor vehicle dealer as defined in Section 426, a manufacturer as defined in Section 388, a manufacturer branch as defined in Section 389, a distributor as defined in Section 296, a distributor branch as defined in Section 297, a representative as defined in Section 512, or an applicant therefor.

SEC. 6. Section 11723 of the Vehicle Code is amended to read:

11723. The board may require that fees shall be paid to the department for the issuance or renewal of a license to do business as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative. Such fees shall be to reimburse the department for costs incurred in licensing such dealers, manufacturers, distributors, branches and representatives.

This section and Section 11724 shall not apply to manufacturers, distributors, or representatives of vehicles not subject to registration

under this code.

SEC. 7. Section 11724 of the Vehicle Code is amended to read:

11724. Any new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative required to be licensed under this chapter who fails to make application for such license when required, shall, in addition to the fees required pursuant to Section 11723, pay a penalty of 50 percent of the license fee.

SEC. 8. The sum of forty-three thousand five hundred dollars ($43,500) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for the purposes of carrying out the provisions of this act.

CHAPTER 944

An act to add Section 12532.75 to the Government Code, to amend Section 10121 of, and to add Sections 10119.5 and 11512.13 to, the Insurance Code, relating to disability insurance.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 12532.75 is added to the Government Code, to read:

12532.75. No health care service plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after July 1, 1976, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan.

Where a plan which provides or arranges direct health care services for its members contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from

prenatal care and delivery. However, expenses resulting from any delivery in excess of the deductible amount shall be treated as expenses for any other illness under the plan. If the pregnancy is interrupted, the maternity deductible charged for prenatal care and delivery shall be based on the value of the medical services received, providing that it is never more than two-thirds of the plan's maternity deductible.

This section shall apply to all health care service plans except any group health service plan made subject to an applicable collective-bargaining agreement in effect before July 1, 1976.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All health care service plans subject to this section and issued, amended, delivered, or renewed in this state on or after July 1, 1976, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

SEC. 2. Section 10119.5 is added to the Insurance Code, to read:

10119.5. No policy of disability insurance which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after July 1, 1976, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions, as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the policy. If a fixed amount is specified in such policy for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the policy. Where the policy contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the policy. This section shall apply to all disability policies except (1) individual noncancelable or guaranteed renewable policies, as defined in Sections 10273 and 10273.3 of this code, issued or delivered before July 1, 1976, and (2) any group disability policy made subject to an applicable collective-bargaining agreement in effect before July 1, 1976.

With respect to such individual noncancelable or guaranteed renewable policies issued or delivered before July 1, 1976, the insurer shall communicate the availability of coverage of involuntary complications of pregnancy when negotiating any changes in such policies.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All policies subject to this section and issued, amended, delivered, or renewed in this state on or after July 1, 1976, shall be construed to be in compliance with this section, and any provision in any such policy which is in conflict with this section shall be of no force or effect.

SEC. 3. Section 10121 of the Insurance Code is amended to read:

10121. (a) No self-insured employee welfare benefit plan, issued or renewed on or after the effective date of this section, which contains coverage for sterilization operations or procedures, shall impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(b) Every self-insured employee welfare benefit plan issued or amended on or after the operative date of the amendments to this section enacted at the 1971 Regular Session of the Legislature which provides benefits to the employee's dependents, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of any family covered. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn infants of a family covered from and after the moment of birth.

(c) No self-insured employee welfare benefit plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after July 1, 1976, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan. This subdivision shall apply to all self-insured employee welfare benefit plans except any such plan made subject

to an applicable collective-bargaining agreement in effect before July 1, 1976.

For purposes of this subdivision, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All plans subject to this subdivision and issued, amended, delivered, or renewed in this state on or after July 1, 1976, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(d) As used in this section, "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents.

SEC. 4. Section 11512.13 is added to the Insurance Code, to read:

11512.13. No hospital service contract which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after July 1, 1976, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the contract. If a fixed amount is specified in such contract for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the contract. Where the contract contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the contract. This section shall apply to all hospital service contracts except any group hospital service contract made subject to an applicable collective-bargaining agreement in effect before July 1, 1976.

For purposes of this section, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All contracts subject to this section and issued, amended, delivered, or renewed in this state on or after July 1, 1976, shall be construed to be in compliance with this section, and any provision in any such contract which is in conflict with this section shall be of no force or effect.

CHAPTER 945

An act to amend Sections 5075.3 and 5075.7 of the Public Resources Code, relating to recreation.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 5075.3 of the Public Resources Code is amended to read:

5075.3. In specifying criteria and standards for the design and construction of trail routes and complementary facilities as provided in subdivisions (b) and (c) of Section 5071.3, the director shall include the following:

(a) The following routes shall be given priority in the allocation of funds:

(1) Routes which are in proximity or accessible to major urban areas of the state.

(2) Routes which are located on lands in public ownership.

(3) Routes which provide linkage or access to natural, scenic, historic, or recreational areas of clear statewide significance.

(4) Routes which are, or may be, the subject of agreements providing for participation of other public agencies in state trail acquisition, development, or maintenance.

(b) Where feasible, trail uses may be combined on routes within the system; however, where trail use by motor vehicles is incompatible with other trail uses, separate areas and facilities should be provided.

(c) Trails should be located and managed so as to restrict trail users to established routes and to aid in effective law enforcement.

(d) Trails should be located so as to avoid severance of private property and to minimize impact on adjacent landowners and operations. The location of any trail authorized by this article shall, if the property owner so requests, be placed as nearly as physically practicable to the boundary lines of the property traversed by the trail, as such boundary lines existed as of January 1, 1975.

(e) Insofar as possible, trails should be designed and maintained to harmonize with, and complement, established forest, agricultural, and resource management plans. No trail, or property acquisition therefor, shall interfere with a landowner's water rights or his right to access to the place of exercise of such water rights.

(f) Trails should be planned as a system and each trail segment should be part of the overall system plan.

(g) Trails should be appropriately signed to provide identification, direction, and information.

(h) Rest areas, shelters, sanitary facilities, or other conveniences should be designed and located to meet the needs of trail users and

to prevent intrusion into surrounding areas.

(i) The department shall erect fences along any trail when requested to do so by the owner of adjacent land, or with the consent of the owner of such land when the department determines it will be in the best interests of the users of the trail and adjoining property owners, and shall place gates in such fences when necessary to afford proper access and at each point of intersection with existing roads, trails, or at used points of access to or across such trail. The department shall maintain such fences and gates in good condition.

(j) A landowner's right to conduct agricultural, timber harvesting, or mining activities on private lands adjacent to, or in the vicinity of, a trail shall not be restricted because of the presence of the trail.

SEC. 2. Section 5075.7 of the Public Resources Code is amended to read:

5075.7. Each study of potential trail routes for inclusion in the system shall include an evaluation of the impact of the proposed trail route on adjacent landowners. In conducting studies of potential trail routes for inclusion in the system, the director shall give priority to the following:

(a) A trail route linking state parks, federal recreation areas, and other areas of statewide or national significance located in coastal areas.

(b) A trail route through the Sacramento-San Joaquin Delta linking scenic and recreation areas of the San Francisco Bay area with state and federal recreation areas in the Lake Tahoe Basin.

(c) East-west trail routes for nonmotorized use linking the state coastal trail route with the existing Pacific Crest Trail.

(d) Trail routes designed principally for boaters along the following waterways:

(1) Eel River in Humboldt, Mendocino, and Trinity Counties.

(2) Smith River in Del Norte County.

(3) Russian River in Sonoma and Mendocino Counties.

(4) Big River in Mendocino County.

(5) Albion River in Mendocino County.

(6) Navarro River in Mendocino County.

(7) Feather River from Thermalito Afterbay to mouth.

(8) Sacramento River from Keswick Dam to mouth.

(9) American River from Folsom Dam to mouth.

(10) South Fork of American River from Coloma to Folsom Lake.

(11) Tuolumne River from O'Shaughnessy Dam to New Don Pedro Reservoir.

(12) Stanislaus River from the Stanislaus Power House to Melones Reservoir.

(13) Colorado River from Needles to the international boundary.

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CHAPTER 946

An act to add Section 6815.2 to the Public Resources Code, relating to oil and gas.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6815.2 is added to the Public Resources Code, to read:

6815.2. (a) Notwithstanding Section 6815.1, and to the extent permitted by federal law and the federal and state constitutions, the commission may take any oil, gas, or other hydrocarbons taken in kind by it, pursuant to any lease or agreement, and exchange it, by competitive bidding, for refined products which shall be allocated to state agencies and to other public agencies, if the State Energy Resources Conservation and Development Commission, established pursuant to Division 15 (commencing with Section 25000), after a public hearing, finds, in its judgment, that such retention and allocation is necessary to alleviate fuel shortage conditions or will effect a substantial cost saving to the state.

(b) The commission may make and enter into contracts or agreements for exchange of such oil, gas, and other hydrocarbons taken in kind for finished products required for use by state and other public agencies. Such contracts or agreements shall be entered into by competitive bids. The commission may reject all bids, if it determines that they are not in the public interest.

(c) The commission shall charge the state or other public agencies allocated refined products the current market price of these products including all applicable taxes. This price shall not be less than the value of the oil, gas, or other hydrocarbons which would have been received by the state if not taken in kind. The revenue, including taxes generated by these sales, shall be subject to the terms and conditions enumerated in Section 6217.

(d) The refined products obtained from such exchange contracts or agreements shall be allocated to state agencies and to other public agencies in accordance with the regulations which shall be adopted, after a public hearing, by the State Energy Resources Conservation and Development Commission.

CHAPTER 947

An act to amend Section 1810.3 of the Civil Code, relating to retail installment accounts, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1810.3 of the Civil Code is amended to read:

1810.3. (a) Except in the case of an account which the seller deems to be uncollectible or with respect to which delinquency collection procedures have been instituted, the seller of any retail installment account shall mail or deliver to the buyer for each billing cycle at the end of which there is an outstanding debit balance in excess of one dollar ($1) in that account or with respect to which a finance charge is imposed, a statement or statements which the buyer may retain, setting forth in accordance with subdivision (b) each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance."

(2) The amount and date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of any goods or services purchased or other extension of credit.

(3) The total amounts credited to the account during the billing cycle for payments, using the term "payment," and for other credits, including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished, a brief identification of each of the items included in such other credits.

(4) The amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, such as a minimum charge, using appropriate descriptive terminology.

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), and the range of balances to which it is applicable.

(6) The balance on which the finance charge was computed, and a statement of how that balance was determined. If any balance is determined without first deducting all credits during the billing cycle, that fact and the amount of such credits shall also be disclosed.

(7) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges.

(b) The disclosures required by subdivision (a) shall be made on the face of the periodic statement, on its reverse side, or on the periodic statement supplemented by separate statement forms provided they are enclosed together and delivered to the customer at the same time, and further provided that

(1) The disclosures required by paragraph (1) of subdivision (a) shall appear on the face of the periodic statement. If the amounts and dates of the charges and credits required to be disclosed under paragraphs (2) and (3) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement or separate slips which shall accompany the periodic statement and identify each charge and credit and show the date and amount thereof. Identification of goods or services purchased may be made on an accompanying slip or by symbol relating to an identification list printed on the statement. If the disclosures required under paragraph (4) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement which shall accompany the periodic statement.

(2) The disclosures required by paragraph (5) of subdivision (a) and a reference to the amounts required to be disclosed under paragraphs (4) and (6) of subdivision (a), if not disclosed together on the face or the reverse side of the periodic statement, shall appear together on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement(s) for important information" or "NOTICE: See reverse side and accompanying statement(s) for important information"; and

(4) The disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

(c) If any change is to be made in terms of a retail installment account previously disclosed to the buyer, the seller shall mail or deliver to the buyer written disclosure of such proposed change not less than 30 days prior to the effective date of such change or 30 days prior to the beginning of the billing cycle within which such change will become effective, whichever is the earlier date.

(d) If any outstanding credit balance in excess of one dollar ($1) exists in a retail installment account, the seller shall mail or deliver to the buyer at the end of the billing cycle in which the credit balance is created either: (i) a cash refund in the amount of such outstanding credit; or (ii) a statement setting forth the credit balance, and thereafter shall mail or deliver to the buyer a statement setting forth the credit balance no fewer than two additional times during the six-month period following creation of the credit balance. If the credit balance exists for a period of 90 days, the seller shall, at his option, do either of the following:

(1) Notify the buyer of his right to request and receive a cash refund in the amount of such outstanding credit balance in two successive statements covering, respectively, each of the two successive billing cycles immediately following the 90-day period.

Such notice is to be accomplished by a clear and conspicuous disclosure on or enclosed with each of the two successive statements, each of which shall be accompanied by a self-addressed return envelope. Such disclosure shall contain the following information and may be in the following form:

"We owe you _____. Your credit balance will be refunded on request. If you don't request a refund, six months from the first appearance of a 'credit balance' on your bill, your credit balance will be refunded automatically.

"If your credit balance is $1.00 or less, it will not be refunded unless requested, and after 6 months, it will not be credited against future purchases.

"You may obtain a refund of your credit balance by mail by presenting your statement at our store or by returning the top half of your statement in the enclosed envelope."

If between the sending of the first notice and the sending of the second notice required by this paragraph, the outstanding credit balance is refunded to the buyer or otherwise disposed of, the sending of the second notice shall not be required.

(2) Refund to the buyer the outstanding credit balance at any time after such credit balance is created in the buyer's account and prior to the date by which the first notice of the outstanding balance would have been sent had the seller elected to proceed under paragraph (1).

(e) (1) If a retail installment account with an outstanding credit balance in excess of one dollar ($1) which has been determined to be correct by the seller is dormant for a period of 180 days after such credit balance is created in the buyer's account, the seller shall mail or deliver a refund in the amount of the outstanding credit balance to the buyer at the buyer's last known address.

(2) If any refund is returned to the seller with a notification to the effect that the addressee is not located at the address to which it was sent, the seller shall make one remailing of the refund with an address correction request, and shall mail such refund to such corrected address, if it is obtained.

(3) If such refund reflecting an outstanding credit balance in excess of twenty-five dollars ($25) is again returned, the seller shall reinstate the full amount of the outstanding credit balance on the buyer's account to be retained and credited against future purchases for one year from the date on which the remailed refund was returned The seller may continue to attempt to obtain a current mailing address for the buyer by whatever means the seller deems appropriate Except as provided in subdivision (f), the seller shall not be required to take any further action with respect to sending any statement of the credit balance or otherwise with respect to the credit balance, unless the buyer of such an account thereafter requests a refund of such credit balance, in which event the seller

shall either make such refund or provide a written explanation as provided in paragraph (5) of this subdivision.

(4) If a remailed refund reflecting an outstanding credit balance of twenty-five dollars ($25) or less is again returned, the seller, except as provided in subdivision (f), shall not be required to take any further action with respect to sending any statement of the credit balance to the buyer or otherwise with respect to such credit balance, unless the buyer of such an account thereafter requests a refund of such credit balance, in which event the seller shall either make such refund or provide a written explanation as provided in paragraph (5) of this subdivision.

(5) If a buyer requests, in person or by mail, a refund of a credit balance in any amount which has been reflected at any time on such buyer's account, the seller shall, within 30 days of receipt of such request, either refund the amount requested, or furnish the customer with a written explanation, with supporting documentation when available, of the reasons for refusing to refund the amount requested.

(6) If a buyer, in writing, requests a seller to retain an outstanding credit balance on his account, the seller shall not be required to give notification as otherwise required by subdivisions (d) and (e).

(f) If an outstanding credit balance remains unrefundable for seven years from the date it was created in the buyer's account, then the amount of the buyer's outstanding credit balance shall escheat to the state as property included within Section 1520 of the Code of Civil Procedure. Such funds shall be paid or delivered to the State Controller, and may thereafter be claimed, as specified in Chapter 7 (commencing with Section 1500) of Title 10 of Part 4 of the Code of Civil Procedure.

(g) For the purposes of this section, an outstanding credit balance is created at the end of the billing cycle in which the credit balance is first recorded on a buyer's account and is created anew at the end of the billing cycle in which the recorded amount of an existing credit balance is changed because of the buyer's use of his account.

SEC. 2. This act applies only to credit balances created on or after January 1, 1976

CHAPTER 948

An act to amend Section 3054 of the Civil Code, and to add Sections 864 and 7609.5 to the Financial Code, relating to liens.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

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SECTION 1. Section 3054 of the Civil Code is amended to read:

3054. (a) A banker has a general lien, dependent on possession, upon all property in his hands belonging to a customer, for the balance due to him from such customer in the course of the business.

(b) The exercise of this lien with respect to deposit accounts shall be subject to the limitations and procedures set forth in Section 864 of the Financial Code.

SEC. 2. Section 864 is added to the Financial Code, to read:

864. (a) For the purposes of this section:

(1) "Customer" means one or more natural persons.

(2) "Debt" means an interest-bearing obligation or an obligation which by its terms is payable in installments, which has not been reduced to judgment, arising from an extension of credit to a natural person primarily for personal, family, or household purposes, and does not mean a charge for bank services or a debit for uncollected funds or for an overdraft of an account imposed by a bank on a deposit account.

(b) A bank is limited in exercising any setoff for a debt claimed to be owed to the bank by a customer in that a setoff shall not result in an aggregate balance of less than one thousand dollars ($1,000) as shown on the records of the bank for all demand deposit accounts maintained by a customer with the bank or any branch thereof.

(c) Not later than the day following the exercise of any setoff with respect to a deposit account for any debt claimed to be owed to the bank by a customer, the bank shall deliver to each customer personally or send by first-class mail postage prepaid to the address of each customer as shown on the records of the bank a written notice in at least 10-point type containing the following:

(1) A statement that the bank has setoff a debt or a portion thereof against the customer's deposit account, identifying the account, and giving the respective balances before and after the setoff.

(2) A statement identifying the debt setoff against the account and giving the respective balances due before and after the setoff.

(3) A statement that if the customer claims that the debt has been paid or is not now owing, or that the funds in the deposit account consist of moneys expressly exempt pursuant to Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, except Section 690.6, or Civil Code Section 1257 and listed in the notice, the customer may execute and return the notice to the bank by mail at the address shown or personally to the bank branch where the customer's account is maintained not later than 20 days after the date of mailing or personal delivery.

(4) A statement that if the notice is executed and returned, the bank may file an action in court to collect the debt; that if a lawsuit is filed, the customer will be notified and have an opportunity to appear and defend; and that if the bank is successful, the customer will be liable for court costs, and attorney's fees, if the debt so provides.

(5) A response form in at least 10-point type containing

substantially the following:

"The debt described in the Notice of Setoff received from the bank is ____ is not ____ my debt or the debt of another person in whose name the account is maintained.

"I claim that the debt:

____ has been paid.

____ is not now owing.

____ is not subject to setoff because the money in the account is:

____ Proceeds from an execution sale of a motor vehicle (CCP 690.2)

____ Condemnation proceeds (CCP 690.8)

____ Relocation benefits (CCP 690.8a)

____ Life insurance proceeds (CCP 690.9)

____ Group life insurance proceeds (CCP 690.10)

____ Disability and health insurance benefits (CCP 690.11)

____ Payments received from a fraternal benefit society (CCP 690.14)

____ Workers' compensation benefits (CCP 690.15)

____ Unemployment benefits (CCP 690.175)

____ Public pension benefits including, but not limited to, social security benefits (CCP 690 18)

____ Public assistance benefits including welfare payments and supplemental security income (SSI) (CCP 690.19)

____ Proceeds from an execution sale of a residence (CCP 690.235) or execution sale of a homestead (Civil Code 1257)

"I declare under penalty of perjury that the foregoing is true and correct.

"Executed at _____, California on _____.
City or County Date

Signed: _____ "
(Customer)

(d) If the response form described in subdivision (c) executed by the customer is received by the bank not later than 20 days after the date of mailing or personal delivery of the written notice, the amount of the setoff for any debt claimed to be owed to the bank by a customer, and any bank service charges resulting from the setoff, shall be reversed and such amount shall be credited to the deposit account not later than the end of the business day following receipt of such executed response form.

(e) The limitations provided in this section do not apply to a deposit account, other than a demand deposit account, in which the bank has a security interest expressed by a written contract as collateral for the debt owing to the bank by the customer.

(f) The limitations provided in this section do not apply when a customer previously has authorized a bank in writing to periodically debit a deposit account as the agreed method of payment of the debt.

(g) The limitations provided in this section shall apply only to the exercise by a bank of a setoff with respect to debts claimed to be owing to it by customers on or after July 1, 1976.

(h) Nothing in this section shall prejudice a person's right to assert exemptions under Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, or to assert a claim or defense as to the validity of the debt, in a judicial proceeding.

SEC. 3. Section 7609.5 is added to the Financial Code, to read:

7609.5. (a) For the purposes of this section:

(1) "Customer" means one or more natural persons.

(2) "Debt" means an interest-bearing obligation or an obligation which by its terms is payable in installments, which has not been reduced to judgment, arising from an extension of credit to a natural person primarily for personal, family, or household purposes, and does not mean a charge for savings and loan services or a debit for uncollected funds imposed by a savings and loan association on a deposit account.

(3) "Deposit account" includes investment certificate, share account and withdrawable share.

(b) A savings and loan association is limited in exercising any setoff for a debt claimed to be owed to the savings and loan association by a customer in that a setoff shall not result in an aggregate balance of less than one thousand dollars ($1,000) as shown on the records of the savings and loan association for all deposit accounts maintained by a customer with the savings and loan association or any branch thereof.

(c) Not later than the day following the exercise of any setoff with respect to a deposit account for any debt claimed to be owed to the savings and loan association by a customer, the savings and loan association shall deliver to each customer personally or send by first-class mail postage prepaid to the address of each customer as shown on the records of the savings and loan association a written notice in at least 10-point type containing the following:

(1) A statement that the savings and loan association has set off a debt or a portion thereof against the customer's deposit account, identifying the account, and giving the respective balances before and after the setoff.

(2) A statement identifying the debt setoff against the account and giving the respective balances due before and after the setoff.

(3) A statement that if the customer claims that the debt has been paid or is not now owing, or that the funds in the deposit account consist of moneys expressly exempt pursuant to Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, except Section 690.6, or Civil Code Section 1257 and listed in the notice, the customer may execute and return the notice to the savings and loan association by mail at the address shown or personally to the savings and loan branch where the customer's account is maintained not later than 20 days after the date of mailing or personal delivery.

(4) A statement that if the notice is executed and returned, the savings and loan association may file an action in court to collect the debt; that if a lawsuit is filed, the customer will be notified and have an opportunity to appear and defend; and that if the savings and loan association is successful, the customer will be liable for court costs, and attorney's fees, if the debt so provides.

(5) A response form in at least 10-point type containing substantially the following:

"The debt described in the Notice of Setoff received from the savings and loan association is _____ is not _____ my debt or the debt of another person in whose name the account is maintained.

"I claim that the debt:

____ has been paid.

____ is not now owing.

____ is not subject to setoff because the money in the account is:

- ____ Proceeds from an execution sale of a motor vehicle (CCP 690.2)
- ____ Condemnation proceeds (CCP 690.8)
- ____ Relocation benefits (CCP 690.8a)
- ____ Life insurance proceeds (CCP 690.9)
- ____ Group life insurance proceeds (CCP 690.10)
- ____ Disability and health insurance benefits (CCP 690.11)
- ____ Payments received from a fraternal benefit society (CCP 690.14)
- ____ Workers' compensation benefits (CCP 690.15)
- ____ Unemployment benefits (CCP 690.175)
- ____ Public pension benefits including, but not limited to, social security benefits (CCP 690.18)
- ____ Public assistance benefits including welfare payments and supplemental security income (SSI) (CCP 690.19)
- ____ Proceeds from an execution sale of a residence (CCP 690.235) or execution sale of a homestead (Civil Code 1257)

"I declare under penalty of perjury that the foregoing is true and correct.

"Executed at_____, California on_____.
City or County Date

Signed: _____ "
(Customer)

(d) If the response form described in subdivision (c) executed by the customer is received by the savings and loan association not later than 20 days after the date of mailing or personal delivery of the written notice, the amount of the setoff for any debt claimed to be owed to the savings and loan association by a customer, and any savings and loan service charges resulting from the setoff, shall be reversed and such amount shall be credited to the deposit account not later than the end of the business day following receipt of such

executed response form.

(e) The limitations provided in this section do not apply to a deposit account in which the savings and loan association has a security interest expressed by a written contract as collateral for the debt owing to the savings and loan association by the customer.

(f) The limitations provided in this section do not apply when a customer previously has authorized a savings and loan association in writing to periodically debit a deposit account as the agreed method of payment of the debt.

(g) The limitations provided in this section shall apply only to the exercise by a savings and loan association of a setoff with respect to debts claimed to be owing to it by customers on or after July 1, 1976.

(h) Nothing in this section shall prejudice a person's right to assert exemptions under Chapter 1 (commencing with Section 681) of Title 9 of Part 2 of the Code of Civil Procedure, or to assert a claim or defense as to the validity of the debt, in a judicial proceeding.

CHAPTER 949

An act relating to buses used to transport handicapped pupils, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1 There is hereby appropriated from the Driver Training Penalty Assessment Fund to the Superintendent of Public Instruction the sum of two hundred thousand dollars ($200,000) for allocation to school districts and county superintendents of schools as reimbursement for increased costs directly or indirectly incurred prior to June 30, 1976, as a result of the reconstruction, alteration or modification of schoolbuses used to transport pupils using wheelchairs, in accordance with standards adopted by the State Board of Education

This section shall only apply to schoolbuses which were otherwise exempt from standards adopted by the State Board of Education due to their being in use prior to July 1, 1975, but which were, nevertheless, modified, altered, or modified in accordance with such standards.

The State Board of Education shall adopt regulations to implement and set standards for reimbursement pursuant to this section.

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CHAPTER 950

An act to add Section 4047.9 to the Business and Professions Code, relating to pharmacy.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4047.9 is added to the Business and Professions Code, to read:

4047.9. (a) A pharmacist shall inform a patient orally or in writing of the harmful effects of a drug dispensed by prescription if such drug poses substantial risk to the person consuming the drug when taken in combination with alcohol or if the drug may impair a person's ability to drive a motor vehicle, whichever is applicable, and provided the drug is determined by the board pursuant to subdivision (b) to be a drug or drug type for which such warning shall be given.

(b) The board shall determine which drugs or drug types pose a substantial risk to the person consuming the drug if taken in combination with alcohol or which may impair a person's ability to drive a motor vehicle, and the board shall provide each pharmacy in this state with a list of such drugs or drug types.

This section shall not apply to drugs furnished to patients registered for treatment or emergency cases under treatment in health facilities licensed pursuant to Section 1250(a) (b) (e) of the Health and Safety Code

SEC. 2. This act shall become operative on July 1, 1976.

CHAPTER 951

An act to add Chapter 8 (commencing with Section 21200) to Division 8 of the Business and Professions Code, relating to petroleum.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 21200) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 8. UNFAIR PRACTICES

21200 It is unlawful for any refiner, distributor, manufacturer, or transporter of motor vehicle fuels or oils engaged in business in this

state, either directly or indirectly, to discriminate in price between different purchasers of motor vehicle fuels or oils of like grade and quality, where the effect of such discrimination is to lessen competition, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them.

Upon proof being made, at any hearing on a complaint under this section, that there has been such discrimination in price, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section. Nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor and was also offered to any other of his purchasers in competition with the purchaser or purchasers receiving such lower price. If such lower price should be incorporated into a term contract, no such contract shall as to such discriminatory price be valid for more than one year.

Nothing in this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, marketing, transportation, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

Nothing in this section shall prevent persons engaged in selling motor vehicle fuels or oils in this state from selecting their own customers in bona fide transactions and not in restraint of trade.

Nothing in this section shall prevent price changes from time to time where in response to changing conditions affecting the market for, or the marketability of, the products concerned, such as, but not limited to, actual or imminent deterioration of products, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

Nothing in this section shall apply to the purchase of motor vehicle fuels or oils for their own use by state and local agencies or public utilities.

21201. The provisions of this chapter shall only apply to refiners, distributors, manufacturers, or transporters of petroleum products engaged in business in this state whose total production, gasoline refining capacity or sales volume at the wholesale level is 50,000 barrels a day or more.

21202. Any person injured by any violation of the provisions of this chapter may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which the actual damages are assessed plus reasonable attorney's fees.

21203. The Legislature finds and declares that distribution and sales of motor vehicle fuels and oils in the State of California affect the general economy of the state, the public interest and the public welfare. Competition and freedom from unreasonable discriminatory practices are essential to the fair and efficient

functioning of a free market economy. Competitive conditions are rapidly changing with resulting market dislocation. Therefore, it is further provided that any existing contracts, arrangements, or agreements with provision for prices not in compliance with this chapter shall be void on and after the effective date of this chapter as to such provisions, except for any as may be required to be extended beyond said date to comply with any applicable federal price control laws, regulations or orders.

CHAPTER 952

An act to amend Section 982 of the Civil Code, relating to common law copyright rights

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 982 of the Civil Code is amended to read:

982. (a) The owner of any rights in any composition in letters or art, may transfer his ownership therein.

(b) The owner of any invention or design, or of any representation or expression thereof, may transfer his property in the same.

(c) Notwithstanding any other provision in this section, whenever a work of fine art is transferred, whether by sale or on commission or otherwise, by or on behalf of the artist who created it, or that artist's heir, legatee, or personal representative, the right of reproduction thereof is reserved to such artist or such heir, legatee, or personal representative until it passes into the public domain by act or operation of law, unless that right is expressly transferred by a document in writing in which reference is made to the specific right of reproduction, signed by the owner of the rights conveyed or that person's duly authorized agent. If such transfer is pursuant to an employment relationship, the right of reproduction is transferred to the employer, unless it is expressly reserved in writing. If such transfer is pursuant to a legacy or inheritance, the right of reproduction is transferred to the legatee or heir, unless it is expressly reserved by will or codicil. Nothing contained herein, however, shall be construed to prohibit the fair use of such work of fine art.

(d) As used in subdivision (c):

(1) "Fine art" shall mean any work of visual art, including but not limited to, a drawing, painting, sculpture, mosaic, or photograph, a work of calligraphy, a work of graphic art (including an etching, lithograph, offset print, silk screen, or a work of graphic art of like nature), crafts (including crafts in clay, textile, fiber, wood, metal,

plastic, and like materials), or mixed media (including a collage, assemblage, or any combination of the foregoing art media).

(2) "Artist" shall mean the creator of a work of fine art.

(3) "Right of reproduction", at the present state of commerce and technology shall be interpreted as including, but shall not be limited to, the following: reproduction of works of fine art as prints suitable for framing; facsimile casts of sculpture; reproductions used for greeting cards; reproductions in general books and magazines not devoted primarily to art, and in newspapers in other than art or news sections, when such reproductions in books, magazines, and newspapers are used for purposes similar to those of material for which the publishers customarily pay; art films; television, except from stations operated for educational purposes, or on programs for educational purposes from all stations; and reproductions used in any form of advertising, including magazines, calendars, newspapers, posters, billboards, films or television.

(e) The amendments to this section made at the 1975–76 Regular Session shall only apply to transfers made on or after January 1, 1976.

SEC. 2. The Legislature hereby finds and declares that advances in color printing and other means of graphic reproduction, combined with technological processes for reproducing three-dimensional objects, have created a whole new dimension in the field of the fine arts. The traditional concept of a work of fine art as a unique one-of-a-kind creation has been replaced by important new property rights of substantial monetary value based on the reproduction of works of fine art. The creation of these new property rights has generated confusion and controversy as to who has title thereto and may authorize and realize proceeds from the reproduction of works of fine art. It is therefore declared to be the policy of this state to establish clear guideposts for all parties concerning legal ownership of the right of reproduction of works of fine art.

CHAPTER 953

An act to add Title 1.1 (commencing with Section 1738) to Part 4 of Division 3 of the Civil Code, relating to consignment.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Title 1.1 (commencing with Section 1738) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.1. CONSIGNMENT OF FINE ART

CHAPTER 1. DEFINITIONS

1738. As used in this title:

(a) "Artist" means the person who creates a work of fine art or, if such person is deceased, such person's heir, legatee, or personal representative.

(b) "Fine art" means a painting, sculpture, drawing, work of graphic art (including an etching, lithograph, offset print, silk screen, or a work of graphic art of like nature), a work of calligraphy, or a work in mixed media (including a collage, assemblage, or any combination of the foregoing art media).

(c) "Art dealer" means a person engaged in the business of selling works of fine art, other than a person exclusively engaged in the business of selling goods at public auction.

(d) "Person" means an individual, partnership, corporation, association or other group, however organized.

(e) "Consignment" means that no title to, estate in, or right to possession of, fine art, superior to that of the consignor shall vest in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title and interest of the consignor in and to such fine art.

CHAPTER 2. GENERAL PROVISIONS

1738.5. Notwithstanding any custom, practice or usage of the trade to the contrary, whenever an artist delivers or causes to be delivered a work of fine art of the artist's own creation to an art dealer in this state for the purpose of exhibition or sale, or both, on a commission, fee or other basis of compensation, the delivery to and acceptance of such work of fine art by the art dealer shall constitute a consignment, unless the delivery to the art dealer is pursuant to an outright sale for which the artist receives or has received full compensation for the work of fine art upon delivery.

1738.6. A consignment of a work of fine art shall result in all of the following:

(a) The art dealer, after delivery of the work of fine art, shall constitute an agent of the artist for the purpose of sale or exhibition of the consigned work of fine art within the State of California.

(b) The work of fine art shall constitute property held in trust by the consignee for the benefit of the consignor, and shall not be subject to claim by a creditor of the consignee.

(c) The consignee shall be responsible for the loss of, or damage to, the work of fine art.

(d) The proceeds from the sale of the work of fine art shall constitute funds held in trust by the consignee for the benefit of the consignor. Such proceeds shall first be applied to pay any balance due to the consignor, unless the consignor expressly agrees otherwise in writing.

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1738.7. A work of fine art received as a consignment shall remain trust property, notwithstanding the subsequent purchase thereof by the consignee directly or indirectly for the consignee's own account until the price is paid in full to the consignor. If such work is thereafter resold to a bona fide purchaser before the consignor has been paid in full, the proceeds of the resale received by the consignee shall constitute funds held in trust for the benefit of the consignor to the extent necessary to pay any balance still due to the consignor and such trusteeship shall continue until the fiduciary obligation of the consignee with respect to such transaction is discharged in full.

1738.8. Any provision of a contract or agreement whereby the consignor waives any provision of this title is void.

1738.9. This title shall not apply to a written contract executed prior to the effective date of this title, unless either the parties agree by mutual written consent that this title shall apply or such contract is extended or renewed after the effective date of this title.

The provisions of this title shall prevail over any conflicting or inconsistent provisions of the Commercial Code affecting the subject matter of this title.

CHAPTER 954

An act to add Sections 13948, 13948.1, 13948.2, 13948.3, and 13948.4 to, and to repeal Sections 13946, 13948, 13949 and 13969 of, the Education Code, and to add Sections 20951 and 20981.1 to the Government Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 13946 of the Education Code is repealed.

SEC. 2. Section 13948 of the Education Code is repealed.

SEC. 3. Section 13948 is added to the Education Code, to read:

13948. Members who on January 1, 1976, are in state service positions according to Section 13948 as it read on December 31, 1975, or who are employees of the Trustees of the California State University and Colleges, may elect in writing prior to July 1, 1976, not to continue as members of this system and to transfer membership to the Public Employees' Retirement System. Failure to execute and file the election which must be received in the office of this system by the close of business on June 30, 1976 shall be deemed a decision to remain as a member of this system.

SEC. 4. Section 13948.1 is added to the Education Code, to read:

13948.1. Members eligible to elect under Section 13948 and who elect to retain membership in this system shall be eligible only for those benefits available for all other members of this system, and not eligible for the benefits of the Berryhill Total Compensation Act, as amended, except for the reduced hospitalization insurance premiums. These members shall not be considered eligible for any additional benefits that may accrue to other state employees.

SEC. 5. Section 13948.2 is added to the Education Code, to read:

13948.2. If a member elects membership in the Public Employees' Retirement System under Section 13948, this election shall not be counted as a break in service if employment is continuous.

SEC. 6. Section 13948.3 is added to the Education Code, to read:

13948.3. Members who elect membership in the Public Employees' Retirement System and have achieved planned vesting according to Section 13862 of the Education Code shall retain the vested rights to survivor and disability benefits under this system until they qualify for the similar benefits in the Public Employees' Retirement System.

SEC. 7. Section 13948.4 is added to the Education Code, to read:

13948.4. Persons who have not achieved planned vesting shall qualify for eligibility for benefits under this system when total service under both systems equals the minimum required under Sections 14180, 14186, and 14260.1. These persons shall retain vested rights to survivor and disability benefits until they qualify for the similar benefits in the Public Employees' Retirement System.

SEC. 8. Section 13949 of the Education Code is repealed.

SEC. 9. Section 13969 of the Education Code is repealed.

SEC. 10. Section 20951 is added to the Government Code, to read:

20951. A state miscellaneous member who became such a member by an election pursuant to Section 13948 of the Education Code as added by legislation enacted at the 1975–76 Regular Session of the Legislature, shall be retired for service on his application if he has obtained the minimum age required under this article and is credited with five years of state service or with sufficient service under the State Teachers' Retirement System to meet service requirements for retirement under that system.

SEC. 11. Section 20981.1 is added to the Government Code, to read:

20981.1. A state miscellaneous member who became such a member by an election pursuant to Section 13948 of the Education Code as added by legislation at the 1975–76 Regular Session of the Legislature shall not be retired pursuant to Section 20981 prior to the member's first birthday following January 1, 1977.

CHAPTER 955

An act to amend Section 3501.3 of the Elections Code, and to add Section 12172 to the Government Code, relating to initiative measures.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3501.3 of the Elections Code is amended to read:

3501.3. Notwithstanding the provisions of Sections 3500.5 and 3501, the Attorney General in preparing a title or summary for an initiative measure, the substance of which if adopted would affect the revenues or expenditures of the state or local government, shall state in the title the amount of any increase or decrease in revenue or costs to the state or local government if the proposed initiative is adopted.

Such estimates as required by this section shall be made jointly by the Department of Finance and Joint Legislative Budget Committee, who shall inform the Attorney General so that he may include it in the title prepared by him.

A fiscal estimate is not required if in the opinion of both the Department of Finance and the Joint Legislative Budget Committee a reasonable estimate of the net impact of the proposed initiative cannot be prepared within 25 days from the date of receipt of the final version of the proposed initiative by the Attorney General. The Department of Finance and the Joint Legislative Budget Committee, however, shall give their opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

Any statement of fiscal impact prepared by the Legislative Analyst pursuant to subdivision (b) of Section 12172 may be used by the Department of Finance and the Joint Legislative Budget Committee in the preparation of the fiscal estimate or the opinion.

SEC. 2. Section 12172 is added to the Government Code, to read:

12172 The Secretary of State shall, upon the request of the proponents of an initiative measure which is to be submitted to the voters of the state, review the provisions of the initiative measure after it is prepared prior to its circulation. In conducting the review, the Secretary of State shall:

(a) Analyze and comment on the provisions of the measure with respect to form and language clarity.

(b) Request and obtain a statement of fiscal impact from the Legislative Analyst.

The Legislative Analyst shall furnish the Secretary of State with a statement of fiscal impact with respect to the initiative measure

within 25 days after being requested to do so by the Secretary of State pursuant to subdivision (b) of this section.

In the preparation of the statement of fiscal impact pursuant to this subdivision, the Legislative Analyst may use the fiscal estimate or the opinion prepared pursuant to Section 3501.3 of the Elections Code.

The review performed pursuant to this section shall be for the purpose of suggestion only and shall not have any binding effect on the proponents of the initiative measure.

CHAPTER 956

An act to amend Sections 17048, 17069, 17069.5, 17216, and 23776 of, and to repeal Sections 25552, 25552a, and 25552b of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17048 of the Revenue and Taxation Code is amended to read:

17048. In lieu of the tax imposed under Section 17041, resident individuals with an adjusted gross income of less than fifteen thousand dollars ($15,000) or such other amounts as prescribed by regulation promulgated by the Franchise Tax Board, who have elected to pay the optional tax imposed by this section shall compute their taxes under optional tax tables promulgated by regulation by the Franchise Tax Board. Such tax tables shall reflect the tax imposed under Section 17041 in income progressions of not less than fifty dollars ($50), giving effect to the marital or other status of the individual.

SEC. 2. Section 17069 of the Revenue and Taxation Code is amended to read:

17069. (a) A special tax credit at the percentage provided in subdivision (b) or (c) shall be allowed against the amount of "net tax" (as defined in Section 17069.5), with respect to taxable years beginning after December 31, 1972, and before January 1, 1974. If the taxpayer has more than one taxable year beginning after December 31, 1972, and before January 1, 1974, such taxpayer shall be allowed the credit provided by this section only with respect to the taxable year which covers the most number of months.

(b) In the case of a single person, or a married person filing a separate return, the special tax credit percentage shall be as follows:

If the adjusted gross income is	The percentage of credit is
$4,000 or less	100 percent
Over $4,000 but not over $7,500	35
Over $7,500 but not over $10,000	30
Over $10,000 but not over $12,500	25
Over $12,500	20

(c) In the case of a head of household, a surviving spouse (as defined in Section 17046), or a married couple filing a joint return, the special tax credit percentage shall be as follows:

If the adjusted gross income is	The percentage of credit is
$8,000 or less	100 percent
Over $8,000 but not over $15,000	35
Over $15,000 but not over $20,000	30
Over $20,000 but not over $25,000	25
Over $25,000	20

(d) For taxable years beginning on or after January 1, 1974, there shall be allowed against the amount of "net tax" (as defined in Section 17069.5) a special tax credit of 100 percent (1) for a single person or a married person filing a separate return with an adjusted gross income of four thousand dollars ($4,000) or less, or (2) for a head of household, a surviving spouse (as defined in Section 17046), or a married couple filing a joint return with an adjusted gross income of eight thousand dollars ($8,000) or less.

(e) If, after the tax credit provided by this section is claimed, the Franchise Tax Board determines that the taxpayer's tax liability is more or less than the amount shown on the return, a corresponding adjustment shall be made by the Franchise Tax Board for the special tax credit.

(f) The tax credit provided by this section shall not apply to trusts or estates subject to tax under this part or to nonresidents as of the close of the taxable year for which the credit is claimed.

(g) For purposes of subdivision (a) and (d), "net tax" does not include the tax on preferential income imposed in Chapter 2.1 (commencing with Section 17062)

(h) For the purposes of this section, the adjusted gross income of a nonresident means gross income from sources both within and without this state less the deductions allowed by Section 17072.

SEC. 3. Section 17069.5 of the Revenue and Taxation Code is amended to read.

17069.5. (a) For purposes of this chapter only, the term "net tax" means the tax imposed under either Section 17041 or 17048, minus the credit for retirement income provided for in Section 17053, the credits for personal exemption provided for in Section 17054, the credit for education costs to a nonpublic school provided for in Section 17066 and the credits for taxes paid other states provided for in Chapter 12 (commencing with Section 18001).

(b) For the purposes of Chapter 12 (commencing with Section 18001) of this part, credits for taxes paid to other states shall be allowed against the amount of tax imposed under either Section 17041 or 17048, minus the sum of the credit against the tax provided by this part except the credit provided by Section 17053 (relating to retirement income), the credit provided by Section 17053.5 (relating to renters' credit), the credit provided by Section 17061 (relating to unemployment disability insurance), the credit provided by Section 18551.1 (relating to tax withheld), and the credit provided by Section 17069 (relating to special tax credit).

SEC. 4. Section 17216 of the Revenue and Taxation Code is amended to read·

17216. (a) Subject to the provisions of subdivisions (b), (c) and (d), the limitation in Section 17215, and the provisions of Section 17216.2, shall not apply, in the case of an individual for a taxable year beginning before January 1, 1976, if in such taxable year and in 8 of the 10 preceding taxable years, the amount of the charitable contributions, plus the amount of income tax paid during such year in respect of such year or preceding taxable years, exceeds the transitional deduction percentage (determined under subdivision (c)) of the taxpayer's taxable income for such year, computed without regard to Section 17214. In lieu of the amount of income tax paid during any such year, there may be substituted for that year the amount of income tax paid in respect of such year, provided that any amount so included in the year in respect of which payment was made shall not be included in any other year. In the case of a separate return for the taxable year by a married individual who previously filed a joint return with a former deceased spouse for any of the 10 preceding taxable years, the amount of charitable contributions and taxes paid for any such preceding taxable year, for which a joint return was filed with the former deceased spouse, shall be determined in the same manner as if the taxpayer had not remarried after the death of such former spouse.

(b) If the limitation in Section 17215 does not apply because of the application of subdivision (a), the amount otherwise allowable as a deduction under Section 17214 shall be reduced by the amount by which the taxpayer's taxable income, computed without regard to this subdivision, is less than the transitional income percentage (determined under subdivision (d)) of the taxpayer's adjusted gross income. However, in no case shall a taxpayer's deduction be reduced below the amount allowable as a deduction under Section 17215 without the application of subdivision (a)

(c) For purposes of applying subdivision (a), the term "transitional deduction percentage" means—

(1) In the case of a taxable year beginning before 1971, 90 percent, and

(2) In the case of a taxable year beginning in—

1971 ..... 80 percent

1972 ..... 68 percent
1973 ..... 56 percent
1974 ..... 44 percent
1975 ..... 32 percent
1976 and thereafter ..... 20 percent.

(d) For purposes of applying subdivision (b), the term "transitional income percentage" means, in the case of a taxable year beginning in—

1971 ..... 20 percent
1972 ..... 32 percent
1973 ..... 44 percent
1974 ..... 56 percent
1975 ..... 68 percent
1976 and thereafter ..... 80 percent.

SEC. 5. Section 23776 of the Revenue and Taxation Code is amended to read:

23776. Any organization which was suspended under the provisions of Section 23775 may be relieved therefrom upon the filing of—

(a) An application for revivor and payment of a filing fee of ten dollars ($10); and

(b) When required by the Franchise Tax Board, a new application for exemption; and

(c) Any information returns, statements, notifications, or amounts due under Sections 23772, 23774, or 23775 which were not previously submitted or paid and which resulted in the suspension or forfeiture; and

(d) An information return or statement and the amounts specified under Section 23772 for each year, or part thereof, during the period of suspension in which the organization conducted any activities or received income, grants, gifts or any other assets.

SEC. 6. Section 25552 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 25552a of the Revenue and Taxation Code is repealed.

SEC. 8. Section 25552b of the Revenue and Taxation Code is repealed.

SEC. 9. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act pertaining to the Personal Income Tax Law shall apply with respect to taxable years beginning on or after January 1, 1975, and the provisions pertaining to the Bank and Corporation Tax Law shall apply with respect to income years beginning on or after January 1, 1975.

CHAPTER 957

An act to amend Sections 9889.15, 9889.17, 9889.18, and 9889.51 of the Business and Professions Code; to amend Sections 4477, 6253, 11017, and 14808.5 of the Government Code; to repeal Chapter 2 (commencing with Section 24198) and Chapter 2.5 (commencing with Section 24345) of Division 20 of, to repeal Division 26 (commencing with Section 39000), Division 27 (commencing with Section 39600), Division 28 (commencing with Section 39800), and Division 30 (commencing with Section 40000) of, and to add Division 26 (commencing with Section 39000), Division 27 (commencing with Section 44500), and Division 28 (commencing with Section 46000) to, the Health and Safety Code; to amend Sections 201.5 and 10753 of the Revenue and Taxation Code; to amend Sections 2814, 4000, 4000.1, 4000.2, 4750, 9250.5, 11519, 24007, 24007.5, 27156, and 27156.1 of, and to amend and repeal Section 4602, as amended by Section 2 of Chapter 670 of the Statutes of 1974, of, and to amend Section 4602, as amended by Section 3 of Chapter 670 of the Statutes of 1974, of, the Vehicle Code; and to repeal Section 3 of Chapter 1599 of the Statutes of 1970, relating to air pollution.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9889.15 of the Business and Professions Code is amended to read:

9889.15. As used in this article:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Sections 39040 and 39019 of the Health and Safety Code.

(b) "Station," "licensed station," "licensed installer," and "licensed adjuster" shall be construed as defined in Article 6 (commencing with Section 9888.1) of this chapter.

SEC. 2. Section 9889.17 of the Business and Professions Code is amended to read:

9889.17. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. No such device shall be deemed to meet the requirements of the Vehicle Code or of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

SEC. 3. Section 9889.18 of the Business and Professions Code is amended to read:

9889.18. Whenever a licensed installer in a licensed station, in

conformity with the instructions of the director inspects or repairs a motor vehicle for pollution control, or installs a motor vehicle pollution control device, and determines that the vehicle conforms with the requirements of Section 27157 or 27157.5 of the Vehicle Code or Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, and the rules and regulations of the State Air Resources Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The certificate of compliance shall contain provisions for the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station. It is unlawful for any person, other than a licensed installer in a licensed station, to sign or issue a certificate of compliance required by this article.

SEC. 4. Section 9889.51 of the Business and Professions Code is amended to read:

9889.51. (a) The department shall, with the cooperation of the State Air Resources Board and the Department of the California Highway Patrol, design and adopt a program for the mandatory periodic exhaust emission inspection of all motor vehicles registered in Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, and Ventura Counties, and of all motor vehicles owned by governmental entities and public utilities and registered elsewhere in the state but garaged in such counties, except that:

(1) The department shall exempt from the exhaust emission inspection portion of the program every motorcycle, as defined in Section 400 of the Vehicle Code, and every motor vehicle weighing over 6,001 pounds, until such time when the department, in conjunction with the State Air Resources Board, determines that the inclusion of such vehicles is technologically and economically feasible.

(2) The department may, by regulation, exempt from the program classes of specialized motor vehicles which the department, in conjunction with the State Air Resources Board, determines would present prohibitive inspection problems.

The exhaust emission inspection of each motor vehicle shall include all of the following:

(1) A determination that all exhaust emission control equipment and devices required by state and federal law are installed and functioning correctly, and that the vehicle's engine is functioning correctly with respect to its level of emissions over its full normal range of operation.

(2) A measurement of the vehicle's hydrocarbon, carbon monoxide, and oxides of nitrogen emissions, performed with a dynamometer, or equivalent device, using a probe or other device to sample the vehicle's exhaust.

(3) A determination as to whether the vehicle complies with the exhaust emission standards for that vehicle's class and model year as prescribed by the State Air Resources Board pursuant to Section 43010 of the Health and Safety Code.

(4) Where applicable, a written indication to the vehicle's owner of the probable cause of any malfunction or misadjustment responsible for the vehicle's failure to comply with such standards and of any maintenance or repairs recommended to correct such malfunction or misadjustment.

SEC. 5. Section 4477 of the Government Code is amended to read:

4477. No state agency shall enter into any contract for the purchase of supplies, equipment, or services from any person who is in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district, or is subject to a cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions, or is finally determined to be in violation of provisions of federal law relating to air or water pollution.

SEC. 6. Section 6253 of the Government Code is amended to read:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every citizen has a right to inspect any public record, except as hereafter provided. Every agency may adopt regulations stating the procedures to be followed when making its records available in accordance with this section.

The following state and local bodies shall establish written guidelines for accessibility of records. A copy of these guidelines shall be posted in a conspicuous public place at the offices of such bodies, and a copy of such guidelines shall be available upon request free of charge to any person requesting that body's records:

Department of Motor Vehicles
Department of Consumer Affairs
Department of Transportation
Department of Real Estate
Department of Corrections
Department of the Youth Authority
Department of Justice
Department of Insurance
Department of Corporations
Secretary of State
State Air Resources Board
Department of Water Resources
Department of Parks and Recreation
San Francisco Bay Conservation and Development Commission
State Department of Health
Employment Development Department
Department of Benefit Payments
Public Employees' Retirement System
Teachers' Retirement Board
Department of Industrial Relations

Department of General Services
Department of Veterans Affairs
Public Utilities Commission
California Coastal Zone Conservation Commission
All regional coastal zone conservation commissions
State Water Quality Control Board
San Francisco Bay Area Rapid Transit District
All regional water quality control boards
Los Angeles County Air Pollution Control District
Bay Area Air Pollution Control District
Golden Gate Bridge, Highway and Transportation District.

(b) Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make such records accessible to the public.

SEC. 7. Section 11017 of the Government Code is amended to read:

11017. Notwithstanding any other provision of law, each state agency in performing its duties shall comply with all local air pollution control rules, regulations, and ordinances which are more stringent than any applicable state air pollution control statute, rule, or regulation.

In any area where neither any local air pollution control rules, regulations, or ordinances nor any state air pollution control statute, or rule or regulation adopted by the State Air Resources Board pursuant to Section 41503 or 41504 of the Health and Safety Code, applies, the State Air Resources Board may adopt, after a public hearing, air pollution control rules and regulations for state agencies performing their duties in such areas, and each state agency in performing its duties in such area shall comply with such air pollution control rules and regulations.

SEC. 8. Section 14808.5 of the Government Code is amended to read:

14808.5. Except for motor vehicles described in Section 43805 of the Health and Safety Code, the provisions of Article 1 (commencing with Section 43800), Chapter 4, Part 5, Division 26 of the Health and Safety Code shall govern the purchase of all motor vehicles by the state to the extent that the Department of General Services determines that such low-emission vehicles are reasonable to meet state needs pursuant to Section 43804 of the Health and Safety Code.

SEC. 9. Chapter 2 (commencing with Section 24198) of Division 20 of the Health and Safety Code is repealed.

SEC. 10. Chapter 2.5 (commencing with Section 24345) of Division 20 of the Health and Safety Code is repealed.

SEC. 11. Division 26 (commencing with Section 39000) of the Health and Safety Code is repealed.

SEC. 12. Division 26 (commencing with Section 39000) is added to the Health and Safety Code, to read:

DIVISION 26. AIR RESOURCES

PART 1. GENERAL PROVISIONS AND DEFINITIONS

CHAPTER 1. FINDINGS, DECLARATIONS, AND INTENT

39000. The Legislature finds and declares that the people of the State of California have a primary interest in the quality of the physical environment in which they live, and that this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of California.

39001. The Legislature, therefore, declares that this public interest shall be safeguarded by an intensive, coordinated state, regional, and local effort to protect and enhance the ambient air quality of the state. Since air pollution knows no political boundaries, the Legislature declares that a regional approach to the problem should be encouraged whenever possible and, to this end, the state is divided into air basins. The state should provide incentives for such regional strategies, respecting, when necessary, existing political boundaries.

39002. Local and regional authorities have the primary responsibility for control of air pollution from all sources other than vehicular sources. The control of vehicular sources, except as otherwise provided in this division, shall be the responsibility of the State Air Resources Board. Except as otherwise provided in this division, including, but not limited to, Sections 41809, 41810, and 41904, local and regional authorities may establish stricter standards than those set by law or by the state board for nonvehicular sources. However, the state board shall, after holding public hearings as required in this division, undertake control activities in any area wherein it determines that the local or regional authority has failed to meet the responsibilities given to it by this division or by any other provision of law.

39003. The State Air Resources Board is the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state.

39004. The reenactment of this division by the Legislature during the 1975–76 Regular Session of the Legislature shall have no effect on the existence of any district board, or the terms of any members thereof.

39005. The reenactment of this division by the Legislature during the 1975–76 Regular Session of the Legislature shall have no effect on any order, rule, or regulation of any district or of the state board, unless such order, rule, or regulation, as the case may be, is not consistent with the provisions of this division.

CHAPTER 2. DEFINITIONS

39010. Unless the context requires otherwise, the definitions set forth in this article shall govern the construction of this division.

39011. "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

39012. "Air basin" means an area of the state designated by the state board pursuant to subdivision (a) of Section 39606.

39013. "Air contaminant" or "air pollutant" means any discharge, release, or other propagation into the atmosphere directly, or indirectly, caused by man and includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

39014. "Ambient air quality standards" means specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects established by the state board or, where applicable, by the federal government.

39015. "Bay district" means the Bay Area Air Pollution Control District continued in existence pursuant to Chapter 4 (commencing with Section 40200) of Part 3.

39016. "Bay district board" means the governing body of the bay district.

39017. "Bus" has the same meaning as defined in Section 233 of the Vehicle Code.

39018. "Certification" means a finding by the state board that a motor vehicle, motor vehicle engine, or motor vehicle pollution control device has satisfied the criteria adopted by the state board for the control of specified air contaminants from vehicular sources.

39019. "Certified device" means a motor vehicle pollution control device with a certification, and includes a motor vehicle pollution control device previously accredited or approved by the state board or by the Motor Vehicle Pollution Control Board.

The term "accredited" or "approved" may continue to be used with respect to such devices previously accredited or approved.

39020. "Combustible or flammable solid waste" means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid form

39021. "Commercial vehicle" has the same meaning as defined in Section 260 of the Vehicle Code.

39022. "County district" means a district continued in existence pursuant to Chapter 2 (commencing with Section 40100) of Part 3.

39023. "County district board" means the governing body of a county district.

39024. "Crankcase emissions" means substances emitted directly to the atmosphere from any opening leading to the crankcase of a motor vehicle engine. Crankcase gases which are conducted to the engine intake or exhaust systems are not included in the definition of crankcase emissions, but are defined as exhaust emissions.

39025. "District" means an air pollution control district created or continued in existence pursuant to provisions of Part 3 (commencing with Section 40000).

39026. "District board" means the governing body of a district.

39027. "Emission standards" means specified limitations on the discharge of air contaminants into the atmosphere.

39028. "Exhaust device" means a motor vehicle pollution control device to reduce exhaust emissions.

39029. "Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

39030. "Flue" means any duct or passage for air, gases, or the like, such as a stack or chimney.

39031. "Fuel evaporative loss emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

39032. "Fuel system" means the combination of fuel tank, fuel lines and carburetor, or fuel injector, and includes all vents and fuel evaporative emission control systems or devices.

39033. "Heavy duty" means having a manufacturer's maximum gross vehicle weight rating of 6,001 or more pounds.

39034. "Implement of husbandry" has the same meaning as defined in Chapter 1 (commencing with Section 36000), Division 16 of the Vehicle Code.

39035. "Light duty" means having a manufacturer's maximum gross vehicle weight rating of under 6,001 pounds.

39036. "Limited-production vehicle" means a new 1975 model year motor vehicle having a manufacturer's gross vehicle weight rating of under 6,001 pounds that is manufactured or sold in this state in quantities of less than 210 units annually.

39037. "Local or regional authority" means the governing body of any city, county, or district.

39038. "Model year" means the manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year.

In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

39039. "Motor vehicle" has the same meaning as defined in Section 415 of the Vehicle Code.

39040. "Motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the air contaminants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes

a reduction of air contaminants emitted from the vehicle.

39041. "Motorcycle" has the same meaning as defined in Section 400 of the Vehicle Code.

39042. "New vehicle" has the same meaning as defined in Section 430 of the Vehicle Code.

39043. "Nonvehicular sources" means all sources of air contaminants, including the loading of fuels into vehicles, except vehicular sources.

39044. "Open outdoor fire" means any combustion of combustible material of any type outdoors in the open, not in any enclosure, where the products of combustion are not directed through a flue.

39045. "Orchard or citrus grove heater" means any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used, or capable of being used, for the purpose of giving protection from frost damage.

39046. "Passenger vehicle" has the same meaning as defined in Section 465 of the Vehicle Code.

39047. "Person" includes all of the following:

(a) A "person" as defined in Section 19.

(b) Any state or local governmental agency or public district, or any officer or employee thereof. However, no state or local governmental agency or public district, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of Part 4 (commencing with Section 41500) for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties.

(c) The United States or its agencies, to the extent authorized by federal law.

39048. "Racing vehicle" means a competition vehicle not used on public highways.

39049. "Regional district" means a district created pursuant to Chapter 5 (commencing with Section 40300) of Part 3.

39050. "Regional district board" means the governing body of a regional district.

39051. "Schedule of increments of progress" means a statement of dates when various steps are to be taken to bring a source of air contaminants into compliance with emission standards and shall include, to the extent feasible, the following:

(a) The date of submittal of the final plan for the control of emissions of air contaminants from that source to the appropriate district.

(b) The date by which contracts for emission control systems or process modifications will be awarded, or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification.

(c) The date of initiation of onsite construction or installation of emission control equipment or process change.

(d) The date by which onsite construction or installation of emission control equipment or process modification is to be completed.

(e) The date by which final compliance is to be achieved.

(f) Such other dates by which other appropriate and necessary steps shall be taken to permit close and effective supervision of progress toward timely compliance.

39052. "Solid waste dump" means any accumulation for the purpose of disposal of any solid waste.

39053. "State Board" means the State Air Resources Board.

39054. "Truck" means a motor truck as defined in Section 410 of the Vehicle Code.

39055. "Truck tractor" has the same meaning as defined in Section 655 of the Vehicle Code.

39056. "Unified district" means a district created or continued in existence pursuant to Chapter 3 (commencing with Section 40150) of Part 3.

39057. "Unified district board" means the governing body of a unified district.

39058. "Used vehicle" has the same meaning as defined in Section 665 of the Vehicle Code.

39059. "Vehicle" has the same meaning as defined in Section 670 of the Vehicle Code.

39060. "Vehicular sources" means those sources of air contaminants emitted from motor vehicles.

CHAPTER 3. CALIFORNIA ENVIRONMENTAL PROTECTION PROGRAM

39100. There is in this state the California Environmental Protection Program, which shall be concerned with the preservation and protection of California's environment, including, but not limited to, the control and abatement of air pollution generated by motor vehicles. All phases of research into the sources, dynamics, and effects of environmental pollutants generated by motor vehicles shall fall within the purview of the program.

39101. (a) The California Environmental Protection Program Fund is continued in existence in the State Treasury, consisting of the moneys deposited in the fund pursuant to any provisions of law.

(b) Amounts equal to the actual costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code are hereby continuously appropriated from the moneys deposited in the fund pursuant to Article 8.5 to the department, and shall be transferred to, and in augmentation of, the appropriation from which such costs were paid.

(c) The balance of the moneys in such fund shall be available for expenditure for the purposes and uses of the California Environmental Protection Program upon appropriation by the Legislature.

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39102. The Secretary of the Resources Agency and the Secretary of the Business and Transportation Agency:

(a) Are responsible for the development of the California Environmental Protection Program and the determination of the priorities of the program.

(b) May recommend an apportionment of any funds contained in the California Environmental Protection Program Fund among various state agencies, local political subdivisions, the University of California, and any private research organization as shall effectuate the purposes of the program.

(c) May recommend an allocation of any funds to carry out projects within the program, including, but not limited to, capital outlay projects.

39103. The funds provided for in subdivision (c) of Section 39101 may be used in a manner which will allow the state to qualify for any funds which may be available from any source for the purpose of carrying out the provisions of this division.

PART 2. STATE AIR RESOURCES BOARD

CHAPTER 1. FINDINGS, DECLARATIONS, AND INTENT

39500. It is the intent of the Legislature that the State Air Resources Board shall have the responsibility, except as otherwise provided in this division, for control of emissions from motor vehicles and shall coordinate, encourage, and review the efforts of all levels of government as they affect air quality.

CHAPTER 2. ADMINISTRATION

39510. The State Air Resources Board is continued in existence in the Resources Agency. The state board shall consist of five members who shall be appointed by the Governor with the consent of the Senate. Members of the state board shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems, and shall have the following qualifications:

(a) Two members shall have training and experience in automotive engineering or closely related fields.

(b) Two members shall have training and experience in chemistry, meteorology, or related scientific fields, including agriculture, or law.

(c) One member shall qualify under subdivision (a) or (b), or shall have administrative experience in the field of air pollution control with no special technical training required.

39511. The Governor shall appoint the chairman from among the members of the state board who shall serve at the pleasure of the Governor.

39512. An annual salary of ten thousand eighty dollars ($10,080) shall be paid to each member of the state board, provided he devotes a minimum of 60 hours per month to state board work. Such salary shall be reduced proportionately if less than 60 hours per month is devoted to state board work.

39513. The state board shall hold regular meetings at least twice a month. Special meetings may be called by the chairman or upon the request of a majority of the members. Each member of the state board shall receive his actual necessary traveling expenses incurred in the performance of his official duties. Time spent in such meetings shall count towards the 60 hours specified in Section 39512.

39514. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the state board, and the state board is the head of a department within the meaning of the chapter.

39515. The state board shall appoint an executive officer and may delegate such duties to the executive officer as the state board deems appropriate.

The intention of the Legislature is hereby declared to be that the executive officer shall perform and discharge, under the direction and control of the state board, the powers, duties, purposes, functions, and jurisdiction vested in the state board and delegated to the executive officer by the state board.

39516. Any power, duty, purpose, function, or jurisdiction which the state board may lawfully delegate shall be conclusively presumed to have been delegated to the executive officer unless it is shown that the state board, by affirmative vote recorded in the minutes of the state board, specifically has reserved the same for the state board's own action.

The executive officer may redelegate to his subordinates unless, by state board rule or express provision of law, the executive officer is specifically required to act personally.

CHAPTER 3. GENERAL POWERS AND DUTIES

39600. The state board shall do such acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board by this division and by any other provision of law.

39601. The state board shall adopt standards, rules, and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board by this division and by any other provision of law.

39602. The state board is designated the air pollution control agency for all purposes set forth in federal law.

The state board shall have the primary responsibility for the

preparation of the state implementation plan required by the Clean Air Act (42 U.S.C., Sec. 1857, et seq.) and, to this end, shall coordinate the activities of all districts necessary to comply with that act.

The state board shall endeavor to attain the ambient air quality standards established by the Environmental Protection Agency pursuant to Section 1857c-4 of Title 42 of the United States Code.

39603. The state board may:

(a) Contract for technical advisory services and other services as may be necessary for the performance of its powers and duties.

(b) Appoint such advisory groups and committees as it requires. Members of such committees or advisory groups shall receive fifty dollars ($50) per day for each day they meet pursuant to a request of the state board, plus actual and necessary expenses incurred while performing their duties.

In appointing advisory groups and committees, the state board may appoint a number of persons qualified in various fields and disciplines. Such persons who are appointed shall be kept informed of the issues before the state board and the work pending before the state board. When the state board desires the advice, in connection with a particular problem or problems, of any person so appointed, the chairman of the state board may select such person to serve as a member of a working group or committee for the purpose of providing such advice. After the working group or committee has given its advice to the state board, it shall cease to function as a working group or committee. The financial remuneration specified in this subdivision shall only be available to persons during such time they are serving as members of a working group or committee at the request of the state board.

39604. The state board shall submit to the Governor and the Legislature, not later than January 10th each year, a report consisting of a summary of the state board's activities during the previous year and the state board's recommendations concerning such legislation and other action as is necessary for the implementation, financing, and enforcement of this division.

39605. To carry out the purposes of this division, the state board may:

(a) Provide any assistance to any district.

(b) Require any district to provide requested information.

39606. The state board shall:

(a) Based upon similar meteorological and geographic conditions and consideration for political boundary lines whenever practicable, divide the state into air basins to fulfill the purposes of this division.

(b) Adopt standards of ambient air quality for each air basin in consideration of the public health, safety, and welfare, including, but not limited to, health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one air basin to another. Standards relating to health effects shall be based upon the recommendations of the State Department of Health.

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39607. The state board shall:

(a) Establish a program to secure data on air quality in each air basin established by the state board.

(b) Inventory sources of air pollution within the air basins of the state and determine the kinds and quantity of air pollutants. The state board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(c) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(d) Adopt test procedures to measure compliance with its nonvehicular emission standards and those of districts.

CHAPTER 4. RESEARCH

39700. The Legislature hereby declares that an effective research program is an integral part of any broad-based statewide effort to combat air pollution.

39701. The state board shall coordinate and collect research data on air pollution, including, but not limited to, all of the following:

(a) Research relating to specific problems in the following areas:

(1) Motor vehicle emissions control, including alternative propulsion systems, cleaner burning fuels, and improved motor vehicle pollution control devices.

(2) Control of nonvehicular emissions.

(3) Control of specific contaminants to meet ambient air quality standards.

(4) Atmospheric chemistry and physics.

(5) Effects of air pollution on human health and comfort, plants and animals, and reduction in visibility.

(6) Instrumentation development.

(7) Economic and ecological analysis.

(8) Mathematical model development.

(9) Trends in atmospheric quality throughout the state.

(10) Alternatives to agricultural burning.

(b) The consequences of various alternative solutions to specific air pollution problems.

(c) The identification of knowledge gaps.

39702. The state board shall report to the Legislature whenever it deems necessary to provide information on problems relating to air quality management.

39703. The state board shall administer and coordinate all air pollution research funded, in whole or in part, with state funds and, in discharging its responsibilities, the state board shall have the following duties and powers:

(a) Establish applied research objectives.

(b) Receive and review all air pollution research proposals.

(c) Recommend the initiation of specific air pollution research projects.

(d) Award contracts for air pollution research projects.

(e) Submit a detailed report to the Legislature by January 10th each year on the conduct of the air pollution research program conducted pursuant to this section.

(f) Establish the administrative and review procedures necessary to carry out the provisions of this section.

(g) Collect, validate, and disseminate educational information relating to air pollution.

39704. In awarding contracts for the conduct of air pollution research, the state board shall consider the capability of the University of California to mount a comprehensive program of research to seek solutions to air pollution problems and the ability of the university, through its several campuses, to mobilize a comprehensive research program for this purpose.

39705. The state board shall appoint a screening committee of not to exceed nine persons, the membership of which may be rotated as determined by the state board.

The committee shall consist of physicians, scientists, biologists, chemists, engineers, meteorologists, and other persons who are knowledgeable, technically qualified, and experienced in air pollution problems for which projects are being reviewed. The committee shall review, and give its advice and recommendations with respect to, all air pollution research projects funded by the state, including both those conducted by the state board and those conducted under contract with the state board.

The committee members shall receive fifty dollars ($50) per day for each day they meet to perform their duties under this section. In addition to such compensation, they shall receive their actual and necessary expenses incurred while performing such duties.

CHAPTER 5. AIR POLLUTION CONTROL SUBVENTION PROGRAM

39800. As used in this chapter, "dollars budgeted" means moneys derived from revenue sources within a district for use in its air pollution control programs.

39801. The state board shall administer, pursuant to this chapter, such funds as may be appropriated to it for the purposes of this chapter.

39802. The state board may subvene up to one dollar ($1) for every dollar budgeted for use by any of the following:

(a) A district whose boundaries include an entire air basin.

(b) Districts whose boundaries together include an entire air basin and who are parties to one joint powers agreement or other enforceable agreement which provides for all of the following:

(1) Uniform rules and regulations among all districts, excluding administrative rules and regulations.

(2) At least four meetings per year of the basinwide air pollution control council formed under Section 40900, or an equivalent procedure for basinwide consideration of policy matters.

(3) Suitable sharing of qualified air pollution personnel and equipment.

Subventions under this section shall not exceed twenty-three cents ($0.23) per capita. A subvention made pursuant to Section 39803 shall preclude subvention under this section.

39803. In air basins where funds are not subvened pursuant to Section 39802, the state board may subvene up to two dollars ($2) for every three dollars ($3) budgeted by a district. Subventions under this section shall not exceed eighteen and four-tenths cents ($0.184) per capita.

39804. In air basins having a population of less than 98,000, the state board may subvene more than the specified amount allowed under Section 39802, if the subvention does not exceed forty-five thousand dollars ($45,000) per air basin and each district affected adopts a budget equal to or exceeding twenty-three cents ($0.23) per capita.

39805. The per capita limits in Sections 39802 and 39803 and the forty-five thousand dollars ($45,000) limit in Section 39804 may be increased by the state board to reflect the effects of inflation on the moneys needed to carry out air pollution control programs. No increase shall be made without the prior written approval of the Director of Finance.

39806. No money shall be subvened pursuant to this chapter unless the district affected is actively and effectively engaged in the reduction of air contaminants pursuant to the basinwide air pollution control plan and related implementation programs established pursuant to Chapter 2 (commencing with Section 41600) of Part 4.

When the state board finds, pursuant to a resolution from the district board, or upon completion of proceedings conducted by the state board pursuant to Sections 41500 and 41501, that the district is not so engaged in the reduction of air contaminants, the subvention, or a portion thereof, which would have been allocated to such district pursuant to Section 39802 or 39803, plus such additional sum as may be necessary, if moneys are available from appropriations for the purposes of this chapter, shall be allocated to the state board itself to carry out the approved plan or program.

If the state board acts under this section pursuant to a resolution of the district board, it may do so without proceeding under Sections 41500 and 41501.

39807. The subvention otherwise due a district may be reduced by the state board up to an amount equal to the funds which are granted to the district by the federal government. In so reducing a subvention, the state board shall take into account all the following factors:

(a) The purpose for which the federal funds were granted.

(b) The needs of the district in relationship to the needs of other districts.

(c) Any special and worthy programs conducted by the district not required by the plan or program approved by the state board pursuant to Sections 41500 and 41603.

(d) The severity of air pollution within the district.

(e) Any other factors which the state board reasonably determines should be considered.

39808. The state board may review, as it deems necessary, the programs and expenditures by each district receiving a subvention under this chapter to ascertain that the funds budgeted from nonstate sources are in fact being expended substantially in accordance with the budget on which the subvention was based. If the state board finds that such funds are not being so expended, the state board may do any of the following:

(a) Cease any further payments under the subvention.

(b) Withhold future subventions.

(c) Bring an action against the district, or the counties or cities supporting the district, to recover the subvention paid that fiscal year.

(d) Assume the powers of the district after it has held a public hearing upon a 30-day written notice given to the basinwide air pollution control council, if there is such a council, and to the affected districts.

39809. The state board may allocate to itself sufficient moneys to administer the subvention program under this chapter and to conduct reviews authorized by Section 39808.

39810. Any moneys not otherwise subvened or allocated by the state board pursuant to this chapter may be used for supplemental subventions, upon application, up to a one-to-one matching basis or, in the state board's discretion, for any other purpose related to the control of nonvehicular sources. Matching supplemental subventions having unusual merit shall be given preference over expenditures for other purposes. In making supplemental subventions, the state board may consider federal grants received by the applicant and by other districts.

39811. Any moneys appropriated to the state board for expenditure under this chapter not allocated during the fiscal year shall revert to the General Fund.

PART 3. AIR POLLUTION CONTROL DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

40000. The Legislature finds and declares that local and regional authorities have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles. The control of emissions from motor vehicles, except as otherwise provided in this division, shall be the responsibility of the state board.

40001. Subject to the powers and duties of the state board, the districts shall adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain the state ambient air quality standards for the area under their jurisdiction, and shall enforce all applicable provisions of state law. The districts

shall also endeavor to achieve and maintain the federal ambient air quality standards.

Such rules and regulations may, and at the request of the state board shall, provide for the prevention and abatement of air pollution episodes which, at intervals, cause discomfort or health risks to, or damage to property of, a significant number of persons or class of persons.

40002. There is continued in existence and shall be, in every county, a county district, unless the entire county is included within the bay district, a regional district, or a unified district.

However, if only a part of the county is included within the bay district, a regional district, or a unified district, there is in that part of the county not included within any such district a county district.

40003. A county may be in two or more districts, but not in two or more county districts.

CHAPTER 2. COUNTY AIR POLLUTION CONTROL DISTRICTS

Article 1. Administration

40100. A county board of supervisors shall be ex officio the county district board of the county.

40101. The board of supervisors of a county in which a county district is functioning may appropriate funds to the county district, which funds shall be deposited in the treasury of the county district.

All such appropriations are legal charges against the county.

40102. A county district which is included entirely within another district created by special law, or pursuant to Chapter 5 (commencing with Section 40300), shall cease to function and exercise its powers upon the date the other district commences to function and exercise its powers.

40103. When a county district ceases to function and exercise its powers because it is included entirely within a regional district created pursuant to Chapter 5 (commencing with Section 40300), the regional district shall succeed to all the funds, property, and obligations of the county district.

Where the county district is included within two or more such regional districts, the funds, property, and obligations of the county district shall be apportioned to the regional districts as agreed upon by the regional districts and county district.

Article 2. Officers and Employees

40120. All county officers and employees shall be ex officio officers and employees, respectively, of the county district in the county by which they are employed.

Except as otherwise provided in this division, they shall perform, without additional compensation, for the county district such duties as they perform for the county.

40121. In fixing compensation to be paid to a person subject to the civil service provisions of this article, the county district board shall provide a salary or wage equal to the salary or wage paid to a county employee for the same quality of service.

This section shall be operative only in a county which is operating under a freeholders' charter which requires that, in the fixing of salaries or wages for persons employed by the county subject to the civil service system of the county, the board of supervisors shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered by private persons under similar employment in case such prevailing salary or wage can be ascertained.

40122. All officers and employees of a county district are entitled to the benefits of the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450), Part 3, Division 4, Title 3 of the Government Code) to the same extent as employees of the county.

A county district is a district as defined in Section 31468 of the Government Code.

40123. If any person is employed by a county district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by the county or by a city within the county district, the time such person was employed in such county or city position shall be considered as time such person was employed by the county district in determining his retirement benefits and salary.

40124. In any county having a system of civil service, the county district board shall, nevertheless, appoint the members of the county district hearing board and the air pollution control officer, and the air pollution control officer shall appoint all other officers and employees of the county district pursuant to that system, except as provided in Section 40126.

40125. Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the county district, pursuant to the county civil service commission rules in effect at the time, and to be certified for such county positions by the county civil service commission, or other body performing the functions thereof, and to be appointed to such county district positions.

40126. If the civil service commission, or body performing the functions thereof, in the county finds that any person has been employed by the county, or by any city within a county district, in a position the duties of which, and the qualifications for which, are substantially the same as, or are greater than and include qualifications which are substantially the same as, those of any position in the county district, the civil service commission or such other body, at the request of the air pollution control officer, may certify, without examination, such person as eligible to hold such county district position.

CHAPTER 3. UNIFIED AIR POLLUTION CONTROL DISTRICTS

40150. Two or more contiguous counties, all or part of which are county districts, may merge those county districts into one unified district pursuant to this chapter.

40151. The board of supervisors of any county may, by a vote of its members, appoint two of its members to meet with an equal number appointed in a like manner from other counties and agree to form a unified district, which agreement, upon ratification by the boards of supervisors, shall create a unified district out of the county districts under their jurisdiction.

40152. The agreement shall provide for the voting procedure on the unified district board, and shall specify the number of supervisors who shall serve from each county and the weight the vote of each member shall be accorded. If less than all of the supervisors of a county serve, the board of supervisors of such county shall, from time to time as necessary, select members to serve on the unified district board. The agreement shall provide a procedure for its modification or termination.

40153. The boards of supervisors of each county comprising a unified district, or such lesser number as may be designated in the agreement ratified pursuant to Section 40151, shall be, ex officio, the unified district board.

40154. Each member of the unified district board shall, upon the adoption of a resolution by the unified district board, receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of fifty dollars ($50) for each day attending the meetings of the unified district board, but such compensation shall not exceed one thousand two hundred dollars ($1,200) in any one year.

40155. The boundaries of a unified district shall be the same as the boundaries of the counties of which it is comprised, or the balance of a county not included in another district, or such portion of a county as may be agreed upon.

40156. The unified district board may designate zones within the unified district.

40157. All county officers and employees of the counties entirely within the unified district, and all other county employees of the zones within the unified district where the county is not entirely therein, shall be ex officio officers and employees of the unified district only within the county in which they are employed.

40158. (a) The board of supervisors of each county, included in whole or in part, within the unified district shall appropriate such funds as are necessary to carry out the purposes of the unified district, as determined by the unified district board, in the proportion that the population of that portion of the county included within the unified district bears to the total population of the unified district.

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(b) The population for purposes of subdivision (a) shall be based on the latest estimate prepared by the Population Research Unit of the Department of Finance pursuant to Section 2227 of the Revenue and Taxation Code.

40159. (a) All appropriations made pursuant to subdivision (a) of Section 40158 are legal charges against the county in which the board of supervisors voted the appropriation.

(b) The treasurer of the county shall pay the amount so appropriated into the treasury of the unified district.

40160. By the agreement ratified pursuant to Section 40151 or by resolution, a county treasurer of a member county shall be designated and shall act as the unified district treasurer.

40161. When a unified district ceases to function and exercise its powers because it is included entirely within a regional district created pursuant to Chapter 5 (commencing with Section 40300), the regional district shall succeed to all the funds, property, and obligations of the unified district.

Where the unified district is included within two or more such regional districts, the funds, property, and obligations of the unified district shall be apportioned to the regional districts as agreed upon by the regional districts and unified district.

CHAPTER 4. BAY AREA AIR POLLUTION CONTROL DISTRICT

Article 1. Jurisdiction

40200. A district, which is called the Bay Area Air Pollution Control District, is hereby continued in existence within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and those portions of the Counties of Solano and Sonoma within the boundaries of the bay district as it existed on January 1, 1976.

40201. The bay district shall continue to transact business and exercise its powers under this division in the counties, and portions of counties, specified in Section 40200.

Article 2. City Selection Committee

40210. The city selection committee organized in each county within the bay district pursuant to Article 11 (commencing with Section 50270), Chapter 1, Part 1, Division 1, Title 5 of the Government Code shall make the appointments to the bay district board as prescribed in Section 40221.

40211. Where the bay district may transact business and exercise its powers only in a portion of a county, the membership of the city selection committee of such county, for purposes of this chapter, shall consist only of the representatives from those cities within that portion of the county.

40212. With regard to the city selection committee appointment to the bay district board for the City and County of San Francisco, the mayor shall make the appointment.

Article 3. Governing Body

40220. The bay district board is the governing body of the bay district and shall exercise all the powers of the bay district.

40221. The bay district board is a board of directors who shall be appointed as follows:

(a) The board of supervisors of each county in which the bay district may transact business and exercise its powers shall appoint one of its members to be a member of the bay district board.

(b) The city selection committee of each such county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities in that portion of the county where the bay district may transact business and exercise its powers.

40222. Each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor, and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor.

40223. Any vacancy on the bay district board shall be filled by appointment in the same manner as the vacating member was appointed.

Any member of the bay district board may be removed at any time in the same manner as he was appointed. If four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

40224. If any member of the bay district board is recalled from his office as a supervisor. mayor, or city councilman, pursuant to Division 14 (commencing with Section 27000) of the Elections Code, his office as member of the bay district board shall be vacant.

40225. No supervisor, mayor, or city councilman shall hold office on the bay district board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city councilman, respectively, and his membership on the bay district board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or any city councilman who continues to hold office as a mayor, shall not be considered to have ceased to hold office under this section.

40226. A majority of the members of the bay district board constitutes a quorum for the transaction of business and may act for the bay district board.

40227. Each member of the bay district board shall receive the actual and necessary expenses incurred by him in the performance

of his duties, and may receive compensation, to be determined by the bay district board, not to exceed fifty dollars ($50) for each day attending the meetings of the bay district board, but such compensation shall not exceed one thousand two hundred dollars ($1,200) in any one year.

40228. The bay district board may appoint an executive secretary to perform such duties as may be assigned to the executive secretary by the bay district board.

40229. The bay district board may, by ordinance, adopt a civil service system for any or all employees of the bay district, except that the executive secretary and the air pollution control officer shall be exempt from such system and shall serve at the pleasure of the bay district board.

40230. The bay district board may establish, within the bay district, zones wherein special regulations are warranted. In establishing such zones, the bay district board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and the presence or absence of industry.

40231. The bay district board may establish, within the bay district, zones wherein differing tax formulas may be applied. In establishing such zones, the bay district board shall consider the degree of concentration of population, the number, nature, and dispersal of the stationary sources of air pollution, whether the area is a rural agricultural area, and the presence or absence of industry.

40232. The bay district board shall establish standards for the emission of identifiable odor-causing substances. Exceptions or variances may be granted from such standards in a manner provided by the bay district board. No person shall discharge from any source any contaminant which violates such standards.

Article 4. Advisory Council

40260. As used in this article, "council" means the Bay Area Air Pollution Control Advisory Council.

40261. There is continued in existence the Bay Area Air Pollution Control Advisory Council, appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer in effectuating the purposes of this division.

40262. The council shall consist of the chairman of the bay district board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least three representatives of public health agencies, at least four representatives of private organizations active in conservation or protection of the environment within the bay district, and at least one representative of colleges or universities in the state and at least one representative of each of the following groups within the bay district: regional park district, park and recreation commissions or equivalent agencies of any city, public

mass transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

To the extent that suitable persons cannot be found for each of the specified categories, council members may be appointed from the general public.

40263. Each council member shall hold office for a term of two years and until the appointment and qualification of his successor.

40264. Any member of the council may be removed at any time by the majority vote of the bay district board.

40265. Any vacancy on the council shall be filled by appointment in the same manner as the vacating member was appointed, except that the member appointed to fill the vacancy shall only serve the unexpired term of the vacating member.

40266. Council members shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

40267. The council shall select a chairman and vice chairman and such other officers as it deems necessary.

40268. The council shall meet as frequently as the bay district board or the council deem necessary, but not less than four times a year.

Article 5. Financial Provisions

40270. The bay district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or for the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

40271. Before the first day of September of each year, the bay district board shall estimate and determine the amount of money required by the bay district for its purposes during the fiscal year and shall apportion this amount to the counties included within the bay district, one-half according to the relative assessed value of property on the secured roll of each county, or that portion thereof, within the bay district as determined by the bay district board and one-half in the proportion that the population of each county, or that portion thereof, within the bay district bears to the total population of the bay district.

For the purposes of this section, the bay district board shall base its determination of the population on the latest official information available to it.

The total amount of money required by the bay district to be apportioned to the counties, or that portion thereof, included within the bay district for its purposes shall not exceed two cents ($0.02) on each one hundred dollars ($100) of the assessed value of all the property included within the bay district.

40272. On or before the first day of September of each year, the

bay district board shall certify to the auditor of each county the total amount apportioned to the county.

Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county, or that portion thereof, included within the bay district sufficient to secure the amount so apportioned to it. Such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and shall be paid to the treasurer of each of the counties to the credit of the bay district.

40273. Taxes levied by the board of supervisors for the benefit of the bay district shall be a lien upon all property within such county, or portion thereof, lying within the bay district, and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

40274. The treasurers of the counties, included in whole or in part, within the bay district shall pay into the bay district treasury all funds held by them to the credit of the bay district.

40275. The bay district treasury shall be in the custody of the county treasurer of a county included entirely within the bay district designated by the bay district board, and such treasurer shall be the bay district treasurer.

40276. The bay district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing with Section 29000), Division 3, Title 3 of the Government Code.

CHAPTER 5. REGIONAL AIR POLLUTION CONTROL DISTRICTS

Article 1. Creation of Regional Districts

40300. (a) The boards of supervisors of two or more counties within an air basin may hold a public hearing to determine whether the counties under their jurisdiction should become part of a regional district.

(b) Such boards of supervisors shall hold a public hearing to resolve such a question, if a petition is submitted to each such board of supervisors. A petition submitted to a board of supervisors shall be signed by not less than 10 percent of the qualified electors of the county under its jurisdiction.

40301. Prior to the public hearing, the board of supervisors shall give, not less than 15 days nor more than 45 days before the hearing, notice of the time and place of hearing by publication pursuant to Section 6061 of the Government Code.

40302. Upon conclusion of the public hearing, the board of supervisors may adopt a resolution declaring that there is need for a regional district to function in the county, or portion thereof, if, from the evidence received at such hearing, it finds that it is in the best interests of the county that a regional district function therein.

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40303. Upon adoption of a resolution pursuant to Section 40302, the board of supervisors shall file a certified copy of the resolution with the state board.

40304. From and after the date of the filing of certified copies of resolutions from two or more boards of supervisors desiring to create a regional district, the regional district shall begin to function and may exercise its powers.

Article 2. City Selection Committee

40310. The city selection committee organized in each county within a regional district pursuant to Article 11 (commencing with Section 50270), Chapter 1, Part 1, Division 1, Title 5 of the Government Code shall make the appointments to the regional district board as prescribed in Section 40322.

40311. Where a regional district may transact business and exercise its powers only in a portion of a county, the membership of the city selection committee of such county, for purposes of this chapter, shall consist only of the representatives from those cities within that portion of the county.

40312. The city selection committee for each county shall meet within 90 days after the adoption of the resolution by the board of supervisors to create a regional district. The committee shall thereafter meet on the second Monday in May of each even-numbered year for the purpose of making succeeding appointments to the regional district board pursuant to Section 40322.

40313. The county clerk shall notify, in writing, the board of supervisors and the clerk of the regional district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

40314. Members of a city selection committee may be allowed their actual expenses incurred in the discharge of their duties pursuant to this article.

Article 3. Governing Body

40320. A regional district board is the governing body of the regional district and shall exercise all the powers of the regional district.

40321. A group consisting of one member of the board of supervisors and one member of the city selection committee, appointed by their respective bodies, from each county included, in whole or in part, within the regional district shall enter into an agreement on the composition of the regional district board.

40322. The agreement entered into, pursuant to Section 40321, shall provide one of the following alternatives:

(a) The number of supervisors, and the number of members of the city selection committee, appointed by their respective bodies,

from each county included, in whole or in part, within the regional district to be members of the regional district board.

(b) The weight of vote of each member of the regional district board if each board of supervisors and city selection committee of such counties are represented on the regional district board by the same number of members thereof.

(c) A combination of subdivisions (a) and (b).

The agreement shall also provide a procedure for its modification or termination.

40323. Members of a newly created regional district board shall serve terms which shall expire on the first day of June of the third year following the year in which they are appointed.

Thereafter, each member appointed by the board of supervisors shall hold office for four years and until the appointment and qualification of his successor, and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor.

40324. Any vacancy on a regional district board shall be filled by appointment in the same manner as the vacating member was appointed.

Any member of a regional district board may be removed at any time in the same manner as he was appointed. If four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

40325. If any member of a regional district board is recalled from his office as a supervisor, mayor, or city councilman, pursuant to Division 14 (commencing with Section 27000) of the Elections Code, his office as member of the regional district board shall be vacant.

40326. No supervisor, mayor, or city councilman shall hold office on a regional district board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city councilman, respectively, and his membership on the regional district board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or any city councilman who continues to hold office as a mayor, shall not be considered to have ceased to hold office under this section.

40327. A majority of the members, or the members with a majority of the voting weight, of a regional district board constitutes a quorum for the transaction of business and may act for the regional district board.

40328. Each member of a regional district board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars ($25) for each day attending the meetings of the regional district board, but such compensation shall not exceed six hundred dollars ($600) in any one year.

40329. A regional district board may appoint an executive

secretary to perform such duties as may be assigned to the executive secretary by the regional district board.

40330. A regional district board may, by ordinance, adopt a civil service system for any or all employees of the regional district, except that the executive secretary and the air pollution control officer shall be exempt from such system and shall serve at the pleasure of the regional district board.

Article 4. Advisory Council

40360. As used in this article, "council" means an air pollution control advisory council appointed pursuant to Section 40361.

40361. A regional district board may appoint an air pollution control advisory council to advise and consult with the regional district board and regional district air pollution control officer in effectuating the purposes of this division.

40362. The council shall consist of the chairman of the regional district board, who shall serve as an ex officio member, and members who preferably are skilled and experienced in the field of air pollution and a representative from each of the following groups within the regional district: the academic community, health agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

40363. Council members shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

40364. The council shall select a chairman and vice chairman and such other officers as it deems necessary.

40365. The council shall meet as frequently as the regional district board or the council deem necessary.

Article 5. Financial Provisions

40370. A regional district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or for the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

40371. Before the 15th day of June of each year, the regional district board shall estimate and determine the amount of money required by the regional district for its purposes during the ensuing fiscal year and shall apportion this amount to the counties included within the regional district, one-half according to the relative value of the real property of each county, or that portion thereof, within the regional district as determined by the regional district board and one-half in the proportion that the population of each county, or that portion thereof, within the regional district bears to the total population of the regional district.

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For the purposes of this section, the regional district board shall base its determination of the population on the latest official information available to it.

40372. On or before the 15th day of June of each year, the regional district board shall inform the board of supervisors of each county of the amount apportioned to the county.

Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county, or that portion thereof, included within the regional district sufficient to secure the amount so apportioned to it. Such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and shall be paid to the treasurer of each of the counties to the credit of the regional district.

40373. Taxes levied by a board of supervisors for the benefit of a regional district shall be a lien upon all property within such county, or that portion thereof, lying within the regional district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

40374. At any time prior to the first receipt by a regional district of revenues from taxation, the counties within the regional district may loan any available money to the regional district for purposes of organization and operation, and such expenditures shall constitute a proper expenditure of county funds.

The regional district board shall add the sums of money so borrowed from the counties to the first amount apportioned by the regional district board pursuant to Section 40371, and shall repay the counties for all money borrowed from the first revenues received from taxation.

40375. The treasurers of the counties, included in whole or in part, within a regional district shall pay into the regional district treasury all funds held by them to the credit of the regional district.

40376. A regional district treasury shall be in the custody of the county treasurer of a county in the regional district designated by the regional district board, and such treasurer shall be the regional district treasurer.

40377. A regional district board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing with Section 29000), Division 3, Title 3 of the Government Code.

Article 6. Withdrawal of County From Regional District

40390. The board of supervisors of a county within a regional district may withdraw the county, or portion thereof, from the regional district to form a county district or to join the county, or portion thereof, with a unified district, the bay district, or another

regional district upon the adoption of a resolution stating its intention to take such action.

The resolution so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the regional district from which the county, or portion thereof, is to be withdrawn, that regional district board, and the state board.

40391. The withdrawal of a county, or portion thereof, shall not affect the functioning of other counties within the regional district, and such withdrawal shall not constitute a dissolution of the regional district.

The regional district shall continue to function in a manner not inconsistent with the provisions of this division.

40392. A board of supervisors shall give at least two months' notice to the regional district board of its intention to withdraw the county, or portion thereof, from the regional district. A county, or portion thereof, shall not be withdrawn from a regional district during any fiscal year after the expiration of the first four months of the fiscal year.

CHAPTER 6. GENERAL POWERS AND DUTIES

40700. A district is a body corporate and politic and a public agency of the state.

40701. A district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, to hold, use, and enjoy, and to lease or dispose of any real or personal property within or without the district necessary to the full exercise of its powers.

(e) To lease, sell, or dispose of any property, or any interest therein, whenever, in the judgment of the district board, such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

(f) To cooperate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this division.

40702. A district shall adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by this division and other statutory provisions.

No order, rule, or regulation of any district shall, however, specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants from railroad locomotives.

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40703. A district board shall not adopt any rule or regulation without first holding a public hearing thereon.

Notice of the time and place of a public hearing to adopt, amend, or repeal any rule or regulation shall be given not less than 30 days prior thereto to the state board and by publication in the district pursuant to Section 6061 of the Government Code. In the case of a district which includes portions of more than one county, the notice shall be published in each such county.

40704. A district board shall file with the state board, within 30 days, any rule or regulation the district board adopts, amends, or repeals.

40705. The district board shall provide for the number of personnel to be employed by the district air pollution control officer and for their duties and the times at which they shall be appointed.

40706. The district board shall determine the compensation of, and shall pay from district funds, the air pollution control officer, all other officers and employees, and members of the hearing board, of the district.

40707. All claims for money or damages against a district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

40708. The provisions of the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of, and the District Reorganization Act of 1965, Division 1 (commencing with Section 56000), Title 6 of, the Government Code shall not be applicable to the districts.

CHAPTER 7. AIR POLLUTION CONTROL OFFICER

40750. Each district board shall appoint an air pollution control officer for the district.

40751. Subject to the direction of the district board, the air pollution control officer shall appoint district personnel.

40752. The air pollution control officer shall observe and enforce:

(a) The provisions of this part and Part 4 (commencing with Section 41500).

(b) All orders, regulations, and rules prescribed by the district board.

(c) All variances and standards which the district hearing board has prescribed.

40753. The air pollution control officer may observe and enforce all provisions of Division 12 (commencing with Section 24000) of the Vehicle Code relating to the emission or control of air contaminants, except Sections 27157, 27157.5, 27158, and 27158.5.

In observing and enforcing such provisions of the Vehicle Code, the air pollution control officer may stop, detain, and inspect any

vehicle on a public highway. Any person who interferes with such action, or who refuses to stop a vehicle under his control upon the order, of the air pollution control officer is guilty of a misdemeanor.

CHAPTER 8. HEARING BOARDS

Article 1. General Provisions

40800. There is continued in existence and shall be, in each district, one or more hearing boards consisting of five members each, as specified in Section 40801, appointed by the district board.

40801. A hearing board shall consist of:

(a) One member admitted to the practice of law in this state.

(b) One member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) One member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine.

(d) Two public members.

40802. If the county district board, in the case of a county with a population of less than 500,000, is unable to appoint a person with the qualifications specified in Section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.

40803. No officer or employee of the district, or of the county in the case of a county district, shall be a member of the district hearing board.

40804. The terms of the members of a hearing board shall be three years.

In the case of the initial members of a hearing board appointed subsequent to January 1, 1974, two shall serve for a term of one year, two for a term of two years, and one for a term of three years.

40805. Within 30 days after a regional district begins to function and exercise its powers, the regional district board shall appoint a hearing board.

40806. A hearing board shall select a chairman from its members.

40807. A hearing board may adopt rules for the conduct of its hearings not inconsistent with this division. Such rules shall, so far as practicable, conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Where a district has two or more hearing boards, such rules shall be the same for all the hearing boards.

40808. Except as provided for in Section 42359, no abatement order, permit, or variance may be issued, modified, or revoked by a

hearing board, unless a public hearing thereon has been held by the hearing board pursuant to this chapter.

Article 2. Procedure

40820. If three or more members of a hearing board conduct a hearing, the concurrence of three members shall be necessary for a decision.

40821. A hearing board, with not less than four members being present, may, in its discretion, within 30 days, rehear any matter which was decided by three members.

40822. Any hearing conducted by a hearing board shall be held in a location readily accessible to the public.

40823. (a) Except as otherwise provided in Sections 40824, 40825, and 40826, a hearing board shall serve a notice of the time and place of a hearing upon the district air pollution control officer, and upon the applicant or permittee affected, not less than 10 days prior to such hearing.

(b) Except as otherwise provided in Sections 40824, 40825, and 40826, the hearing board shall also send notice of the hearing to every person who requests such notice and obtain publication of such notice in at least one daily newspaper of general circulation within the district. The notice shall state the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

40824. In case of a hearing to consider an application for an interim variance, as authorized under Section 42351:

(a) The hearing board shall serve reasonable notice of the time and place of a hearing upon the district air pollution control officer and upon the applicant.

(b) Subdivision (b) of Section 40823 shall not apply.

40825. In case of a hearing to consider an application for a variance, or a series of variances, to be in effect for a period of not more than 90 days:

(a) The hearing board shall serve a notice of the time and place of a hearing to grant such a variance upon the air pollution control officer, all other districts within the air basin, the state board, the Environmental Protection Agency, and upon the applicant or permittee, not less than 10 days prior to such hearing.

(b) Subdivision (b) of Section 40823 shall not apply.

40826. In case of a hearing to consider an application for a variance, other than an interim variance or a 90-day variance, or an application for a modification of a schedule of increments of progress, excluding the final compliance date thereof, or to consider the modification of a final compliance date in a variance previously granted, the notice requirements for such a hearing shall be as follows:

(a) The hearing board shall serve a notice of the time and place

of a hearing to grant a variance upon the air pollution control officer, all other districts within the air basin, the state board, the Environmental Protection Agency, and upon the applicant or permittee, not less than 30 days prior to such hearing.

(b) The hearing board shall also publish a notice of the hearing in at least one daily newspaper of general circulation in the district, and shall send the notice to every person who requests such a notice, at least 30 days prior to the hearing.

(c) The notice shall state the time and place of the hearing; the time when, commencing not less than 30 days prior to the hearing, and place where the application, including any proposed conditions or schedule of increments of progress, is available for public inspection; and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

40827. A hearing board shall serve a notice of the time and place of a hearing either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

40828. (a) A hearing board shall allow interested members of the public a reasonable opportunity to testify with regards to the matter under consideration, and shall consider such testimony in making its decision.

(b) The hearing board shall prepare a record of the witnesses and the testimony of each witness at the hearing. Such a record may be a tape recording. The record shall be retained by the hearing board while the variance is in effect, or for the period of one year, whichever is longer.

40829. Any member of a hearing board may administer oaths in any hearing in which he participates as a member of the hearing board.

40830. At any hearing, a hearing board shall require any witness to be sworn before testifying.

Article 3. Subpoenas

40840. Whenever the members of a hearing board conducting any hearing deem it necessary to examine any person as a witness at the hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession, or under his control, material to the hearing.

40841. A subpoena to appear before a hearing board shall be served in the same manner as a subpoena in a civil action.

40842. Whenever any person duly subpoenaed to appear and

give evidence, or to produce any books and papers, before a hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the superior court of the county in which the hearing is held.

40843. Upon receipt of a report submitted pursuant to Section 40842, the superior court shall proceed as specified in Section 11525 of the Government Code.

40844. On the return of the attachment and the production of the body of the defendant, the superior court has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

Article 4. Decisions

40860. A hearing board shall announce its decision in writing. Copies of the decision shall immediately be filed with its clerk and mailed to all of the parties or their attorneys.

40861. A hearing board may rehear a decision if a party petitions for a rehearing within 10 days after a copy of the decision has been mailed to him.

40862. The decision of a hearing board shall include the reasons for the decision.

40863. The decision shall become effective 30 days after it is filed, unless either of the following occurs:

(a) A rehearing is granted by the hearing board.

(b) The hearing board orders that it be made effective sooner.

40864. (a) Judicial review may be had of a decision of a hearing board by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the decision has been mailed pursuant to Section 40860. The right to petition shall not be affected by the failure to seek a rehearing before the hearing board.

(b) The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code for the transcript, the cost of preparation of other portions of the record, and for certification thereof.

(c) The complete record includes the pleadings, all notices and orders issued by the hearing board, any proposed decision by the hearing board, the final decision, a transcript of all proceedings, the

exhibits admitted or rejected, the written evidence and any other papers in the case.

(d) Where the petitioner, within 10 days after the last day on which a rehearing can be ordered, requests the hearing board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

40865. In any proceeding pursuant to Section 40864, the court shall receive in evidence any order, rule, or regulation of the district board, any transcript of the proceedings before the hearing board, and such further evidence as the court, in its discretion, deems proper.

CHAPTER 9. BASINWIDE AIR POLLUTION CONTROL COUNCILS

40900. There is continued in existence and shall be, in each air basin which does not have boundaries coterminous with a district, or which consists only of a portion of a district, a basinwide air pollution control council.

The council shall consist of an elected official of, and designated by, the district board of each district which is included, in whole or in part, within the air basin.

PART 4. NONVEHICULAR AIR POLLUTION CONTROL

CHAPTER 1. GENERAL PROVISIONS

41500. To coordinate air pollution control activities throughout the state, and to insure that the entire state is in compliance with the standards adopted pursuant to Section 39606, the state board shall:

(a) Review the basinwide air pollution control plans submitted pursuant to Section 41600, or the revised plans submitted pursuant to Section 41602, to determine whether the plans contain reasonable provision to achieve and maintain the adopted ambient air quality standards.

(b) Review the rules and regulations and plans submitted by the districts pursuant to Sections 40704 and 41603 to determine whether the rules and regulations and plans assure that reasonable provision is made to achieve and maintain such ambient air quality standards.

(c) Review the enforcement practices of the districts to determine whether reasonable action is being taken to enforce such plans, rules, and regulations.

41502. Before taking any action pursuant to Sections 41503 to 41505, inclusive, the state board shall hold a public hearing, upon a 30-day written notice given to the basinwide air pollution control council, if any, and the affected districts. However, upon receipt of evidence that a concentration of air contaminants in any place is presenting an imminent and substantial endangerment to the health

of persons, and that the districts affected are not taking reasonable action to abate the concentration of air contaminants, the state board shall give, orally if necessary, as much notice as possible, but not less than 24 hours. The state board shall, in the action taken, include a statement of the facts which prevented the state board from giving a 30-day written notice.

41503. (a) If, after a public hearing, the state board finds that a basinwide air pollution control plan will not likely achieve and maintain the required ambient air quality standards, the state board shall establish a basinwide air pollution control plan for the air basin that will achieve and maintain the adopted ambient air quality standards for the air basin.

(b) The plan established by the state board shall include emission standards, and rules and regulations, which shall have the same force and effect as those adopted by any district included, in whole or in part, within the air basin and shall be enforced by such district.

41504. (a) If, after a public hearing, the state board finds that the implementation program or the rules and regulations of a district will not likely achieve and maintain the adopted ambient air quality standards, the state board may establish such implementation plan, or portion thereof, or rules and regulations it deems necessary to enable the district to achieve and maintain such ambient air quality standards.

(b) Any implementation plan, or portion thereof, or rule or regulation established by the state board for the district shall have the same force and effect as a plan, rule, or regulation adopted by the district and shall be enforced by the district.

41505. If, after a public hearing, the state board finds that a district is not taking reasonable action to enforce the statutory provisions, rules, and regulations relating to air quality in such a manner that will likely achieve and maintain the adopted ambient air quality standards, the state may exercise any of the powers of that district to achieve and maintain such ambient air quality standards.

41507. The state board may order, pursuant to Section 41602 review of a basinwide air pollution control plan for revision to achieve and maintain federal ambient air quality standards in the air basin, as part of the state implementation plan required under Section 1857c-5 of Title 42 of the United States Code. Such revision shall be filed with the state board within 60 days of the request of the state board, and the districts shall adopt rules and regulations implementing such plans within 60 days after final review pursuant to Section 41500, or final adoption pursuant to Section 41503, by the state board.

41508. Except as otherwise specifically provided in this division, including, but not limited to, Sections 41809, 41810, and 41904, any local or regional authority may establish additional, stricter standards than those set forth by law or by the state board for nonvehicular sources.

41509. No provision of this division, or of any order, rule, or

regulation of the state board or of any district, is a limitation on:

(a) The power of any local or regional authority to declare, prohibit, or abate nuisances.

(b) The power of the Attorney General, at the request of a local or regional authority, the state board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) The power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) The right of any person to maintain at any time any appropriate action for relief against any private nuisance.

41510. For the purpose of enforcing or administering any state or local law, order, regulation, or rule relating to air pollution, the executive officer of the state board or any air pollution control officer having jurisdiction, or an authorized representative of such officer, upon presentation of his credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained in connection therewith by the state board or any district.

41511. For the purpose of carrying out the duties imposed upon the state board, or any district, the state board or the district, as the case may be, may adopt rules and regulations to require the owner or the operator of any air pollution emission source to take such action as the state board or the district may determine to be reasonable for the determination of the amount of such emission from such source.

41512. Any violation of any provision of this part, or of any order, rule, or regulation of the state board or of any district, may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show, or tending to show, lack of adequate remedy at law or to show, or tending to show, irreparable damage or loss.

CHAPTER 2. BASINWIDE AIR POLLUTION CONTROL PLANS

41600. Each basinwide district, including the bay district, and each basinwide air pollution control council established pursuant to Section 40900, shall adopt a basinwide air pollution control plan and submit the plan to the state board.

41601. The basinwide air pollution control plan shall include emission limitations, rules and regulations, and enforcement procedures, which will within a reasonable time achieve and maintain the state ambient air quality standards. The plan shall also

endeavor to achieve and maintain the federal ambient air quality standards.

The plan shall provide for the prevention and abatement, within and between each district in the air basin, of air pollution episodes which, at intervals, cause discomfort or health risks to, or damage to property of, a significant number of persons or classes of persons.

41602. The basinwide air pollution control plan may be reviewed continuously or periodically, and shall be reviewed at least once every two years, by the basinwide district, including the bay district, or the basinwide air pollution control council. The plan shall be reviewed by the basinwide district, the bay district, or the basinwide air pollution control council, as the case may be, upon the request of any district which is included, in whole or in part, within the air basin or of the state board. The revised plan shall be submitted to the state board.

41603. Each county district or unified district which is included, in whole or in part, within an air basin shall submit to the state board a program to implement the air pollution control plan of the air basin in which such district is located.

The program shall be revised, if necessary, whenever there is a review of the basinwide air pollution control plan, or upon request of the state board.

CHAPTER 3. EMISSION LIMITATIONS

Article 1. General Limitations

41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

41701. Except as otherwise provided in Section 41704, 41809, or 41810, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

41702. No person shall operate any article, machine, equipment, or other contrivance which is the subject of a variance if that article, machine, equipment, or other contrivance, as may be the case, is not in compliance with a required schedule of increments of progress, unless such operation is authorized by a hearing board.

41703. If a district board adopts a rule or regulation of emission standards to take effect as of a future date, the rule or regulation shall also require any person who owns or operates a source of air contaminants whose emissions exceed such standards to submit to the hearing board, for a public hearing, after notice pursuant to Section 40826, a schedule of increments of progress by which the source emissions will be brought into compliance by the time such standards take effect.

If the rule or regulation itself includes a schedule of increments of progress, the person shall submit a schedule, or an application for a variance, for the source in the event he cannot comply with the schedule in the rule or regulation.

41704. Section 41701 shall not apply to:

(a) Fires set pursuant to Section 41801.

(b) Agricultural burning for which a permit has been granted pursuant to Article 3 (commencing with Section 41850).

(c) Fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range, or pasture.

(d) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.

(e) Open outdoor fires used only for cooking of food for human beings or for recreational purposes.

(f) The use of orchard and citrus grove heaters which are in compliance with the requirements set forth in Section 41860.

(g) Agricultural operations necessary for the growing of crops or raising of fowls or animals.

(h) The use of other equipment in agricultural operations necessary for the growing of crops or raising of fowls or animals.

41705. Section 41700 shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

41706. (a) The Legislature hereby finds and declares that recent evidence indicates that lead compounds emitted into the air by nonvehicular sources accumulate in and upon vegetation in the vicinity of such sources, pose a grave threat to the health of animals which consume such vegetation, and constitute a potential human health hazard.

(b) Every district shall establish emission standards for lead compounds emitted into the air from nonvehicular sources. Where a district has failed to establish such standards, the state board shall establish such standards for that district.

41707. Notwithstanding the provisions of this chapter restricting burning, the state board, after consultation with the district in which the burning is to take place, may issue permits for experimental burning designed to develop new or improved techniques of burning to reduce emissions, except that no experimental burning may create a nuisance.

Article 2. Nonagricultural Burning

41800. Except as otherwise provided in this chapter, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies.

41801. Nothing in this article shall be construed as limiting the authority granted under other provisions of law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(a) The prevention of a fire hazard which cannot be abated by any other means.

(b) The instruction of public employees in the methods of fighting fire.

(c) The instruction of employees in methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.

(d) The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

(e) The abatement of fire hazards pursuant to Section 13055.

41802. Notwithstanding Section 41800, with respect to wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, or with respect to the disposal of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, a district board may, upon its own motion or the request of any person, authorize the disposal, by open outdoor fires, of such waste, on the property where it was grown, under the conditions specified in Section 41804.

41803. No authorization, however, under Section 41802 shall be granted after January 1, 1977, or such earlier date as the state board may determine, based upon a finding that an alternative method of disposal has been developed which is technologically and economically feasible.

41804. Burning may be authorized under Section 41802 only if:

(a) The district board finds that it is more desirable to dispose of such waste by burning than to dispose of it by other available means, such as, but not limited to, by removing it to sanitary fills.

(b) The district has developed criteria for such disposal, which shall include provisions to improve the combustibility of such waste to reduce its smoke level.

(c) The state board has approved the criteria developed pursuant to subdivision (b).

(d) Such authorization, if granted, shall be in the form of a permit issued by the district air pollution control officer, and such permit shall allow burning only on days during which agricultural burning is not prohibited by the state board pursuant to Section 41855.

(e) The district board may adopt rules and regulations to

authorize any burning authorized under Section 41802, to review each proposed burn prior to authorizing its air pollution control officer to issue a permit for the burn, or to delegate to its air pollution control officer the authority to approve or disapprove each proposed burn after consideration of the amount of waste to be burned, the season of the year, the ambient air quality, the proximity of the waste to developed areas, or such other or additional criteria as the district board may establish.

41805. (a) The Legislature hereby finds and declares that, because sanitary landfill sites are very difficult to obtain, these valuable sites should be reserved for high-priority waste such as garbage and low-volume rubbish, and that the disposal, by open outdoor fires of high-volume wood waste will help prolong the life of such landfill sites. However, it is the intent of the Legislature that the disposal, by open outdoor fires, of such waste be reasonably regulated so as to not create a nuisance or significantly reduce the quality of the ambient air.

(b) Therefore, the state board shall conduct studies of alternative methods of disposing of wood waste from trees, vines, or bushes, other than by open outdoor fires.

41806. Nothing in this article shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single- or two-family dwelling on its premises, or open outdoor fires used only for cooking food for human beings or for recreational purposes.

41807. Nothing in this article shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance. No such material may be burned pursuant to this section unless (a) agricultural burning is not prohibited on the day pursuant to Section 41855, and (b) the material has been prepared by stacking, drying, or other methods to promote combustion as specified by the air pollution control officer having jurisdiction.

41808. The state board shall permit a city or county to use open outdoor fires, for a limited time only, in its operation of a solid waste dump, upon the finding that, because of sparse population in the geographical area and economic and technical difficulties, the solid waste dump should be so operated.

41809. Notwithstanding Sections 41508 and 41800, open outdoor fires may be used to dispose of Russian thistle (Salsola kali) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the State Forester or his duly authorized representative, or a county agricultural commissioner, or an air pollution control officer.

41810. For islands located 15 or more miles from the mainland coast:

(a) The provisions of Section 41701 shall not apply to smoke from fires set thereon.

(b) No district shall adopt any rule or regulation stricter than

those provided by law with respect to open outdoor fires.

41811. The provisions of this article shall not supersede any rule or regulation of any district, which rule or regulation was in effect for five or more years prior to September 19, 1970.

41812. The air pollution control officer of any district in a county with a population of 6,000,000 or less, upon authorization of the district board, may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:

(a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

In authorizing the operation of a mechanized burner, the air pollution control officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

Article 3. Agricultural Burning

41850. It is the intent of the Legislature, by the enactment of this article, that agricultural burning be reasonably regulated and not be prohibited. The state board and the districts shall take into consideration, in adopting rules and regulations for purposes of this article, various factors, including, but not limited to, the population in an area, the geographical characteristics, the meteorological conditions, the economic and technical impact of such rules and regulations, and the importance of a viable agricultural economy in the state.

41851. Section 41800 shall not apply to burning regulated pursuant to this article.

41852. (a) No person knowingly shall set or permit agricultural burning unless he has a valid permit from the agency designated by the state board to issue such permits in the area where the agricultural burning is to take place.

(b) In addition to the penalties specified in Section 42400, the cost of putting out the fire may be imposed on any person who violates subdivision (a).

41853. The state board shall designate public fire protection agencies or other equivalent agencies to issue permits under subdivision (a) of Section 41852, and shall adopt rules and regulations to provide a procedure for the issuance of the permits. Each agency so designated by the state board shall issue permits subject to the rules and regulations of the state board.

41854. (a) No permit issued pursuant to Section 41853 shall be

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valid for any day during which agricultural burning is prohibited by the state board pursuant to Section 41855 or by a district board pursuant to Section 41508.

(b) Each permit shall bear a statement of warning containing the following words or words of like or similar import:

"This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board pursuant to Section 41855 of the Health and Safety Code."

41855. The state board shall determine and designate from meteorological data the days when agricultural burning shall be prohibited within each air basin.

41856. The state board shall promulgate guidelines for the regulation and control of agricultural burning for each of the air basins established by the state board.

41857. The guidelines promulgated by the state board shall be based on meteorological data, the nature and volume of materials to be burned, and the probable effect of such burning on the ambient air quality within the air basins affected.

41858. In adopting such guidelines, the state board shall consider their economic and technical feasibility, including their probable effect on agricultural production in the air basin affected.

41859. The state board shall continuously review the guidelines promulgated under this article, and may modify, repeal, or alter such guidelines if scientific and technological data indicates that such changes are warranted. Before adopting any such changes, the state board shall hold a public hearing and shall consider the criteria set forth in Section 41857.

41860. The state board shall adopt and publish a list of orchard and citrus grove heaters which it finds produce no more than one gram per minute of unconsumed solid carbonaceous material. No new orchard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the state board.

No person shall use any orchard or citrus grove heater after January 1, 1975, unless it has been approved by the state board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

In addition to the penalties specified in Section 42400, the cost of putting out the fire caused by a violation of this section may be imposed on any person who violates this section.

41861. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person desiring to conduct such burning obtains from the Department of Fish and Game a written statement certifying that the burning is desirable and proper for the improvement of land for wildlife or game habitat and such statement is filed with the air pollution control officer having jurisdiction in the area in which the burning is to take place. As to burning conducted by the Department of Fish and Game, the department shall, on its own behalf, issue and file such statements.

41862. A district may issue a permit to authorize agricultural burning on days designated by the state board pursuant to Section 41855 as nonburning days when denial of such a permit would threaten imminent and substantial economic loss.

The state board shall require the districts to transmit regular reports of permits issued authorizing agricultural burning on nonburning days. The report shall include the number of such permits issued, the date of issuance of each permit, the person to whom each permit was issued, and any other information requested by the state board.

41863. Each basinwide coordinating council and district shall, as part of the implementation plans and programs prepared pursuant to Chapter 2 (commencing with Section 41600), include a component for the regulation and control of agricultural burning pursuant to guidelines adopted by the state board therefor.

Article 4. Sandblasting

41900. The chairman of the state board shall convene a committee of 11 members to recommend to the state board for adoption, not later than January 1, 1975, air pollution standards for sandblasting operations.

41901. The committee shall include nine members appointed by the chairman of the state board as follows: three contractors licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code for sandblasting services, three members from public entities which contract for such services, and three members from district boards. The committee shall also include two public members, one of whom shall be appointed by the Senate Rules Committee and one by the Speaker of the Assembly.

The committee shall select a chairman from its membership, and he shall serve at the pleasure of the committee.

41902. In developing the standards, the committee shall take into consideration the need to reduce air pollution from all sources and the need to also continue sandblasting operations as a means of corrosion control. The committee shall examine present sandblasting procedures and equipment, and determine where improvements can be made so that the standards reflect the strictest standards that can be reasonably achieved.

41903. Thirty days after the adoption of air pollution standards for sandblasting operations, the committee shall adjourn. Thereafter, it may meet at least once annually upon the call of the chairman of the committee to review the standards in light of changes in sandblasting technology.

41904. The standards shall be statewide, and no rule or regulation of any district that is applicable to sandblasting operations shall be stricter or less strict than the standards adopted by the state board pursuant to the recommendations of the committee.

41905. The standards, however, shall not supersede any rule or

regulation of any district governing permanent sandblasting operations or equipment, which rule or regulation was in effect on January 1, 1974.

For purposes of this section, "permanent sandblasting operations or equipment" means sandblasting operations conducted, or sandblasting equipment located, in a building which is used, in whole or in part, for sandblasting operations.

Article 5. Stationary Gasoline Tanks

41950. (a) Except as provided in subdivisions (b) and (e), no person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 41951, or is equipped with a vapor recovery system as described in Section 41952 or with a floating roof as described in Section 41953, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer in whose district the tank is located.

(b) Subdivision (a) shall not apply to any stationary tanks installed prior to December 31, 1970.

(c) For the purpose of this section, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

(d) For the purpose of this section, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe," when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(e) Subdivision (a) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

41951. A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

41952. A "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission into the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.

41953. A "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment required by this section shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater

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under actual storage conditions. All tank gauging and sampling devices shall be gastight except when gauging or sampling is taking place.

CHAPTER 4. ENFORCEMENT

Article 1. Permits

42300. Every district board may establish, by regulation, a permit system that requires, except as otherwise provided in Section 42310, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, such person obtain a permit to do so from the air pollution control officer of the district.

42301. A permit system established pursuant to Section 42300 shall:

(a) Insure that the article, machine, equipment, or contrivance for which the permit was issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standard.

(b) Prohibit the issuance of a permit unless the air pollution control officer is satisfied, on the basis of criteria adopted by the district board, that the article, machine, equipment, or contrivance will comply with all applicable orders, rules, and regulations of the district and of the state board and with all applicable provisions of this division.

42302. An applicant for a permit which has been denied may request, within 10 days after receipt of the notice of the denial, the hearing board of the district to hold a hearing on whether or not the permit was properly denied.

42303. An air pollution control officer, at any time, may require from an applicant for, or the holder of, any permit provided for by the regulations of the district board, such information, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied.

42304. If, within a reasonable time, the holder of any permit issued by a district board willfully fails and refuses to furnish the information, analyses, plans, or specifications requested by the district air pollution control officer, such officer may suspend the permit. Such officer shall serve notice in writing of such suspension and the reasons therefor on the permittee.

42305. The air pollution control officer shall reinstate a suspended permit when furnished with all the requested information, analyses, plans, and specifications.

42306. Within 10 days after receipt of the notice of suspension pursuant to Section 42304, the permittee may request the hearing board of the district to hold a hearing on whether or not the permit was properly suspended.

42307. An air pollution control officer may request the hearing board of the district to hold a hearing to determine whether a permit should be revoked, if he finds that the holder of the permit is violating any applicable order, rule, or regulation of the district or any applicable provision of this division.

42308. Within 30 days after a hearing has been requested pursuant to Section 42302, 42306, or 42307, the hearing board shall hold a hearing pursuant to Chapter 8 (commencing with Section 40800) of Part 3.

42309. After a hearing, the hearing board may do any of the following:

(a) Grant a permit denied by the air pollution control officer.

(b) Continue the suspension of a permit suspended by the air pollution control officer.

(c) Remove the suspension of an existing permit invoked by the air pollution control officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required.

(d) Find that no violation exists and reinstate an existing permit.

(e) Revoke an existing permit, if it finds any of the following:

(1) The permittee has failed to correct any conditions required by the air pollution control officer.

(2) A refusal of a permit would be justified.

(3) Fraud or deceit was employed in the obtaining of the permit.

(4) Any violation of this part, or of any order, rule, or regulation of the district.

42310. A permit shall not be required for:

(a) Any vehicle.

(b) Any structure designed for and used exclusively as a dwelling for not more than four families.

(c) An incinerator used exclusively in connection with such a structure.

(d) Barbecue equipment which is not used for commercial purposes.

(e) Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals.

(f) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

As used in this section, maintenance does not include operation.

42311. (a) A district board may adopt, by regulation, a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such issuance to be paid for the issuance of permits. Every person applying for a permit shall pay the fee required by the schedule.

(b) Except as provided in Section 42313, all such fees shall be paid to the district treasurer to the credit of the district.

42312. To aid in administering its permit system, a district board may contract with any county or city included, in whole or in part, within the district, and any such county or city may contract with the district, for the performance of such work in the name of, and subject

to the approval of, the district air pollution control officer by the building department or other officer, department, or agency of the county or such city charged with the enforcement of regulations pertaining to the erection, construction, reconstruction, movement, conversion, alteration, or enlargement of buildings or structures.

42313. Except in the case of a contract entered into between a county district and the county, a contract entered into pursuant to Section 42312 may provide that fees for permits shall be paid to the city or county which issues the permit and may be retained by that city or county, in whole or in part, as the consideration, or part thereof, for issuing the permits. Otherwise, all fees paid for the issuance of permits shall be paid into the district treasury.

Article 2. Variances

42350. Any person may apply to the hearing board for a variance from Section 41701 or from the rules and regulations of the district.

42351. (a) Any person who has submitted an application for a variance and who desires to commence or continue operation pending the decision of the hearing board on the application, may submit an application for an interim variance.

(b) An interim variance may be granted for good causes stated in the order granting such a variance. The interim variance shall not be valid beyond the date of decision of the hearing board on the application of the variance or for more than 90 days from date of issuance of the interim variance, whichever occurs first.

(c) The hearing board shall not grant any interim variance (1) after it has given notice of a hearing in compliance with the requirements of Section 40826, or (2) which is being sought to avoid the notice and hearing requirements of Section 40826.

42352. No variance shall be granted unless the hearing board makes all of the following findings:

(a) That the petitioner for a variance is, or will be, in violation of a provision of Article 1 (commencing with Section 41700) of Chapter 3 or of any rule, regulation, or order of the district.

(b) That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.

(c) That such closing or taking would be without a corresponding benefit in reducing air contaminants.

42353. Upon making the specific findings set forth in Section 42352, the hearing board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the district board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual persons. However, no variance shall be granted if the operation, under the variance, will result in a violation of Section 41700.

42354. In prescribing other and different requirements, in accordance with Section 42353, the hearing board, insofar as is consonant with the Legislature's declarations in Sections 39000 and 39001, shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the district from the reduction of air contaminants and the disadvantages to any otherwise lawful business, occupation, or activity involved, resulting from requiring compliance with such requirements.

42355. The hearing board may require, as a condition of granting a variance, that a cash bond, or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance. Such bond may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.

The provisions of this section shall not apply to vessels so long as such vessels are not operating in violation of any federal law enacted for the purpose of controlling emissions from combustion of vessel fuels.

42356. The hearing board may modify or revoke, by written order, any order permitting a variance.

42357. The hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress or a final compliance date in such a schedule.

42358. (a) The hearing board, in making any order permitting a variance, shall specify the time during which such order shall be effective, in no event, except as otherwise provided in subdivision (b), to exceed one year, and shall set a final compliance date.

(b) A variance may be issued for a period exceeding one year if the variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards.

42359. Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing pursuant to Chapter 8 (commencing with Section 40800) of Part 3 to determine under what conditions, and to what extent, a variance shall be granted.

42360. Within 30 days of any order granting, modifying, or otherwise affecting a variance by the hearing board, either the air pollution control officer or the hearing board shall submit a copy of the order to the state board.

42361. Any variance granted by the hearing board of a county

district or a unified district applicable in an area which subsequently becomes included within a regional district, including the bay district, shall remain valid for the time specified therein or for one year, whichever is shorter, or, unless prior to the expiration of such time, the hearing board of the regional district modifies or revokes the variance.

42362. The state board may revoke or modify any variance granted by any district if, in its judgment, the variance does not require compliance with a required schedule of increments of progress or emission standards as expeditiously as practicable, or the variance does not meet the requirements of this article.

42363. Prior to revoking or modifying a variance pursuant to Section 42362, the state board shall conduct a hearing pursuant to Chapter 8 (commencing with Section 40800) of Part 3 on the matter. The person to whom the variance was granted shall be given immediate notice of any such hearing by the hearing board, and shall be afforded an opportunity to appear at the hearing, to call and examine witnesses, and to otherwise partake as if he were a party to the hearing.

42364. (a) The district board may adopt, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article and for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by the schedule.

(b) All such fees shall be paid to the district treasurer to the credit of the district.

Article 3. Penalties

42400. Any person who violates any provision of this part, or any order, rule, or regulation of the state board or of a district adopted pursuant to this part, is guilty of a misdemeanor.

Every day during any portion of which such violation occurs constitutes a separate offense.

42401. Any person who intentionally or negligently violates any order of abatement issued by a district pursuant to Section 42450 or by the state board pursuant to Section 41505, shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

42402. Any person who intentionally or negligently violates Section 41700 or 41701, or any rule or regulation of a district or of the state board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500) for each day in which such violation occurs.

42403. The civil penalties prescribed in Sections 42401 and 42402 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for any district in which the

violation occurs in any court of competent jurisdiction.

In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

42404. An action brought pursuant to Section 42403 to recover such civil penalties shall take special precedence over all other civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

42405. In an action brought pursuant to Section 42403 by the Attorney General on behalf of a district, one-half of the penalty collected shall be paid to the treasurer of the district on whose behalf judgment was entered, and one-half of the penalty collected shall be paid to the State Treasurer for deposit in the Air Pollution Control Fund.

If such an action is brought by the Attorney General on behalf of the state board, the entire penalty collected shall be paid to the State Treasurer for deposit in the Air Pollution Control Fund.

If such an action is brought by a district attorney or by an attorney for a district, the entire amount of the penalty collected shall be paid to the treasurer of the district on whose behalf judgment was entered.

42406. To secure a civil penalty imposed pursuant to this article on the operation of a vessel, the district shall have a lien on the vessel which may be recovered in an action against the vessel in accordance with the provisions of Article 3 (commencing with Section 490), Chapter 2, Division 3 of the Harbors and Navigation Code, except that no undertaking shall be required to be filed by the district board as a condition to the issuance of a writ of attachment.

42407. The provisions of this article shall not be applicable to vehicular sources.

Article 4. Orders for Abatements

42450. The district board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 or of any order, rule, or regulation prohibiting or limiting the discharge of air contaminants into the air.

In holding such a hearing, the district board shall be vested with all the powers and duties of the hearing board. Notice shall be given, and the hearing shall be held, pursuant to Chapter 8 (commencing with Section 40800) of Part 3.

42451. On its own motion, or upon the motion of the district board or the air pollution control officer, the hearing board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 or of any order, rule, or regulation prohibiting or limiting the discharge of

air contaminants into the air.

42452. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met.

42453. A proceeding for mandatory or prohibitory injunction shall be brought by the district in the name of the people of the State of California in the superior court of the county in which the violation occurs to enjoin any person to whom an order for abatement pursuant to Section 42452 has been directed and who violates such order.

42454. Proceedings under Section 42453 shall conform to the requirements of Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure, except that it shall not be necessary to show lack of adequate remedy at law or to show irreparable damage or loss.

If, in any such proceeding, it shall be shown that an order for abatement has been made, that it has become final, and that its operation has not been stayed, it shall be sufficient proof to warrant the granting of a preliminary injunction.

If, in addition, it shall be shown that the respondent continues, or threatens to continue, to violate such order for abatement, it shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

CHAPTER 5. MONITORING DEVICES

42700. The Legislature hereby finds and declares that stationary sources of air pollution are known to emit significant amounts of pollutants into the air, but that existing sampling techniques are not sufficiently precise to permit accurate measurement. The Legislature further finds and declares that more accurate data will improve the design of strategies for the control of such pollutants in the most cost-effective manner.

The Legislature further finds and declares that public complaints about excessive emissions from stationary sources are difficult or impossible to evaluate in the absence of adequate means of monitoring such emissions on a continuing basis. The Legislature further finds and declares that, although the state board and the districts are authorized under Sections 41511 and 42303, to require stationary sources of air contaminants to install and operate monitoring devices to measure and record continuously the emissions concentration and amount of any specified pollutant, many districts have failed to exercise such authority.

The Legislature further finds and declares that all districts, especially the bay district, the districts located, in whole or part,

within the South Coast Air Basin, and the San Diego County Air Pollution Control District, should be encouraged to require that monitoring devices be installed in each stationary source of air contaminants which emits into the atmosphere 100 tons or more each year of nonmethane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, or particulate matter or 1,000 tons or more each year of carbon monoxide.

In order to encourage such action by the districts, the state board shall determine the availability, technological feasibility, and economic reasonableness of monitoring devices for such stationary sources as provided by Section 42701.

42701. (a) For the purposes of Sections 41511 and 42303, the state board shall determine the availability, technological feasibility, and economic reasonableness of monitoring devices to measure and record continuously the emissions concentration and amount of nonmethane hydrocarbons, oxides of nitrogen, oxides of sulfur, reduced sulfur compounds, particulate matter, and carbon monoxide emitted by stationary sources. Such determination shall be made for stationary sources which emit such contaminants in the quantities set forth in Section 42700, and may be made for stationary sources which emit lesser amounts. The state board shall complete an initial review of submitted devices by June 1, 1975.

42702. The state board shall specify the types of stationary sources, processes, and the contaminants, or combinations thereof, for which a monitoring device is available, technologically feasible, and economically reasonable. Such specification may be by any technologically based classification, including on an industrywide basis or by individual stationary source, by air basin, by district, or any other reasonable classification.

42703. The state board shall require the manufacturer of any monitoring device submitted for a determination to reimburse the state board for its actual expenses incurred in making the determination, including, where applicable, its contract expenses for testing and review.

42704. After the board has made a determination of availability, the board may, as appropriate, revoke or modify its prior determination of availability if circumstances beyond the control of the state board, or of a stationary source required to install a monitoring device, cause a substantial delay or impairment in the availability of the device or cause the device no longer to be available.

42705. Any stationary source required by the district in which the source is located to install and operate a monitoring device shall retain the records from the device for not less than two years and, upon request, shall make the records available to the state board and the district.

42706. Any violation of any emission standard to which the stationary source is required to conform, as indicated by the records of the monitoring device, shall be reported by the operator of the

source to the district within 96 hours after such occurrence. The district shall, in turn, report the violation to the state board within five working days after receiving the report of the violation from the operator.

42707. The air pollution control officer shall inspect, as he determines necessary, the monitoring devices installed in every stationary source of air contaminants located within his jurisdiction required to have such devices to insure that such devices are functioning properly. The district may require reasonable fees to be paid by the operator of any such source to cover the expense of such inspection and other costs related thereto.

42708. This chapter shall not prevent any local or regional authority from adopting monitoring requirements more stringent than those set forth in this chapter or be construed as requiring the installation of monitoring devices on any stationary source or classes of stationary sources. This section shall not limit the authority of the board to require the installation of monitoring devices pursuant to Chapter 1 (commencing with Section 41500).

PART 5. VEHICULAR AIR POLLUTION CONTROL

CHAPTER 1. GENERAL PROVISIONS

43000. The Legislature finds and declares:

(a) That the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state.

(b) That the control and elimination of such air pollutants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(c) That the state has a responsibility to establish uniform procedures for compliance with standards which control or eliminate such air pollutants.

(d) That the California goal for pure air quality is the achievement, by 1975, of an atmosphere with no significant detectable adverse effect from motor vehicle air pollution on property and on health, welfare, and the quality of life.

(e) That vehicle emission standards applied to new motor vehicles, and to used motor vehicles equipped with motor vehicle pollution control devices, are standards with which all such vehicles shall comply.

43001. The provisions of this part shall not apply to:

(a) Racing vehicles.

(b) Motorcycles, except as otherwise provided in Section 43106.

43002. No motor vehicle of historic interest shall be required to have any motor vehicle pollution control device, except for such devices that were required by this part for such vehicles prior to the time that special identification plates were issued for that vehicle

pursuant to Section 5004 of the Vehicle Code.

43003. No limited-production vehicle shall be required to meet emission standards of the state board that are more stringent than standards adopted by the state board for 1974 model year motor vehicles. Such vehicles shall meet the standards adopted by the state board for 1974 model year motor vehicles or the standards adopted by the Environmental Protection Agency for 1975 model year motor vehicles, whichever are more stringent.

43004. Except as otherwise provided in Section 43001, 43002, or 43005, the standards applicable under this part for exhaust emissions for gasoline-powered motor vehicles shall apply to motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel.

43005. Section 43004 of this code, and Sections 4000.1 and 27156 of the Vehicle Code, shall not apply to a motor vehicle altered or modified to use a fuel other than gasoline or diesel completed prior to August 31, 1969.

43006. The state board may approve the fuel system of any motor vehicle powered by propane, butane, or natural gas which meets the standards specified by Section 43004.

43007. Whenever any motor vehicle is required to be equipped with any motor vehicle pollution control device by rules and regulations adopted by any district pursuant to Section 43658, such motor vehicle shall be equipped with such device.

43008. Except as provided by Sections 43100 and 43101 and Chapter 3 (commencing with Section 43600), all motor vehicles required pursuant to the National Emission Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, to be equipped with motor vehicle pollution control devices, shall be equipped with such devices required by that act.

43009. Except as otherwise provided in Section 43002, every motor vehicle subject to this part shall meet the standards adopted by the state board pursuant to Sections 27157 and 27157.5 of the Vehicle Code.

43010. With respect to the program designed and adopted by the Department of Consumer Affairs pursuant to Chapter 20.4 (commencing with Section 9889.50) of Division 3 of the Business and Professions Code, the state board shall, in time for the Department of Consumer Affairs to comply with the schedule specified in subdivisions (a) and (b) of Section 9889.55 of that code, after public hearings, prescribe maximum air pollution emission standards to be applied in inspecting motor vehicles.

In prescribing such standards, the state board shall undertake such studies and experiments as are necessary and feasible, evaluate available data, and confer with automotive engineers.

The standards shall be set at a level reasonably achievable for each class and model of motor vehicle when operating in a reasonably sound mechanical condition, allowing for the effects of installed

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motor vehicle pollution control devices, and the motor vehicle's age and total mileage. The standards shall be designed to secure the operation of all such motor vehicles, as soon as possible, with a substantial reduction in air pollution emissions, and shall be revised from time to time, as experience justifies.

43011. (a) The state board shall establish criteria for the evaluation of the effectiveness of motor vehicle pollution control devices. After the establishment of such criteria, the state board shall evaluate motor vehicle pollution control devices which have been submitted to it for testing.

(b) The criteria established by the state board pursuant to subdivision (a) shall include, but need not be limited to:

(1) Provisions for the testing of vehicles on which a device is installed, when an engineering evaluation of the device indicates such testing is warranted.

(2) A requirement that independent test data be supplied to the state board for each device it is requested to test.

43012. For the purpose of enforcing or administering any federal, state, or local law, order, regulation, or rule relating to vehicular sources of emissions, the executive officer of the state board or an authorized representative of the executive officer, upon presentation of his credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises owned, operated, used, leased, or rented by any new or used car dealer, as defined in Sections 285, 286, and 426 of the Vehicle Code, for the purpose of inspecting any new vehicle, including any vehicle subject to the warranty provisions of Sections 43204 and 43205, for which emission standards have been enacted or adopted or for which emissions equipment is required and which is situated on the premises for the purpose of emission-related maintenance, repair, or service, or for the purpose of sale, lease, or rental, whether or not such vehicle is owned by such dealer. Such inspection may extend to all emission-related parts and operations of any such vehicle, and may require the on-premises operation of an engine or vehicle, the on-premises securing of samples of emissions from any such vehicle, and the inspection of any records which relate to vehicular emissions required by the Environmental Protection Agency or by any state or local law, order, regulation, or rule to be maintained by any such dealer in connection with his business.

This right of entry shall be limited to the hours during which the dealer is open to the public, except when the entry is made pursuant to warrant or whenever the executive officer or his authorized representative has reasonable cause to believe that a violation of any federal, state, or local law, order, regulation, or rule has been committed in his presence. No vehicle shall be inspected pursuant to this section more than one time without an inspection warrant or without reasonable cause unless (a) the vehicle undergoes a change

of ownership or (b) the inspection reveals that the vehicle has failed to comply with required emissions standards or equipment, in which case one additional inspection may be made to verify or correct the violation.

With respect to vehicles not owned by the dealer, the state board may not prosecute, without the owner's knowledge or consent, any violation by the owner of any law pertaining to vehicular emissions unless prior notice of the inspection has been given to the owner.

Notwithstanding the provisions of Section 17150 of the Vehicle Code, the state shall be liable for any injury or damage caused by the negligent or wrongful act or omission of the operator of any vehicle which is operated pursuant to this section.

43013. The board may adopt and implement motor vehicle emission standards for the control of air contaminants and sources of air pollution which the board has found to be necessary and technologically feasible to carry out the purposes of this division.

43014. The Air Pollution Control Fund is continued in existence in the State Treasury. All money in the fund is continuously appropriated to the state board to carry out its duties and functions.

CHAPTER 2. NEW MOTOR VEHICLES

Article 1. General Provisions

43100. The state board may certify new motor vehicles and motor vehicle pollution control devices for new vehicles pursuant to this article.

43101. The state board shall adopt and implement emission standards for new motor vehicles for the control of emissions therefrom, which standards the state board has found to be necessary and technologically feasible to carry out the purposes of this division. Such standards may be applicable to motor vehicle engines, rather than to motor vehicles.

43102. No new motor vehicle shall be certified by the state board for sale and registration in this state, or engine certified by the state board for use in such vehicle, unless such vehicle or engine, as the case may be, fulfills all of the following conditions:

(a) Meets the emission standards adopted by the state board pursuant to Section 43101 under test procedures adopted by the state board pursuant to Section 43104.

(b) Has been approved by the state board.

43103. In the case of an engine required to use unleaded fuel, the engine, in order to be certified, shall be designed to operate satisfactorily on a gasoline having a research octane number not greater than 91.

43104. For the certification of new motor vehicles, the state board shall adopt, by regulation, test procedures to determine whether such vehicles are in compliance with the emission standards established pursuant to Section 43101. The state board shall base its

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test procedures on federal test procedures or on driving patterns typical in the urban areas of California.

43105. No new motor vehicle required pursuant to this part to meet the emission standards established pursuant to Section 43101 shall be sold and registered in this state if the vehicle manufacturer has violated emission standards or test procedures and has failed to take corrective action, which may include recall of vehicles, specified by the state board in accordance with regulations of the state board. If a manufacturer contests the necessity for, or the scope of, a recall of vehicles ordered pursuant to this section and so advises the state board, the state board shall not require such recall unless it first affords the manufacturer the opportunity, at a public hearing, to present evidence in support of the manufacturer's objections. If a vehicle is recalled pursuant to this section, the manufacturer shall make all necessary corrections specified by the state board without charge to the registered owner of the vehicle or, at the manufacturer's election, reimburse the registered owner for the cost of making such necessary corrections.

The procedures for determining, and the facts constituting, compliance or failure of compliance shall be established by the state board.

43106. Each new motor vehicle or engine required pursuant to this part to meet the emission standards established pursuant to Section 43101 shall be, in all material respects, substantially the same in construction as the test motor vehicle or engine, as the case may be, which has been certified by the state board in accordance with Section 43104. However, changes with respect to new motor vehicles or engines previously certified may be made if such changes do not increase emissions above the standards under which those motor vehicles or engines, as the case may be, were certified and are made in accordance with procedures specified by the state board.

43107. (a) The state board may, by regulation, adopt emission standards for new 1977 and later model year motorcycles registered or identified by the Department of Motor Vehicles which are sold in the state on or after July 1, 1976, or such later date as established by the state board by regulation.

(b) Motorcycles shall be exempt from the provisions of Section 43200.

Article 2. Manufacturers and Dealers

43200. The manufacturer of each motor vehicle certified by the state board shall securely affix on a side window to the rear of the driver or, if it cannot be so placed, to the windshield of the motor vehicle in accordance with paragraph (3) of subdivision (b) of Section 26708 of the Vehicle Code, a decal on which such manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing the following information concerning such motor vehicle:

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(a) The emission standards adopted by the state board pursuant to Section 43101 which are applicable to that motor vehicle.

(b) For 1975 and 1976 model year motor vehicles, the exhaust emissions, based on quality audit tests of assembly line motor vehicles, and, at the beginning of each model year, based on certification fleet data.

(c) For each 1977 and later model year motor vehicle, the exhaust emissions as determined by the factory assembly line test for that motor vehicle.

Nothing in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after he has taken possession of the vehicle.

43201. Any dealer or person holding a retail seller's permit who sells a new motor vehicle without the decal required by Section 43200 shall be subject to a civil penalty of not to exceed one thousand dollars ($1,000).

Any penalty recovered pursuant to this section shall be deposited into the General Fund.

43202. No new motor vehicle required to meet the emission standards adopted by the state board pursuant to Section 43101 shall be sold and registered in this state unless the manufacturer thereof permits the state board to conduct surveillance testing of emissions of new motor vehicles at his assembly facilities, or at any other location where the manufacturer's assembly line testing is performed and assembly line testing records are kept.

Authorization for the sale and registration of any new motor vehicle in this state may be rescinded or withheld if, at any time, the state board is prevented by the manufacturer from conducting surveillance of assembly line testing.

43203. In connection with surveillance of emissions from new motor vehicles prior to their retail sale, the state board may, by regulation, impose fees on manufacturers of such vehicles to recover the state board's costs in conducting such surveillance.

Fees authorized by this section shall be imposed only for surveillance of emissions from new motor vehicles actually conducted.

Fees collected in accordance with this section shall be credited as a reimbursement to the support appropriation of the state board in order to finance its costs incurred in its program for the surveillance of emissions from new vehicles.

43204. The manufacturer of each motor vehicle and each motor vehicle engine shall warrant to the ultimate purchaser and each subsequent purchaser that the motor vehicle or motor vehicle engine is:

(a) Designed, built, and equipped so as to conform, at the time of sale, with the applicable emission standards specified in this part.

(b) Free from defects in materials and workmanship which cause such motor vehicle or motor vehicle engine to fail to conform with applicable regulations for its useful life as determined pursuant to Section 43205.

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43205. As used in Section 43204, "useful life" of a motor vehicle or motor vehicle engine means:

(a) In the case of light duty motor vehicles, and motor vehicle engines used in such motor vehicles, a period of use of five years or 50,000 miles, whichever first occurs.

(b) In the case of any other motor vehicle or motor vehicle engine, the period of use set forth in subdivision (a), unless the state board determines that a period of use of greater duration or mileage is appropriate.

43206. Commencing April 1, 1973, and semiannually thereafter, every person who manufactures new motor vehicles for sale in California shall file with the state board a report as to such person's efforts and progress in meeting federal standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code.

The reports shall be available to the public. However, the manufacturer may designate that a portion of the report is a trade secret and such portion shall not be released except to such state board employees as are specifically designated by the executive officer, unless the state board, after an investigation, determines such portion is not in fact a trade secret. State board employees having access to the trade secret shall maintain its confidentiality.

The state board shall conduct such investigations with respect to the reports as it deems necessary and shall file a summary of the quarterly reports with the Legislature and the Governor as soon after each quarter as possible.

No report is required from a manufacturer once all models of motor vehicles of the manufacturer which are sold in California and which are subject to the standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code meet all such standards.

43207. The state board may revoke outstanding certification of new motor vehicles for sale in California if the manufacturer thereof willfully fails to file any semiannual report required by Section 43206 or files a report which is deemed by the state board to inadequately describe the manufacturer's efforts and progress.

The state board may also withhold future certification of such manufacturer's vehicles until such time as the manufacturer offers for sale in California vehicles which meet the standards promulgated pursuant to Section 1857f-1(b)(1) of Title 42 of the United States Code.

43208. Factory assembly line test procedures shall not apply to light duty motor vehicles, if (a) the manufacturer thereof advises the state board in writing that the manufacturer does not intend to sell more than 1,000 motor vehicles in California in a given model year, and (b) the manufacturer does not sell more than 1,000 motor vehicles of its make in such a year. Nothing in this section shall be construed to prohibit the state board from requiring testing by the

applicable certifying test procedure of up to 2 percent of the motor vehicles of such a manufacturer sold in California. This section shall not apply to 1976 and later model year motor vehicles.

43209. No manufacturer or distributor who pays a penalty pursuant to Section 43212 shall add the amount of such penalty to the cost of any motor vehicles sold by such manufacturer, and any provision of any contract of sale including such penalty as part of the cost of a motor vehicle shall be void and unenforceable.

43210. (a) The state board shall provide, by regulation, for the testing of motor vehicles on factory assembly lines or in such manner as the state board determines best suited to carry out the purpose of this part and this section.

(b) If a motor vehicle does not meet the prescribed assembly line standards, the motor vehicle may be retested according to the official test procedures upon which original certification for that make and model vehicle was based. Any motor vehicle meeting the applicable emission standards by either of the testing procedures shall be deemed to meet the emission standards of the State of California and shall be eligible for sale in this state.

43211. No new motor vehicle shall be sold in California that does not meet the emission standards adopted by the state board, and any manufacturer who sells, attempts to sell, or causes to be offered for sale a new motor vehicle that fails to meet the applicable emission standards shall be subject to a civil penalty of five thousand dollars ($5,000) for each such action.

Any penalty recovered pursuant to this section shall be deposited into the General Fund.

43212. Any manufacturer or distributor who does not comply with the emission standards or the test procedures adopted by the state board shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the standards or procedures and which is first sold in this state. The payment of such penalties to the state board shall be a condition to the further sale by such manufacturer or distributor of motor vehicles in this state.

Any penalty recovered pursuant to this section shall be deposited into the Air Pollution Control Fund.

43213. Sections 43211 and 43212 shall be enforced by the state board, and may be enforced by the Department of the California Highway Patrol, the Department of Motor Vehicles, and the Bureau of Automotive Repair in the Department of Consumer Affairs.

CHAPTER 3. USED MOTOR VEHICLES

Article 1. Device Certification

43600. The state board shall adopt and implement emission standards for used motor vehicles for the control of emissions therefrom, which standards the state board has found to be necessary and technologically feasible to carry out the purposes of this division;

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however, the installation of certified devices on used motor vehicles shall not be mandated except by statute. Such standards may be applicable to motor vehicle engines, rather than to motor vehicles.

43601. The state board shall certify exhaust devices for 1955 through 1965 model year motor vehicles.

43602. An exhaust device certified by the state board pursuant to Section 43601 shall not allow emissions exceeding any of the following:

(a) 350 parts per million hydrocarbons.

(b) 2 percent carbon monoxide.

(c) 800 parts per million nitrogen oxide.

However, if no exhaust device meets all three of the maximums specified in subdivisions (a), (b), and (c), the state board may certify an exhaust device which meets any two of the three maximums specified, if the installation of such a device in a motor vehicle would not increase the other emission in excess of the emission of that pollutant by the vehicle in the absence of such a device.

If two or more exhaust devices are certified that they meet the requirements of this section, the state board may not require the installation of more than one exhaust device on any motor vehicle.

43603. The state board shall adopt, by regulation, criteria for the certification of exhaust devices pursuant to Section 43601. Such criteria shall include, but not be limited to, requirements that:

(a) The device meets the cost and performance requirement specified in Section 43604.

(b) The device shall not allow exhaust emissions exceeding the amount specified in Section 43602.

(c) The manufacturer of the device comply with Section 43635.

43604. An exhaust device certified pursuant to Section 43601:

(a) Shall not cost, including the cost of installation, more than eighty-five dollars ($85).

(b) Shall not require maintenance more than once each 12,000 miles of operation, and such maintenance shall not cost, including the cost of parts and labor, more than fifteen dollars ($15).

(c) Shall equal or exceed the performance criteria established by the state board for such devices for new motor vehicles or, in the alternative, have an expected useful life of at least 30,000 miles of operation.

43610. The state board shall set standards for, and certify, exhaust devices to significantly reduce the emission of oxides of nitrogen from 1966 through 1970 model year motor vehicles, as determined by the state board from a representative sampling of such motor vehicles, which the state board has found to be necessary and technologically feasible to carry out the purposes of this division.

In setting standards under this section, the primary consideration shall be the greatest possible reduction of oxides of nitrogen.

43611. The state board shall adopt, by regulation, criteria for the certification of exhaust devices pursuant to Section 43610. Such criteria shall include, but not be limited to, requirements that:

(a) The device meets the cost and performance requirements specified in Section 43612.

(b) The device shall not allow exhaust emissions of oxides of nitrogen exceeding the standard adopted by the state board pursuant to Section 43610.

(c) The manufacturer of the device comply with Sections 43613 and 43635.

43612. An exhaust device certified pursuant to Section 43610:

(a) Shall not cost, including the cost of installation, more than thirty-five dollars ($35).

(b) Shall not require maintenance more than once each 12,000 miles of operation, and such maintenance shall not cost, including the cost of parts and labor, more than fifteen dollars ($15).

(c) Shall equal or exceed the performance criteria established by the state board for devices for new motor vehicles or, in the alternative, have an expected useful life of at least 50,000 miles of operation.

43613. The manufacturer of an exhaust device certified pursuant to Section 43610 shall include, with the sale of such device, instructions setting forth what steps the purchaser should take to maintain such device in proper working condition.

43614. After one or more devices are initially certified pursuant to Section 43610, no device shall be certified under that section which is less effective than the one or ones initially certified. Any subsequent certification of a more effective device shall not affect the certification of a previously certified device.

43630. (a) In addition to certifying devices which meet the standards set forth in, or established pursuant to, Sections 43602 and 43610, the state board shall adopt standards for certifying exhaust devices which achieve a reduction of the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from the exhaust of a motor vehicle substantially below the standards for any two pollutants set forth in, or established pursuant to, Section 43602 or 43610.

If, however, an exhaust device is shown to substantially reduce the emission of any two of the three pollutants, the state board may certify such a device, so long as the installation of such device in a motor vehicle does not increase the emission of the other pollutant in excess of the emission of that pollutant by the vehicle in the absence of such a device.

(b) Devices certified pursuant to this section may be certified without regard to the provisions of subdivision (a) of Section 43604 or subdivision (a) of Section 43612.

(c) After one or more such devices are initially certified, no device shall be certified pursuant to this section which is substantially less effective than any device previously certified, unless the state board determines, pursuant to a cost-benefit analysis, that such less effective device is also substantially less costly and therefore merits certification. Any subsequent certification of a more effective device shall not affect the certification of a previously certified device.

(d) The state board may permit the installation of a device certified pursuant to this section in lieu of any certified motor vehicle pollution control device which is required to be installed pursuant to any other provision of state law, if the installation of such device on that particular classification of motor vehicles results in no greater emissions than if the required certified device were operative over the life of the vehicle. The applicant shall be responsible for proving compliance with this subdivision and with other applicable criteria. Certificates of compliance shall be required upon the installation of a device certified pursuant to this section and installed pursuant to this subdivision, as if it were a device required by any other provision of state law.

43635. As a condition to the certification of any motor vehicle pollution control device required under this chapter, except Section 43630, the manufacturer of such a device, in order to protect the public interest, shall agree to either of the following:

(a) That, until two or more such devices are certified for the same subclassification of motor vehicles, he enter into such cross-licensing or other agreements the state board determines, after a public hearing, are necessary to insure adequate competition among manufacturers of such devices.

(b) That, if his device is the only one made available to the public, the retail price of the device, including installation, does not exceed the price established, after a public hearing, by the state board for that device.

43636. (a) In establishing the fair and reasonable retail price for a motor vehicle pollution control device for purposes of subdivision (b) of Section 43635, the state board shall take into consideration the cost of manufacturing the device and the manufacturer's suggested retail price.

(b) The price established by the state board shall, in no case, exceed the amount specified in subdivision (a) of Section 43604 or subdivision (a) of Section 43612, as the case may be.

43640. The state board may revoke, suspend, or restrict a certification of a previously certified device, or an exemption previously granted, upon a determination by the state board that the device no longer operates within the applicable criteria and standards adopted by the state board or no longer should be exempted.

Such a determination may be based on any relevant information, including, but not limited to, a change in the device, significant differences between certified and production models, or new data which bear upon the applicable certification criteria or standards and require the revocation of the device.

43641. Proceedings to review the denial of an application for certification or exemption, or proceedings to revoke, suspend, or restrict a certification previously granted by the state board, shall, upon the timely request of the applicant or affected manufacturer, be conducted by the state board in accordance with the provisions

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of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the state board shall have all the powers granted therein to the Office of Administrative Hearings.

43642. Certification for a motor vehicle pollution control device may be revoked by the state board, if the actual cost of the device installed exceeds the cost permitted by law or established pursuant to subdivision (b) of Section 43635.

43643. Any motor vehicle equipped with a certified device shall not be deemed in violation of the provisions of this part, or Section 27156 of the Vehicle Code, because the certification of the device is subsequently revoked, suspended, or restricted.

Replacement parts for the device may continue to be supplied and used for such vehicle, unless the revocation, suspension, or restriction is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event the device shall be brought into compliance with the provisions of this part within 30 days after such a finding.

43644. (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the state board for certification of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been certified by the state board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this subdivision is a misdemeanor.

(b) Subdivision (a) shall not preclude any person from installing, selling, offering for sale, or advertising a device as a motor vehicle pollution control device for use on a particular classification of used motor vehicles if the state board has found that the installation of the device on that particular classification of used motor vehicle results in such vehicles meeting the state exhaust emissions standards.

43645. Whenever the state board certifies a motor vehicle pollution control device for the control of emissions of pollutants from a particular source of emissions from motor vehicles for which standards have been set by this part or by the state board, it shall so notify the Department of Motor Vehicles, the Department of the California Highway Patrol, and the Bureau of Automotive Repair in the Department of Consumer Affairs.

Article 2. Certified Device Installation

43650. Every 1955 and later model motor vehicle shall be equipped with the certified device as required by the Department of Motor Vehicles Manual of Registration Procedures as of January 1, 1975, or as amended to reflect the adoption of rules and regulations by a district board pursuant to Section 43658.

43651. Every 1968 or later model year motor vehicle, subject to registration in this state, shall be equipped with a certified device to control its crankcase emissions.

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43652. Except as provided in Section 43657, every 1955 through 1965 model year motor vehicle, subject to registration in this state, upon either transfer of ownership and registration, or upon initial registration of such vehicle not previously registered in this state, shall be equipped with a certified device to control its exhaust emissions in accordance with a schedule of installation adopted by the state board.

43653. Every 1966 or later model year motor vehicle, subject to registration and first sold and registered in this state, shall be equipped with a certified device to control its crankcase emissions and exhaust emissions.

43654. Every 1966 through 1970 light duty motor vehicle, subject to registration in this state, shall be equipped with a certified device to control its exhaust emission of oxides of nitrogen upon initial registration and upon transfer of ownership and registration.

43655. (a) The state board shall adopt, by regulation, schedules of installation for purposes of Section 43652, after consultation with the Department of the California Highway Patrol, the Department of Motor Vehicles, and the Bureau of Automotive Repair in the Department of Consumer Affairs.

(b) In establishing such schedules, the state board shall consider all relevant factors, including, but not limited to, the burden of enforcement on the Department of the California Highway Patrol, the Department of Motor Vehicles, and the Bureau of Automotive Repair in the Department of Consumer Affairs, the need for rapid installation of motor vehicle pollution control devices in order to preserve and protect the public health, and the existing ambient air quality in the air basins.

43656. The state board may exempt from any schedule of installation adopted pursuant to Section 43654 or 43655:

(a) Motor vehicles or classifications or subclassifications of motor vehicles for which certified devices are not available.

(b) Motor vehicles or classifications or subclassifications of motor vehicles whose emissions are found by appropriate tests to meet applicable emission standards without an additional motor vehicle pollution control device.

(c) Implements of husbandry.

(d) Vehicles which qualify for special identification plates pursuant to Section 5004 of the Vehicle Code.

43657. The state board may also exempt, from the schedule of installation adopted pursuant to Section 43655, any motor vehicle registered to an owner whose residence is in a county, or portion thereof, which the state board finds, after a public hearing, that the installation of a certified device pursuant to Section 43652 to control exhaust emissions is not necessary or desirable to preserve and protect the public health and the existing ambient air quality thereof.

43658. (a) If the evidence submitted at a public hearing indicates that, in order to preserve the ambient air quality of a

district, it is necessary that every 1955 through 1965 model year motor vehicle within the district be equipped with device or devices certified by the state board to control emission of pollutants from the crankcase or exhaust. the district board may adopt rules and regulations to require the installation of such devices.

(b) The rules and regulations shall provide for a schedule of installation by which the motor vehicles are to be equipped with certified device, taking into consideration the number of motor vehicles to be equipped, the availability of such devices, and the availability of licensed installers to install such devices.

(c) The district board shall coordinate its activities pursuant to this section with the Department of the California Highway Patrol and the Department of Motor Vehicles in order to insure adoption of procedures which will facilitate enforcement of the rules and regulations adopted pursuant to this section.

CHAPTER 4. MISCELLANEOUS

Article 1. Low-Emission Motor Vehicles

43800. As used in this article, "low-emission motor vehicle" means a motor vehicle which does not have exhaust emissions of more than 0.3 gram per mile of hydrocarbons, 3 grams per mile of carbon monoxide, and 0.5 gram per mile of oxides of nitrogen.

43801. The Legislature finds and declares that emission of air pollutants from motor vehicles is a major contributor to air pollution within the State of California and, therefore, declares its policy to encourage the development and testing of various types of low-emission motor vehicles, which would contribute substantially to achieving a pure and healthy atmosphere for the people of this state.

43802. Low-emission motor vehicles shall be submitted to the state board for testing to determine if such vehicle meets the standard set forth in Section 43800.

43803. After determining that the low-emission motor vehicle meets the standard set forth in Section 43800, the Department of General Services, in consultation with the state board, shall determine if the low-emission motor vehicle meets all of the following requirements:

(a) The vehicle can be manufactured in sufficient numbers for the purpose of proper evaluation.

(b) The vehicle meets the performance needs for state vehicles.

(c) The cost of the vehicle does not exceed by more than 100 percent the average cost of state passenger vehicles purchased in the preceding fiscal year.

(d) If the vehicle is purchased by the state, there would be a sufficient number of servicing and maintenance outlets.

(e) The average servicing and maintenance costs for the vehicle are comparable to the average servicing and maintenance costs for all other state passenger vehicles. In no event, however, shall the

average servicing and maintenance costs for the vehicle exceed the average costs of servicing and maintaining all other state passenger vehicles by more than 50 percent.

43804. If a low-emission motor vehicle meets the requirements of this chapter, and the performance, cost, service, and maintenance requirements adopted by the Department of General Services for such a motor vehicle, and if funds are appropriated for the purpose of purchasing such motor vehicles, the state shall purchase, beginning with the next fiscal year, as many of such low-emission motor vehicles as the Department of General Services determines are reasonable and available to meet state needs.

If a sufficient number of low-emission motor vehicles are available, the percentage of all such motor vehicles to be purchased in that year shall not be less than 25 percent of all motor vehicles purchased by the state in the preceding fiscal year.

43805. The provisions of this chapter shall not apply to the following motor vehicles:

(a) Patrol cars of the Department of the California Highway Patrol.

(b) Any motor vehicle classified as a special-purpose vehicle by the Department of General Services.

Article 2. Fuel System Evaporative Loss Control Devices

43820. The state board shall adopt, by regulation, criteria for the certification of fuel system evaporative loss control devices for installation on motor vehicles not equipped with such a device when first sold. Such criteria shall include, but not be limited to, requirements that the device:

(a) Shall not allow fuel system evaporative loss greater than six grams of hydrocarbons per test.

(b) Shall equal or exceed the performance criteria established by the state board for such new devices required on new motor vehicles or, in the alternative, shall have an expected useful life of at least 50,000 miles of operation.

43821. In adopting criteria for the certification of fuel system evaporative loss control devices, the state board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the state board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

43822. Whenever the state board certifies a fuel system evaporative loss control device, pursuant to this article, it shall submit a report of its findings and its recommendations for installation on used vehicles to the Legislature within 10 days, if it is then in session, or if not in session not later than the next January 15.

The report shall include information on the cost of the device,

including the cost of installation, and its potential performance, including required maintenance and the cost of labor and parts to perform such maintenance.

43823. The installation of a certified fuel system evaporative loss control device on used motor vehicles shall not be mandated except by statute.

43824. The state board may adopt, by regulation, standards and test procedures for the certification of fuel system evaporative loss control devices on new motor vehicles in the absence of any such federal regulations.

In such case, no new motor vehicle may be sold and registered in this state unless it conforms to such regulations adopted by the state board.

Article 3. Fuel and Fuel Tanks

43830. The state board shall establish, by regulation, maximum standards for the volatility of gasoline at nine pounds per square inch Reid vapor pressure as determined by the American Society for Testing and Materials test D 323-58, or by an appropriate test determined by the state board, for gasoline sold in this state.

The state board, in adopting such regulations, shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of time and only in those areas which the state board determines necessary in order to carry out the purposes of this division.

43831. The state board shall establish, by regulation, maximum standards for the degree of unsaturation at a bromine number 30 as established by the American Society for Testing and Materials test D 1159-66, or by an appropriate test determined by the state board, for gasoline sold in the South Coast Air Basin designated by the state board.

The state board, in adopting such regulations, shall give full consideration to climatic conditions and may provide that the maximum standards imposed thereby shall be applicable only during those periods of time which the state board determines necessary in order to carry out the purposes of this division.

43832. The state board may request, from any person who advertises, or causes to be advertised, in any manner or claim that a fuel or fuel additive reduces motor vehicle exhaust emissions, a report detailing the data which supports the advertiser's claims of emission reduction by that fuel or fuel additive.

The state board may conduct, and may request the Department of Consumer Affairs to assist the state board in, such further investigation as may appear warranted under the circumstances.

If the state board, or the state board and the Department of Consumer Affairs if the latter has assisted in the investigation, determines that the fuel or fuel additive is not substantially as

effective as it is claimed to be in the advertisement for it, the state board shall report the findings to the Attorney General for whatever action under the Business and Professions Code or other law the Attorney General finds appropriate.

43833. (a) The state board shall establish criteria for the evaluation of the effectiveness of, and may conduct tests respecting the composition or the chemical or physical properties of, any motor vehicle fuel additive sold, or proposed to be sold, in this state. The tests shall be designed to determine whether the additive will reduce or eliminate from vehicular sources any substance found to affect human health or impair the obtainment of the state board's ambient air quality standards, or whether, in specified fuels, a particular fuel additive would result in a significant and beneficial reduction in vehicular emissions commensurate with the purposes of this division and would not have a deleterious effect upon the operation of any vehicle or any motor vehicle pollution control device which is in general use.

(b) The state board may also engage independent laboratories to conduct such tests under test procedures specified by the state board.

(c) Any manufacturer may apply to the state board to have its additive tested pursuant to subdivision (a). The state board may charge an application fee, not to exceed the cost of such tests, for such applications.

43834. (a) The state board shall establish standards or criteria for the certification of auxiliary gasoline fuel tank evaporative loss control devices or systems on vehicles which are required, pursuant to this part or the National Emission Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive), to be equipped with a fuel system evaporative loss control device to prevent as much evaporation of gasoline into the air from auxiliary fuel tanks as is technologically feasible.

(b) For the purpose of this section, and Section 27156.1 of the Vehicle Code, an "auxiliary gasoline fuel tank" is a fuel tank which is designed and intended by its manufacturer for installation on, or which is installed on, a vehicle operating on gasoline and which is connected to the original fuel system, as defined in Section 39032 of this code, but is not a gasoline fuel tank which is added to a certified device on a used vehicle if such certification included the capability of handling evaporation from such a tank.

SEC. 13. Division 27 (commencing with Section 39600) of the Health and Safety Code is repealed.

SEC. 14. Division 27 (commencing with Section 44500) is added to the Health and Safety Code, to read:

DIVISION 27. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY ACT

CHAPTER 1. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Article 1. General Provisions and Definitions

44500. This division may be cited as the California Pollution Control Financing Authority Act.

44501. The Legislature hereby finds that it is necessary and essential that the state, in cooperation with the federal government, use all practical means and measures to control and eliminate pollution hazards to the environment. The Legislature further finds and determines that industry within this state utilizes processes and facilities which have significant environmental impact. These processes and facilities shall be modified and supplemented to meet the quality standards established and to be established for the control of environmental pollution. Industry needs and requires new methods to finance the capital outlays required for the devices, equipment and facilities utilized in pollution control if they are to rapidly comply with the quality standards established by the state and federal governments, and the alternate method of financing provided in this division is in the public interest and serves a public purpose and will promote the health, welfare, and safety of the citizens of the State of California.

44502. It is the purpose of this division to carry out and make effective the findings of the Legislature and to that end to provide industry within the state with an alternative method of financing in providing, enlarging, and establishing pollution control facilities which are needed to accomplish the purposes of this division, all to the mutual benefit of the people of the state and to protect their health and welfare.

44503. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

44504. "Authority" means the California Pollution Control Financing Authority established pursuant to Section 44520 and any board, commission, department, or officer succeeding to the functions thereof or to whom the powers conferred upon the authority by this division shall be given by law.

44505. "Cost" as applied to a project or portion thereof financed under the provisions of this division embraced all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion

of such construction as determined by the authority, provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, estimates, administrative expenses and other expenses necessary or incident to determining the feasibility of constructing any project or incident to the construction or acquisition or financing of any project.

44506. "Participating party" means any person, company, corporation, partnership, firm, or other entity or group of entities engaged in operations within this state which requires financing pursuant to the terms of this division to aid and assist in the control or elimination of pollution of the environment of the state.

44507. "Pollution" means an alteration of quality of the environment of the state and shall be determined by the various standards prescribed from time to time by this state or the federal government or any agency, department, or political subdivision of this state or the federal government and may include, but is not limited to, earth, air, or water pollution, pollution caused by solid waste disposal, thermal pollution, radiation contamination, or noise pollution.

44508. "Project" and "pollution control facility," respectively, means any land, building, improvement thereto, work, property or structure, real or personal, providing or designed to provide for the control, reduction, abatement, elimination, or prevention of pollution, including, but not limited to, hydrostatic control facilities, dust collectors, smoke bags, settling ponds, filtration plants, sewage disposal facilities, garbage disposal facilities, recycling facilities, dumps, filling grounds, chlorination ponds, treatment works, and all other structures or facilities now or hereafter developed or useful in the control of pollution of any type or character, including any structure, equipment, or other facilities for the purpose of reducing, treating, neutralizing, or cooling the temperature of any liquid, gaseous, or solid waste substance or discharge resulting from the process of manufacture, industry, or commerce, or from the development, processing, or recovery of any natural resource or the generation of electricity, steam heat, or manufactured gas, together with the recovery, treatment, neutralizing, stabilizing, or cooling equipment, facilities, plants, or structures necessary to reduce, control, or eliminate pollution, and any and all facilities which may hereafter be developed through science, study, and investigation to aid and assist in the control of pollution or the removal or treatment of any substance which might otherwise cause or contribute to such pollution.

44509. "Public agency" means any state agency, board, or commission, any county, city and county, city, regional agency, public district, or other political subdivision.

44510. "Revenues" means all rents, receipts, purchase payments and all other income or receipts derived by the authority from the

sale, lease, or other disposition of pollution control facilities and any income or revenue derived from the investment of any money in any fund or account of the authority.

Article 2. Organization of Authority and General Powers and Duties Thereof

44520. There is in the state government the California Pollution Control Financing Authority. The authority constitutes a public instrumentality and a political subdivision of the State of California, and the exercise by the authority of the powers conferred by this division shall be deemed and held to be the performance of an essential public function. The authority shall consist of five members: the Director of Finance, the Chairman of the State Water Resources Control Board, the Chairman of the State Air Resources Board, the State Treasurer, and the State Controller.

The Director of Finance, the Chairman of the State Water Resources Control Board, and the Chairman of the State Air Resources Board may each designate a deputy or clerk in his agency to act for him and represent him at all meetings of the authority.

The first meeting of the authority shall be convened by the Director of Finance.

44521. All members of the authority shall serve thereon without compensation as members of the authority.

44522. The provisions of this division shall be administered by the authority which shall have and is hereby vested with all powers reasonably necessary to carry out the powers and responsibilities expressly granted or imposed upon it under this division.

44523. The authority shall maintain an office in the City of Sacramento.

44524. The authority may employ an executive secretary and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this division.

44525. The authority shall, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, adopt all necessary rules and regulations to carry out the provisions of this division. The authority may call upon any board or department of the state government for aid and assistance in the preparation of plans and specifications and in the development of technology necessary to effectively control pollution.

44526. (a) The Attorney General shall be the legal counsel for the authority, but with the approval of the Attorney General, the authority may employ such legal counsel as in its judgment is necessary or advisable to enable it to carry out the duties and functions imposed upon it by this division, including the employment of such bond counsel as may be deemed advisable in connection with the issuance and sale of bonds.

(b) The State Treasurer shall be the treasurer for the authority.

44527. The authority is authorized and empowered:

(a) To adopt an official seal.

(b) To sue and be sued in its own name.

(c) To determine the location and character of any project to be financed under the provisions of this division, subject to the certification under Section 44531, to lend financial assistance to any participating party, to construct, reconstruct, renovate, replace, lease, as lessor or lessee, and regulate the same, and to enter into contracts for the sale of any pollution control facilities, including installment sales or sales under conditional sales contracts.

(d) To issue bonds, notes, bond anticipation notes, and other obligations of the authority for any of its corporate purposes, and to fund or refund the same, all as provided in this division.

(e) To fix fees and charges for pollution control facilities, and to revise from time to time such fees and charges, and to collect rates, rents, fees and charges for the use of and for any facilities or services furnished, or to be furnished, by a project or any part thereof and to contract with any person, partnership, association, corporation, or public agency with respect thereto, and to fix the terms and conditions upon which any pollution control facilities may be sold or disposed of, whether upon installment sales contracts or otherwise.

(f) To employ and fix the compensation of bond counsel, financial consultants and advisers as may be necessary in its judgment in connection with the issuance and sale of any bonds, notes, bond anticipation notes, or other obligations of the authority; to contract for engineering, architectural, accounting, or other services of appropriate state agencies as may be necessary in the judgment of the authority for the successful development of any project; and to pay the reasonable costs of consulting engineers, architects, accountants, and construction experts employed by any participating party if, in the judgment of the authority, such services are necessary to the successful development of any project, and provided such services are not obtainable from any state agency.

(g) To do all things generally necessary or convenient to carry out the purposes of this division.

44528. All expenses incurred in carrying out the provisions of this division shall be payable solely from funds provided under the authority of this division and no liability or obligation shall be imposed upon the State of California and, except as provided in Section 44547, none shall be incurred by the authority beyond the extent to which moneys shall have been provided under the provisions of this division. Under no circumstances shall the authority create any debt, liability, or obligation on the part of the State of California payable from any source whatsoever other than the moneys provided under the provisions of this division.

44529. (a) All projects shall be constructed or completed subject to the rules and regulations of the authority.

(b) The authority is authorized to acquire, by deed, purchase, lease, contract, gift, devise, or otherwise, any real or personal

property, structures, rights, rights-of-way, franchises, easements, and other interests in lands located within this state necessary or convenient for the construction or operation of a project, upon such terms and conditions as it deems advisable, and to lease, sell, or dispose of the same in such manner as may be necessary or desirable to carry out the objects and purposes of this division. Nothing in this division shall authorize the authority to exercise the power of eminent domain.

44530. When the principal of and interest on bonds of the authority issued to finance the cost of a particular project for a participating party, including any refunding bonds issued to refund and refinance such bonds, shall have been fully paid and retired or when adequate provision shall have been made for the payment and retirement of the same, and all other conditions of the resolution, indenture, or agreement authorizing and securing the same shall have been satisfied and the lien of such resolution, indenture, or agreement shall have been released in accordance with the provisions thereof, the authority is authorized, upon such terms and conditions as may be prescribed by the authority, to execute such deeds and conveyances as are necessary or required to convey title to such project to such participating party.

44531. No project, or portion thereof, shall be eligible for financing under this division for which, at the time an application is submitted to the authority, financing has been otherwise obtained.

No project shall be eligible for financing under this division unless the appropriate state control agency certifies that there is reasonable assurance that:

(a) The project is necessary to further compliance with applicable federal, state and local standards and requirements.

(b) The project is consistent with an approved regional, basin, or state plan for environmental protection.

(c) The project, in the event that such project is concerned with water pollution control, cannot reasonably be financed by being included, or otherwise participating, in a water pollution control project directly funded by a public agency.

For purposes of this section the "appropriate state control agency" shall be the State Water Resources Control Board for projects affecting water quality, the State Air Resources Board for projects affecting air quality, or the Resources Agency for a project affecting other than water quality or air quality. The authority shall reimburse the control agencies for their reasonable and necessary expenses in making the certification.

44532. Throughout each calendar quarter the authority shall accept applications for financing proposed projects. Eligible applicants shall be limited to participating parties who own or operate facilities requiring pollution control equipment which may be provided pursuant to this chapter. After the close of each such quarter, the authority shall determine by resolution those projects which it will finance. The financing of projects shall be determined

on the basis of the following priorities:

(a) First priority shall be given to projects which are necessary to meet an established federal, state, or local deadline for correction of existing pollution problems caused by existing facilities.

(b) Second priority shall be given to projects which are necessary to enable existing facilities to comply with federal, state, or local plans for environmental protection but for which no specific compliance date has been established.

(c) Third priority shall be given to other eligible projects.

44533. Projects approved for financing pursuant to Section 44532 shall not exceed fifty million dollars ($50,000,000) in aggregate for each calendar quarter; provided that the authority may at the beginning of any calendar quarter, determine by resolution to finance a lesser aggregate amount of projects during such calendar quarter. In the event that eligible applications exceed, in any quarter, an aggregate of fifty million dollars ($50,000,000), or such lesser amount as may be available for financing during such quarter, projects shall be financed in the following order:

(a) Projects estimated to cost less than one million dollars ($1,000,000).

(b) Projects estimated to cost more than one million dollars ($1,000,000) which provide for pretreatment of wastes discharged into a publicly operated sewerage system.

(c) Projects estimated to cost more than one million dollars ($1,000,000) which provide for conservation and reuse of natural resources.

(d) All other eligible projects estimated to cost more than one million dollars ($1,000,000).

The order of financing specified in this section shall be applied, as appropriate, to applications within the respective priority classifications established pursuant to Section 44532.

44534. Eligible applications not approved for financing by the authority in any calendar quarter shall, unless withdrawn by the applicant, be automatically considered for financing in the next succeeding calendar quarter along with any new applications which may be submitted in such quarter and shall be subject to the same priorities for financing as such new applications.

44535. Prior to the beginning of each calendar quarter, the authority shall obtain from the appropriate state control agencies, designated in Section 44531, a list of the names and addresses of those business associations, corporations, or individuals which have been required, by a specified deadline, to correct pollution problems caused by existing facilities. The authority shall notify such business associations, corporations, or individuals of its programs for financing pollution control facilities.

In addition, the authority shall take all reasonable steps to publicize its programs so that eligible applicants may be aware of them.

44536. The authority shall provide maximum opportunity for use

of its financing by individuals and small businesses or corporations by providing information, assistance, and coordination to facilitate financing for small projects.

44537. The authority, no later than March 1 of each year, shall submit to the Legislature a report of its activities for the preceding calendar year ended December 31. Such report shall include (1) a listing of applications received, (2) a listing of applications accepted for financing, (3) specification of bonds sold, interest rates thereon, and whether bond sales were pursuant to public bid or were negotiated, (4) specification of the amount of bonds authorized but currently unsold, (5) a projection of the authority's needs and requirements for the coming year, and (6) a report of revenues and expenditures for the preceding fiscal year.

44538. An applicant for financing for a project involving a waste water treatment plant shall provide evidence satisfactory to the State Water Resources Control Board that the waste water treatment facilities will be operated and maintained by competent personnel. Such evidence shall include, but not be limited to, a description of operating procedures, organizational structure, minimum personnel requirements and training program.

Article 3. Bonds and Notes

44540. The authority is authorized to incur indebtedness and to issue securities of any kind or class, and to renew the same, provided that all such indebtedness, howsoever evidenced, shall be payable solely from revenues of the authority and the proceeds of its bonds, as hereinafter defined, shall not exceed the sum of two hundred million dollars ($200,000,000) of new debt, except as provided in this article. "New debt" shall not include indebtedness incurred to replenish or refund existing debts except to the extent that such indebtedness exceeds the amount of such debts.

44541. (a) At such times as the authority desires to issue bonds, as defined in Section 44542, in excess of the amount provided in Section 44540, it shall adopt a resolution specifying the total amount of such bonds proposed to be issued. The amount specified in any such resolution shall not exceed two hundred million dollars ($200,000,000) of new debt.

Upon adoption of the resolution, the authority shall immediately cause copies thereof to be transmitted to the Senate Rules Committee and to the Speaker of the Assembly.

(b) Upon receipt of such a resolution, the Senate Rules Committee and the Speaker of the Assembly shall refer the resolution to a standing committee of their respective houses for study and a report. Such a report shall be made no later than the 50th calendar day of continuous session of the Legislature after the date on which the resolution was transmitted to each house of the Legislature.

(c) A resolution of either house of the Legislature, disapproving

of the issuance of the bonds as proposed in the resolution of the authority may be made by floor motion within 10 calendar days following the submission of the report provided for in subdivision (b). Such a resolution shall be voted on without referral to committee.

If either house shall adopt such a resolution of disapproval, the authority shall not issue the bonds as proposed in its resolution. If neither house has adopted a resolution of disapproval within 10 calendar days as provided in this subdivision, the authority shall be authorized to issue the bonds as specified in its resolution.

(d) If the authority, pursuant to this section, submits to the Legislature a resolution proposing the issuance of bonds and the Legislature adjourns sine die before 60 continuous calendar days have elapsed, the authority shall not issue the proposed bonds. The authority may submit the same resolution, or a new resolution, proposing the issuance of bonds to the Legislature when it next convenes.

44542. (a) The authority is authorized from time to time to issue its negotiable bonds, notes, debentures, or other securities (hereinafter collectively called "bonds") for any corporate purpose. Such bonds may be authorized, without limiting the generality of the foregoing, to finance a single project for a single participating party, a series of projects for a single participating party, a single project for several participating parties, or several projects for several participating parties. In anticipation of the sale of such bonds as authorized by Section 44540, or as may be authorized pursuant to Section 44541, the authority may issue negotiable bond anticipation notes and may renew the same from time to time. Such bond anticipation notes may be paid from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. Notes and agreements relating thereto and bond anticipation notes, hereinafter collectively called notes, and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond, agreement relating thereto, and bond resolution of the authority may contain; except that such note or renewal thereof shall mature at such time not exceeding two years from the date of issue of the original note.

(b) Except as may otherwise be expressly provided by the authority, every issue of its bonds, notes, or other obligations shall be general obligations of the authority payable from any revenues or moneys of the authority available therefor and not otherwise pledged, subject only to any agreements with the holders of particular bonds, notes, or other obligations pledging any particular revenues or moneys and subject to any agreements with any participating party. Notwithstanding that such bonds, notes, or other obligations may be payable from a special fund, they shall be and be deemed to be for all purposes negotiable instruments, subject only to the provisions of such bonds, notes or other obligations for registration.

(c) Subject to the limitations in Sections 44540 and 44541, the bonds may be issued as serial bonds or as term bonds, or the authority in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the authority and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds or notes shall be sold by the State Treasurer within 60 days of receipt of a certified copy of the authority's resolution authorizing the sale of the bonds; provided, that the authority, at its discretion, may adopt a resolution extending such 60-day period. Such sales may be at public or private sale, and for such price or prices and on such terms and conditions, as the authority shall determine after giving due consideration to the recommendations of any participating party to be assisted from the proceeds of such bonds or notes. Pending preparation of the definitive bonds, the State Treasurer may issue interim receipts, certificates, or temporary bonds which shall be exchanged for such definitive bonds. The State Treasurer may sell any bonds, notes, or other evidence of indebtedness at a price below the par value thereof; provided, however, that the discount on any security so sold shall not exceed 6 percent of the par value thereof.

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to:

(1) Pledging the full faith and credit of the authority or pledging all or any part of the revenues of any project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation, or association or other body, public or private, or other moneys of the authority, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist.

(2) The rentals, fees, purchase payments, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues.

(3) The setting aside of reserves or sinking funds, and the regulation and disposition thereof.

(4) Limitations on the right of the authority or its agent to restrict and regulate the use of the project or projects to be financed out of the proceeds of the bonds or any particular issue of bonds.

(5) Limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds.

(6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the

refunding of outstanding bonds.

(7) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(8) Limitations on expenditures for operating, administrative or other expenses of the authority.

(9) Defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default.

(10) The mortgaging of any project and the site thereof for the purpose of securing the bondholders.

(11) The mortgaging of land, improvements, or other assets owned by a participating party for the purpose of securing the bondholders.

(e) Neither the members of the authority nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The authority shall have power out of any funds available therefor to purchase its bonds or notes. The authority may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with bondholders.

44543. In the discretion of the authority, any bonds issued under the provisions of this division may be secured by a trust agreement by and between the authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or projects, or any portion thereof, to be financed out of the proceeds of such bonds. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the authority authorizing bonds thereof. Any bank or trust company doing business under the laws of this state which may act as depositary of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All

expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

44544. Bonds issued under the provisions of this division shall not be deemed to constitute a debt or liability of the state or of any political subdivision thereof, other than the authority, or a pledge of the faith and credit of the state or of any such political subdivision, other than the authority, but shall be payable solely from the funds herein provided therefor. All such bonds shall contain on the face thereof a statement to the following effect:

"Neither the faith and credit nor the taxing power of the State of California is pledged to the payment of the principal of or interest on this bond."

The issuance of bonds under the provisions of this division shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Nothing in this section contained shall prevent nor be construed to prevent the authority from pledging its full faith and credit to the payment of bonds or issue of bonds authorized pursuant to this division.

44545. (a) The authority is hereby authorized to provide for the issuance of bonds of the authority for the purpose of refunding any bonds, notes, or other securities of the authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project or any portion thereof.

(b) The proceeds of any such bonds issued for the purpose of refunding outstanding bonds, notes, or other securities may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(c) Pending such use, any such escrowed proceeds may be invested and reinvested by the State Treasurer in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the

payment of the outstanding bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project may be invested and reinvested by the State Treasurer in obligations of, or guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the authority in any lawful manner.

(e) All such bonds shall be subject to the provisions of this division in the same manner and to the same extent as other bonds issued pursuant to this division.

44546. If, in the opinion of the State Treasurer, any bonds issued by the authority under the provisions of this division are adequately secured and the revenues and other funds applicable to the payments of the bonds are, or upon the acquisition, construction, or improvement of the project for which such bonds were or are to be issued, will be sufficient to pay the principal of and interest on such bonds, then the State Treasurer shall certify that such bonds are legal investments for all trust funds, the funds of all insurance companies, banks, both commercial and savings, trust companies, savings and loan associations, and investment companies, for executors, administrators, trustees, and other fiduciaries, for state school funds, and for any funds which may be invested in county, municipal, or school district bonds, and that such bonds are securities which may properly and legally be deposited with, and received by, any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now, or may hereafter be, authorized by law, including deposits to secure public funds.

44547. No liability shall be incurred by the authority beyond the extent to which moneys have been provided under this division; except that for the purposes of meeting the necessary expenses of initial organization and operation until such date as the authority derives revenues or proceeds from bonds or notes as provided under this division, the authority may borrow money as needed for such expenses from the State Water Quality Control Fund, the General Fund in the State Treasury, and the California Environmental Protection Program Fund, or from any of such funds. Such borrowed moneys shall be repaid with interest within a reasonable time after the authority receives revenues or proceeds from bonds or notes as

provided under this division.

Article 4. Construction and Leases of Facilities

44550. The authority may contract with any participating party for the construction of a project by such participating party. All such contracts for the construction of a project by a participating party shall provide that the participating party shall be responsible for the architectural and engineering design and for the construction and completion thereof subject to such standards for architectural and engineering design as may be established by the appropriate control agency specified in Section 44531, and subject to such supervision as the authority deems necessary. The authority may agree to pay the cost of such project constructed by any participating party and to advance such costs from time to time in installments or otherwise as required by the contract for the construction thereof. Title to all such projects shall be vested in the authority subject to the terms of any lease thereof to the participating party or the rights of a participating party under any contract for the purchase of such project including the payment of the purchase price under installment sales contracts.

44551. The authority may, as lessor or lessee, enter into leases and agreements with any participating party relating to the acquisition, construction, and installation of any project, including real property, buildings, equipment, and pollution control facilities of any kind or character. The terms and conditions of such leases may be as mutually agreed upon. Any such lease may provide the means or methods by which title shall vest in a participating party upon the termination of the lease and shall contain such other terms and conditions as the authority may determine. The authority is authorized to fix, revise, charge, and collect rates, rents, fees, and charges for each project. Such rates, rents, fees, and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees, and charges from all projects so as to provide funds sufficient with other revenues and moneys available therefor, if any, to do all of the following:

(a) Pay the principal of and the interest on outstanding bonds, notes, or other evidences of indebtedness of the authority issued in respect of such project as the same shall become due and payable.

(b) Create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds, notes, or other evidences of indebtedness. A sufficient amount of the revenues derived from a project may be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and interest on such bonds, notes, or other evidences of indebtedness as the same shall become due, and the redemption price or the purchase price of bonds, notes, or other evidences of indebtedness retired by call or purchase as therein provided. Such pledge shall be valid and binding

from the time when the pledge is made; the rates, rents, fees, and charges and other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement nor any other agreement nor any lease by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund may be a fund for all bonds, notes, or other evidences of indebtedness of the authority issued to finance projects of a particular participating party without distinction or priority of one over another; provided, that the authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project or projects and for the bonds issued to finance a particular project or projects and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized to other bonds, notes, or other evidences of indebtedness of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds, notes, or other evidences of indebtedness.

(c) Pay operating and administrative costs of the authority.

44552. The authority may enter into contracts of sale with any participating party covering any project financed by the authority. The purchase price pursuant to such contract of sale shall be sufficient to provide funds for all the purposes provided in Section 44551 and may be paid in installments, together with interest on the unpaid balance, or otherwise, as may be mutually agreed and set forth in such contract of sale. All payments received by the authority under any installment sales or conditional sales contract shall be applied by the authority substantially in the same manner as hereinabove provided in Section 44551 in the case of lease payments or rental charges received by the authority.

44553. All moneys received pursuant to the provisions of this division, whether as proceeds from the sale of bonds, notes, or other evidences of indebtedness or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this division. Any bank or trust company with which such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

44554. Any holder of bonds, notes, or other obligations issued

under the provisions of this division or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds, notes, or other obligations, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this division or by such resolution or trust agreement to be performed by the authority or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees, and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established, and collected.

44555. The exercise of the powers granted by this division shall be in all respects for the benefit of the people of this state, for their health and welfare, and protection of the state's environment. Any bonds, notes, or other obligations issued under the provisions of this division, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by municipalities and other political subdivisions of the state. Provided, however, that the preceding sentence shall not apply with respect to any bonds, notes or other obligations, or the income therefrom, for any period during which such bonds, notes or other obligations are held by (a) any participating party, (b) persons, organizations, trades, or businesses (whether or not incorporated, organized in this state, or affiliated with such participating party) owned or controlled, directly or indirectly, by such participating party, or (c) persons, organizations, trades or businesses (whether or not incorporated, organized in this state, or affiliated with such participating party) which own or control, directly or indirectly, such participating party.

44556. The authority shall not be required to pay any property taxes or assessments upon, or in respect to, a project or any property acquired by or for the authority under the provisions of this division or upon the income therefrom, so long as the authority holds title to such project or the property or facilities comprised in the project. The exemption of the authority from taxation of any project herein provided shall cease forthwith when title to such property is transferred from the authority to any participating party. The provisions of this section shall not exempt any participating party from taxation with respect to any project, or the property or facilities comprised in any project, which may otherwise be applicable to such participating party.

44557. Upon dissolution of the authority, the title to all properties owned by it shall vest in and become the property of the State of California.

CHAPTER 2. SUPPLEMENTAL PROVISIONS

44560. This division, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes hereof.

44561. This division shall be deemed to provide a complete, additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws; provided, that the issuance of bonds and refunding bonds under the provisions of this division need not comply with the requirements of any other law applicable to the issuance of bonds; and provided, that in the construction and acquisition of a project pursuant hereto the authority need not comply with the requirements of any other law applicable to the construction or acquisition of public works except as specifically provided in this division. Pollution control facilities and projects as defined in Section 44508 may be acquired, constructed, completed, repaired, altered, improved, or extended, and bonds may be issued for any such purposes under this division notwithstanding that any other law may provide for such acquisition, construction, completion, repair, alteration, improvement, or extension of like pollution control facilities or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

44562. The State of California does hereby pledge to and agree with the holders of any obligations issued under this division, and with those parties who may enter into contracts with the authority pursuant to the provisions of this division, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority, provided nothing herein contained shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the holders of such obligations of the authority or those entering into such contracts with the authority. The authority as agent for the state is authorized to include this pledge and undertaking for the state in such obligations or contracts.

44563. To the extent that the provisions of this division, with respect to the financing of pollution control facilities, are inconsistent with the provisions of any general statute or special act or parts thereof, with respect to the financing of pollution control facilities, the provisions of this division shall be deemed controlling.

SEC. 15. Division 28 (commencing with Section 39800) of the Health and Safety Code is repealed.

SEC. 16. Division 28 (commencing with Section 46000) is added to the Health and Safety Code, to read:

DIVISION 28. NOISE CONTROL ACT

CHAPTER 1. FINDINGS, DECLARATIONS, AND INTENT

46000. The Legislature hereby finds and declares that:

(a) Excessive noise is a serious hazard to the public health and welfare.

(b) Exposure to certain levels of noise can result in physiological, psychological, and economic damage.

(c) There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas.

(d) Government has not taken the steps necessary to provide for the control, abatement, and prevention of unwanted and hazardous noise.

(e) The State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise.

(f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare.

(g) It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare. To that end it is the purpose of this division to establish a means for effective coordination of state activities in noise control and to take such action as will be necessary to achieve the purposes of this section.

46001. No provision of this division or ruling of the Office of Noise Control is a limitation or expansion:

(a) On the power of a city, county, or city and county to adopt and enforce additional regulations, not in conflict therewith, imposing further conditions, restrictions, or limitations.

(b) On the power of any city, county, or city and county to declare, prohibit, and abate nuisances.

(c) On the power of the Attorney General, at the request of the office, the state department, or upon his own motion to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance or to protect the natural resources of the state.

(d) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(e) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any noise pollution.

46002. Nothing in this division shall be construed as giving the Office of Noise Control authority or responsibility for adopting or enforcing noise-emission standards for any product for which a regulation has been, or could be, prescribed or promulgated by the Environmental Protection Agency under the Noise Control Act of 1972.

CHAPTER 2. SHORT TITLE

46010. This division shall be known and may be cited as the California Noise Control Act of 1973.

CHAPTER 3. DEFINITIONS

46020. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of the words used in this division.

46021. "Local agency" means and includes every local agency, including a county, city, whether general law or chartered, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

46022. "Noise" means and includes excessive undesirable sound, including that produced by persons, pets and livestock, industrial equipment, construction, motor vehicles, boats, aircraft, home appliances, electric motors, combustion engines, and any other noise-producing objects.

46023. "Office" means the Office of Noise Control.

46024. "Public agency" means and includes every state agency and every local agency.

46025. "State agency" means and includes every state office, officer, department, division, bureau, board, council, commission, or other state agency.

CHAPTER 4. ESTABLISHMENT OF OFFICE

46040. There is within the state department an Office of Noise Control.

CHAPTER 5. DUTIES OF THE OFFICE

46050. The office shall, in order to protect health and well-being establish and maintain a program on noise control, including but not limited to:

(a) Determining the psychological and physical health effects of noise.

(b) Determining the physiological effects of noise upon plant and animal life.

(c) Monitoring noise.

(d) Collecting and disseminating authoritative information on adverse effects of noise and of means for its control.

(e) Developing, in cooperation with local governments, model ordinances for urban, suburban, and rural environments.

(f) Providing assistance to local governmental entities engaged in

developing and implementing noise abatement procedures.

(g) Developing criteria and guidelines for use in setting standards for human exposure to noise.

(h) Developing standards for the use of noise-producing objects in California.

(i) Developing criteria for submission to the Legislature so that state agencies may require noise control in equipment purchased for state use.

46051. The state department shall submit an annual report to the Governor and the Legislature describing accomplishments pursuant to this division, and making recommendations for any additional legislation which might be needed to implement the policies and provisions of this division.

CHAPTER 6. ASSISTANCE TO LOCAL AGENCIES

46060. It is the purpose of this chapter to encourage the enactment and enforcement of local ordinances in those areas which are most properly the responsibility of local government. It is further the purpose to insure that the state is of maximum assistance to local agencies in the discharge of those responsibilities, furnishing technical and legal expertise to assist local agencies in the enactment and enforcement of meaningful and technically sufficient noise abatement measures

46061. The office shall provide technical assistance to local agencies in combating noise pollution. Such assistance shall include but not be limited to:

(a) Advice concerning methods of noise abatement and control.

(b) Advice on training of noise control personnel.

(c) Advice on selection and operation of noise abatement equipment.

46062. The office shall provide assistance to local agencies in the preparation of model ordinances to control and abate noise. Such ordinances shall be developed in consultation with the Attorney General and with representatives of local agencies, including the County Supervisors Association of California and the League of California Cities. Any local agency which adopts any noise control ordinance shall promptly furnish a copy to the office.

CHAPTER 7. COORDINATION OF STATE AND FEDERAL ACTIVITIES

46070. The director shall promote coordination of the programs of all state agencies relating to noise research, abatement, prevention, and control. Each state agency shall, upon request, furnish to the director such information as he may reasonably require to determine the nature, scope, and results of the noise research and noise control programs of the agency.

46071. On the basis of regular consultation with appropriate state

agencies, the director shall compile and publish, from time to time, a report on the status and progress of state activities relating to noise research and noise control. This report shall describe the noise programs of each state agency and assess the contributions of those programs to the state's overall efforts to control noise.

46072. In any case where any state agency is carrying out or sponsoring any activity resulting in noise which the director determines amounts to a public nuisance or is otherwise objectionable, such agency shall consult with the director to determine possible means of abating such noise. This section does not apply to any action of a private person for which a license, permit, or other entitlement for use is required to be issued by a state agency.

46073. The Legislature authorizes and directs that all state agencies shall, to the fullest extent consistent with existing authority, administer the programs within their control in such a manner as to further the policy declared in Section 46000. This section shall not be construed to limit or expand the authority of any state agency to issue or deny a license, permit, or other entitlement for use.

46074. Each state agency authorized to adopt regulations in the area of noise control shall in the manner specified in subdivision (c) of Section 11423 of the Government Code give notice to and invite the comments of the office concerning any proposed adoption, amendment, or repeal of a regulation in the area of noise control.

46075. In accordance with the provisions of Section 11426 of the Government Code or other applicable law, the office may petition any public agency for the adoption of regulations or other measures otherwise within the authority of that public agency in the area of noise control.

46076. The Office of Noise Control shall maintain a program to insure that all state agencies are advised of available federal assistance and funds for noise control programs. The office may, at the request of individual agencies, act for them for the following purposes:

(a) Applying for federal funds which may be made available to the states for noise control programs or related research as a result of the Noise Control Act of 1972 (P.L. 92-574) or any other federal program or law.

(b) Receiving technical assistance from the Environmental Protection Agency to facilitate the development and enforcement of state noise standards and model noise legislation.

46077. The office shall maintain a program to ensure coordinated state and federal noise control programs including, but not limited to, the following:

(a) The study of federal noise regulations proposed for adoption pursuant to the Noise Control Act of 1972.

(b) The preparation of comments, evaluations, objections or the use of any other means to ensure that the federal government considers existing California noise control statutes and regulations prior to the adoption of regulations in order to prevent the adoption

of federal noise regulation weaker than existing state standards.

(c) The preparation of reports to the Legislature containing recommendations for legislation necessitated by the adoption of federal noise regulations pursuant to the Noise Control Act of 1972.

CHAPTER 8. RESEARCH AND PUBLIC INFORMATION

46080. In furtherance of his responsibilities under this division and to complement, as necessary, the noise research programs of federal agencies and of other state agencies, the director is authorized to:

(a) Conduct research, and finance research by contract with other public and private bodies, on the effects, measurement, and control of noise, including but not limited to:

(1) Investigation of the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife, and property, and determination of acceptable levels of noise on the basis of such effects.

(2) Development of improved methods and standards for measurement and monitoring of noise.

(3) Determination of the most effective and practicable means of controlling noise generation, transmission, and reception.

(b) Coordinate with and become knowledgeable concerning the noise research programs of other governmental entities including the federal government.

(c) Disseminate to the public information on the effects of noise, acceptable noise levels, and techniques for noise measurement and control.

SEC. 17. Division 30 (commencing with Section 40000) of the Health and Safety Code is repealed.

SEC. 18. Section 201.5 of the Revenue and Taxation Code is amended to read:

201.5. (a) Possessory interests in property acquired by or for the California Pollution Control Financing Authority pursuant to Division 27 (commencing with Section 44500) of the Health and Safety Code, whether in real or personal property, shall be subject to taxation under this code.

(b) If the amount determined pursuant to subdivision (a) is less than the amount of tax which would have been imposed if the participating party owned the pollution control facility, the contract or lease between the California Pollution Control Financing Authority and such party shall provide that the difference between the amount of tax paid pursuant to subdivision (a) and the amount determined on the basis of the full cash value of the property shall be paid by such party to the tax collector for the taxing agency at the same time as the property tax is paid.

SEC. 19. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part, the market value of

passenger vehicles, as defined in Section 465 of the Vehicle Code, shall be determined by the department upon the basis of the California suggested base price as herein defined and as established by the manufacturers.

(b) On all other vehicles the department shall determine the market value of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California suggested base price as herein defined in respect to any passenger vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars ($200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any such modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars ($200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars ($200) or the cost is for modifications or additions necessary to incorporate a system approved by the State Air Resources Board as meeting the emission standards set forth in subdivisions (a) and (b) of former Section 39102 and former Section 39102.5 of the Health and Safety Code as they read on December 31, 1975.

(e) This section is also applicable to a system specified in subdivision (d) approved by the State Air Resources Board as meeting the emission standards specified in subdivisions (a) and (b) of former Section 39102 and former Section 39102.5 of the Health and Safety Code as they read on December 31, 1975, for vehicles 6,001 pounds or less, manufacturer's gross vehicle weight, controlled to meet exhaust emission standards when sold new, when such a system is used in any vehicle over 6,001 pounds or any vehicle 6,001 pounds or less not controlled to meet exhaust emission standards.

(f) The temporary attachment of any camper, as defined in

Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(g) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation, as defined in Section 234 of the Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

(h) As used in this section, "suggested base price" means the retail price of the vehicle suggested by the manufacturer, plus destination charge and cost of motor vehicle pollution control devices as are required by Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, as reflected on the price listing affixed to the vehicle pursuant to the Automobile Information Disclosure Act (15 U.S.C., Secs. 1231 to 1233, inclusive), but does not include the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to such vehicle at the time of its delivery to such dealer which is not included within, but is separately added to, the retail price of such vehicle as suggested by the manufacturer.

SEC. 20. Section 2814 of the Vehicle Code is amended to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified motor vehicle pollution control devices as required by Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a seven-inch square as provided in Section 26708.

If, upon such inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

The provisions of this section relating to motor vehicle pollution control devices apply to vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 21. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due under the provisions of the Revenue and Taxation Code.

(c) When a vehicle is towed by a tow car on order of a sheriff, marshal, or other official acting pursuant to a court order or on order of a peace officer acting pursuant to the provisions of Chapter 10 (commencing with Section 22650) of Division 11, the provisions of subdivision (a) of this section shall not apply.

SEC. 22. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require, pursuant to law or regulation of the State Air Resources Board adopted pursuant to Section 43655 of the Health and Safety Code, upon initial registration, and upon transfer of ownership and registration, of any motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code.

With respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, the department shall accept a statement completed pursuant to subdivision (b) of Section 24007 in lieu of the certificate of compliance.

The provisions of this section shall not apply to a transfer of ownership and registration when the transferor is either the parent, grandparent, child, or spouse of the transferee, when a vehicle registered to a sole proprietorship is transferred to such proprietor as owner, or when the transfer is between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(b) The State Air Resources Board, under Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action.

SEC. 23. Section 4000.2 of the Vehicle Code is amended to read:

4000.2. The department shall require upon registration of a motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, previously registered outside this state, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection

station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of that part.

SEC. 24. Section 4602 of the Vehicle Code, as amended by Section 2 of Chapter 670 of the Statutes of 1974, is amended to read:

4602. Application for renewal of a vehicle registration expiring on the 31st day of December shall be made by the owner not later than midnight of the first Friday in February succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for the vehicle as provided in this code.

This section shall remain in effect only until March 8, 1976, and as of that date is repealed.

SEC. 25. Section 4602 of the Vehicle Code, as amended by Section 3 of Chapter 670 of the Statutes of 1974, is amended to read:

4602. Application for renewal of a vehicle registration shall be made by the owner not later than midnight of the expiration date, and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full registration year fee for the vehicle as provided in this code.

This section shall become operative on March 8, 1976.

SEC. 26. Section 4750 of the Vehicle Code is amended to read:

4750. The department shall refuse registration or renewal or transfer of registration upon any of the following grounds:

(a) That the application contains any false or fraudulent statement.

(b) That the required fee has not been paid.

(c) That the registration or renewal or transfer of registration is prohibited by the requirements of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code.

SEC. 27. Section 9250.5 of the Vehicle Code is amended to read:

9250.5. (a) In addition to those fees specified in this code and the Revenue and Taxation Code, there shall be paid the following fee for the original registration of a gasoline-powered vehicle, other than a motorcycle, of a 1975 or later model year, first sold and registered in California, having a compression ratio of more than 8.5 to 1:

For a vehicle having a compression ratio of:	
More than 8.5 to 1 but under 9.0 to 1	$50
9.0 to 1 or more but under 9.5 to 1	100
9.5 to 1 or more but under 10.0 to 1	150
10.0 to 1 or more but under 10.5 to 1	200
10.5 to 1 or more but under 11.0 to 1	250
11 to 1 or more	300

(b) Subdivision (a) shall not apply to such a motor vehicle whose emission of pollutants is within the allowable limits established by law or regulation.

(c) All fees received by the department pursuant to this section shall be deposited in the Air Pollution Control Fund in the State Treasury. All money deposited in the fund pursuant to this section shall augment the money appropriated by Section 43013 of the Health and Safety Code to finance studies and projects designed to reduce or eliminate motor-vehicle-caused air pollution.

SEC. 28. Section 11519 of the Vehicle Code is amended to read:

11519. No vehicle which has been reported dismantled may be subsequently registered until there is submitted to the department with the prescribed bill of sale an appropriate application, official lamp and brake adjustment certificates issued by an official lamp and brake adjusting station licensed by the Department of Consumer Affairs, other documents and fees required, and a certificate of inspection of safety glazing material signed by an employee of the Department of Motor Vehicles, and, with respect to any motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of that part.

SEC. 29. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is either (1) sold to another dealer, or (2) sold for the purpose of being wrecked or dismantled, or (3) sold exclusively for off-highway use.

(b) No person shall sell a new or used motor vehicle subject to the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code which is not in compliance with the provisions of that part and the rules and regulations of the State Air Resources Board, unless the vehicle is either (1) sold to a dealer, or (2) sold for the purpose of being wrecked or dismantled. A dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to that part, transmit to the Department of Motor Vehicles, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of that part.

With respect to new vehicles having a gross vehicle weight of 6,001 pounds or less, a dealer may transmit, in lieu of such certificate of compliance, a statement, in the form approved by the commissioner,

signed by the dealer indicating that the dealer has made no carburetor or ignition adjustment or other alteration or modification of the vehicle's exhaust emission control device or system.

SEC. 30. Section 24007.5 of the Vehicle Code is amended to read:

24007.5. (a) Except as otherwise provided in subdivisions (c), (d), and (e), no auctioneer or public agency shall sell, at public auction, any vehicle specified in subdivision (a) of Section 24007, which is not in compliance with the provisions of this code, unless the vehicle is sold to a dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) Except as otherwise provided in subdivision (e), any auctioneer or public agency which sells, at public auction, any vehicle specified in subdivision (b) of Section 24007, shall provide each bidder with a notice in writing that a certificate of compliance is required to be obtained, certifying that the vehicle complies with the provisions of Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, before such vehicle may be registered in this state, unless the vehicle is sold to a dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(c) If, in the opinion of an auctioneer or public agency, the cost of repairs to a vehicle exceeds the value of the vehicle to the auctioneer or agency, the auctioneer or agency shall, as transferee or owner, surrender the certificates of registration and ownership and license plates last issued for such vehicle to the Department of Motor Vehicles as provided under Section 11521 of this code.

(d) The auctioneer or agency having complied with the provisions of subdivision (c) of this section shall, upon sale of such vehicle, give to the purchaser a bill of sale which shall include, in addition to any other required information, the last issued license plate number.

(e) The provisions of subdivisions (a) and (b) do not apply to any judicial sale conducted pursuant to a writ of execution or order of court.

SEC. 31. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a motor vehicle pollution control device under Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emission Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

No person shall install, sell, offer for sale, or advertise any device,

apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"Willfully," as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:

(1) To not reduce the effectiveness of any required motor vehicle pollution control device; or

(2) To result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

The provisions of this section apply to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 32. Section 27156.1 of the Vehicle Code is amended to read:

27156.1. The installation, prior to January 1, 1974, of an auxiliary gasoline fuel tank for use on a 1973 or earlier model year motor vehicle, which vehicle is required, pursuant to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code or the National Emission Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive), to be equipped with a fuel system evaporative loss control device, shall not be deemed a violation of Section 27156 of this code. As used in this section, the term "auxiliary gasoline fuel tank," has the same meaning as defined in subdivision (b) of Section 43834 of the Health and Safety Code.

SEC. 33. Section 3 of Chapter 1599 of the Statutes of 1970 is repealed.

SEC. 34. It is the intent of the Legislature that the enactment of this act shall have no effect on litigation in progress on January 1, 1976, with respect to any statutory provision which is amended, amended and renumbered, or repealed by this act.

It is the further intent of the Legislature that the enactment of this act shall have no effect on the decision of the court in the case of

Western Oil and Gas Association v. Orange County Air Pollution Control District, 14 Cal. 3d 411.

SEC. 35. Any section of any act enacted by the Legislature during the 1975–76 Regular Session which takes effect on or before January 1, 1976, and which amends, amends and renumbers, or repeals a section amended, amended and renumbered, or repealed by this act, shall prevail over this act, whether such act is enacted prior or subsequent to the enactment of this act.

SEC. 36. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 958

An act to amend Section 14311 of, and to add Section 14132.9 to, the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 14132.9 is added to the Welfare and Institutions Code, to read:

14132.9. Notwithstanding subdivision (h) of Section 14132, any utilization controls imposed under such subdivision shall not include mandatory examination by any person not licensed as a dentist under the Dental Practice Act.

SEC. 2. Section 14311 of the Welfare and Institutions Code is amended to read:

14311. Prepaid health plans and pilot programs established pursuant to Section 14310, the services they provide and the persons receiving such services shall not be subject to the limitations on services set forth in Section 14132, or the provisions of subdivision (c), (d), (e), and (f) of Section 14120, or the fifth paragraph of Section 14105.

Nothing in this section or in Section 14310 shall relieve the director of his responsibility to provide the basic and supplemental benefits provided for in Section 14132.

SEC. 3. There is hereby appropriated from the General Fund for transfer to the Health Care Deposit Fund the sum of two million dollars ($2,000,000) to be used without regard to fiscal year to provide dentures for recipients of the Medical Assistance Program

for whom denture requests have been submitted on or before December 31, 1975.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to meet the minimum dental care needs of the state's population eligible for Medi-Cal, it is necessary that this act go into effect immediately.

CHAPTER 959

An act to amend Section 23101 of the Education Code, and to amend Sections 9027, 9029, 11126, 54952.3, and 54957 of, and to add Sections 9028.5, 11125.1, 11130.5, 54957.1, and 54960.5 to, the Government Code, relating to meetings.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 23101 of the Education Code is amended to read:

23101. All meetings of the Regents of the University of California shall, except as otherwise provided in this section, be open to the public. The corporation shall establish the time and place for holding regular meetings, but may, as occasioned by necessity, hold special meetings. Public notice shall be given for such meetings. Such notice shall be given by notifying any newspaper of general circulation or any television or radio station, and shall be delivered personally or by mail so that the notice may be published or broadcast at least 24 hours before the time of such meeting.

The Regents of the University of California may also hold executive sessions when it meets to consider or discuss: (a) matters relating to or affecting the national security; (b) the conferring of honorary degrees or other honors or commemorations; (c) those matters involving gifts, devises and bequests; (d) matters involving purchase and sale of investments for endowment and pension funds; (e) matters involving litigation when discussion in open session concerning such matters would adversely affect or be detrimental to the public interest; (f) matters involving acquisition and disposition of property; (g) matters relating to the appointment, employment, performance, compensation, or dismissal of officers and employees, excluding individual regents other than the president of the university; and (h) matters relating to complaints or charges brought against officers or employees of the university, excluding individual regents other than the president of the university unless such officer

or employee requests a public hearing. There also may be excluded from any such public or private meeting during the examination of a witness, any or all other witnesses in the matter being investigated.

SEC. 2. Section 9027 of the Government Code is amended to read:

9027. All meetings of the Assembly and Senate and the committees and subcommittees thereof, and any conference committee, shall be open and public and all the proceedings shall be conducted openly so that the public may remain informed, except as otherwise provided in this article.

All meetings of any conference committee shall be open to press representatives accredited by the Joint Rules Committee.

SEC. 3. Section 9029 of the Government Code is amended to read:

9029. Nothing contained in this article shall be construed to prevent: the Assembly or the Senate or a committee or subcommittee thereof from holding executive sessions to consider the appointment of members to committees or to the chairmanship or vice chairmanship thereof, or to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee, or an elected public official, or to consider matters relating to internal house management, or to consider assignment of bills to committee, or affecting the safety and security of the State Capitol or Members of the Legislature, its staff and employees, or the Members of the Assembly or the Senate from meeting privately in caucus with members of their own political party.

SEC. 4. Section 11125.1 is added to the Government Code, to read:

11125.1. (a) Notwithstanding any other provision of this chapter, agendas of public meetings and copies of public documents, or summaries thereof, which are to be discussed or considered at a public meeting of a state agency shall be made available to the public by the state agency prior to the commencement of such meeting; provided, however, that the state agency may charge a reasonable fee, not to exceed the actual costs of reproduction, for documents furnished pursuant to this subdivision; and further provided that this section shall not include written memoranda prepared for a state agency, or its members, by an attorney holding a fiduciary relationship to such agency.

(b) Any state agency shall publicly report at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any executive session of the state agency.

SEC. 5. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment,

employment or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

For the purposes of this section, the term "employee" shall not include any person who is elected to, or appointed to a public office by, any state agency; provided, however, that officers of the California State University and Colleges who receive compensation for their services other than per diem and ordinary and necessary expenses shall, when engaged in such capacity, be considered employees.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic

Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the Teachers' Retirement Board of the State Teachers' Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

Nothing in this article shall be construed to prevent the Public Utilities Commission from holding executive sessions to deliberate on the institution of proceedings, disciplinary actions against regulated utilities, or litigation.

SEC. 6. Section 11130.5 is added to the Government Code, to read:

11130.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 11130 where it is found that a state agency has violated the provisions of this article. Such costs and fees shall be paid by the state agency and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 11130 where the

defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

SEC. 7. Section 54952.3 of the Government Code is amended to read:

54952.3. As used in this chapter "legislative body" also includes any advisory commission, advisory committee or advisory body of a local agency, created by charter, ordinance, resolution, or by any similar formal action of a governing body or member of such governing body of a local agency.

Meetings of such advisory commissions, committees or bodies concerning subjects which do not require an examination of facts and data outside the territory of the local agency shall be held within the territory of the local agency and shall be open and public, and notice thereof must be delivered personally or by mail at least 24 hours before the time of such meeting to each person who has requested, in writing, notice of such meeting.

If the advisory commission, committee or body elects to provide for the holding of regular meetings, it shall provide by bylaws, or by whatever other rule is utilized by that advisory body for the conduct of its business, for the time and place for holding such regular meetings. No other notice of regular meetings is required.

"Legislative body" as defined in this section does not include a committee composed solely of members of the governing body of a local agency which are less than a quorum of such governing body.

The provisions of Sections 54954, 54955, 54955.1, and 54956 shall not apply to meetings under this section.

SEC. 8. Section 54957 of the Government Code is amended to read:

54957. Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding executive sessions with the Attorney General, district attorney, sheriff, or chief of police, or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities, or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. The legislative body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

For the purposes of this section, the term "employee" shall not include any person appointed to an office by the legislative body of a local agency; provided, however, that nonelective positions of city manager, county administrator, city attorney, county counsel, or a department head or other similar administrative officer of a local agency shall be considered employee positions; and provided,

further that nonelective positions of general manager, chief engineer, legal counsel, district secretary, auditor, assessor, treasurer or tax collector of any governmental district supplying services within limited boundaries shall be deemed employee positions.

Nothing in this chapter shall be construed to prevent any board, commission, committee, or other body organized and operated by any private organization as defined in Section 54952 from holding executive sessions to consider (a) matters affecting the national security, or (b) the appointment, employment or dismissal of an employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. Said body also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

SEC. 9. Section 54957.1 is added to the Government Code, to read:

54957.1. The legislative body of any local agency shall publicly report at a subsequent public meeting any action taken, and the rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any executive session of the legislative body.

SEC. 10. Section 54960.5 is added to the Government Code, to read:

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 where it is found that the local agency has violated the provisions of this article. Such costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

SEC. 11. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any programs or performing any service required to be carried on or performed by it by this act.

CHAPTER 960

An act to amend Sections 5150, 5303.1, and 7325 of, and to add Sections 4014.5, 5152.1, 5152.2, 5358.6, 5369.1, 5370.1, 5371, 5402, and 5404 to, the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 4014.5 is added to the Welfare and Institutions Code, to read:

4014.5. In order to assure an adequate number of qualified psychiatrists and psychologists with forensic skills, the State Department of Health shall plan with the University of California, private universities, and the Post-Secondary Education Commission, for the development of programs for the training of psychiatrists and psychologists with forensic skills.

SEC. 2. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. When any person, as a result of mental disorder, is a danger to others, or to himself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, such person shall be liable in a civil action for intentionally giving a statement which he knows to be false.

SEC. 3. Section 5152.1 is added to the Welfare and Institutions Code, to read:

5152.1. The professional person in charge of the facility providing 72-hour evaluation and treatment, or his designee, shall notify the county mental health director or his designee and the peace officer who makes the written application pursuant to Section 5150 if both of the following conditions apply:

(a) The peace officer requests such notification at the time he makes the application and he certifies in writing that the person has been referred to the facility under circumstances in which a criminal charge might be filed.

(b) The person admitted pursuant to such application is not detained by the facility or is detained for a period less than the full period of allowable detention in the 72-hour facility.

SEC. 4. Section 5152.2 is added to the Welfare and Institutions Code, to read:

5152.2. Each law enforcement agency within a county shall

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arrange with the county mental health director a method for giving prompt notification to peace officers pursuant to Section 5152.1.

SEC. 5. Section 5303.1 of the Welfare and Institutions Code is amended to read:

5303.1. For the purposes of any hearing or jury trial held pursuant to this article, the judge of the court in which such hearing or trial is held may appoint a psychiatrist or psychologist with forensic skills. Such psychiatrist or psychologist shall personally examine the person named in the petition. Such a forensic psychiatrist or psychologist shall testify at the hearing or jury trial concerning the mental condition of the person named in the petition and the threat of substantial physical harm to other beings such person presents, and neither the professional person or his designee who petitioned for the additional period of treatment nor of the physicians providing intensive treatment shall be required, unless the person named in the petition chooses to subpoena such persons, to be present at the hearing or jury trial.

If a psychiatrist or psychologist with forensic skills is not appointed pursuant to this section the person named in the petition may, upon advice of counsel, waive the presence at the hearing or at the jury trial of the professional person or his designee who petitioned for the additional period of treatment and the physicians providing intensive treatment. In the event of such waiver, such professional person, his designee, or other physicians shall not be required to be present at the hearing if it is stipulated that the certification, supporting affidavit and records of such physicians concerning the mental condition of the person named in the petition will be received in evidence.

SEC. 6. Section 5358.6 is added to the Welfare and Institutions Code, to read:

5358.6. Any conservator who has the right, as specified in a court order, to place his conservatee in an inpatient facility pursuant to Section 5358, may also require the conservatee to undergo outpatient treatment. Before doing so, the conservator shall obtain the agreement of the person in charge of a mental health facility that the conservatee will receive outpatient treatment and that the person in charge of the facility will designate a person to be the outpatient supervisor of the conservatee. The person in charge of these facilities shall notify the county mental health director or his designee of such agreement. At 90-day intervals following the commencement of the outpatient treatment, the outpatient supervisor shall make a report in writing to the conservator and to the person in charge of the mental health facility setting forth the status and progress of the conservatee.

SEC. 7. Section 5369.1 is added to the Welfare and Institutions Code, to read:

5369.1. The Director of Health shall by regulation, establish maximum caseload levels for each caseworker for public agencies responsible for conservatorship investigation and for case

management of conservatees.

SEC. 8. Section 5370.1 is added to the Welfare and Institutions Code, to read:

5370.1. The court in which a petition to establish a conservatorship is filed may appoint the county counsel or a private attorney to represent a private conservator in all proceedings connected with the conservatorship, if it appears that the conservator has insufficient funds to obtain the services of a private attorney.

SEC. 9. Section 5371 is added to the Welfare and Institutions Code, to read:

5371. No person upon whom a duty is placed to evaluate, or who, in fact, does evaluate a conservatee for any purpose under this chapter shall have a financial or other beneficial interest in the facility where the conservatee is to be, or has been placed.

SEC. 10. Section 5402 is added to the Welfare and Institutions Code, to read:

5402. The State Department of Health shall collect and publish annually quantitative information concerning the operation of this division including the number of persons admitted for 72-hour evaluation and treatment, 14-day intensive treatment, and 90-day postcertification intensive treatment, the number of persons transferred to mental health facilities pursuant to Section 4011.6 of the Penal Code, the number of persons for whom temporary conservatorships are established, and the number of persons for whom conservatorships are established in each county.

Each local mental health director, and each facility providing services to persons pursuant to this division shall provide the department, upon its request, with such information, records and reports as the department deems necessary for the purposes of this section. The department shall not have access to any patient name identifiers.

Information published pursuant to this section shall not contain patient name identifiers and shall contain statistical data only.

The department shall make such reports available to medical, legal, and other professional groups involved in the implementation of this division.

SEC. 11. Section 5404 is added to the Welfare and Institutions Code, to read:

5404. Each county may designate facilities, which are not hospitals or clinics, as 72-hour evaluation and treatment facilities and as 14-day intensive treatment facilities if such facilities meet such requirements as the Director of Health shall establish by regulation. The Director of Health shall encourage the use by counties of appropriate facilities, which are not hospitals or clinics, for the evaluation and treatment of patients pursuant to this part.

SEC. 12. Section 7325 of the Welfare and Institutions Code is amended to read:

7325. When any patient committed by a court to a state hospital

or other institution on or before June 30, 1969, or when any patient who is judicially committed on or after July 1, 1969, or when any patient who is involuntarily detained pursuant to Part 1 (commencing with Section 5000) of Division 5 escapes from any state hospital, any hospital or facility operated by or under the Veterans' Administration of the United States government, or any facility designated by a county pursuant to said Part 1, or any facility into which the patient has been placed by his conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, or when a judicially committed patient's return from leave of absence has been authorized or ordered by the State Department of Health or the facility of the Veterans' Administration, any peace officer, upon written request of the state hospital, veterans' facility, or the facility designated by a county, or the patient's conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, shall without the necessity of a warrant or court order, or any officer or employee of the State Department of Health designated to perform such duties may, apprehend, take into custody and deliver him to the state hospital or to a facility of the Veterans' Administration, or the facility designated by a county, or to any person or place authorized by the State Department of Health, or by the Veterans' Administration, or the local director of the county mental health program of the county in which is located the facility designated by the county, or the patient's conservator appointed pursuant to Chapter 3 (commencing with Section 5350), Part 1, Division 5, of this code, as the case may be, to receive him. Every officer or employee of the State Department of Health designated to apprehend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means the persons specified in Section 830.1 of the Penal Code.

The written notification of the escape required by this section shall include the name and physical description of the patient, his home address, the degree of dangerousness of the patient and any additional information which is necessary to apprehend and return the patient. Any officer or employee of a state hospital, hospital or facility operated by or under the Veterans' Administration, or any facility designated by a county pursuant to Part 1 (commencing with Section 5000) of Division 5 shall provide any peace officer with any information concerning any patient who escapes from such hospital or facility in order to assist in the apprehension and return of the patient.

The person in charge of such hospital or facility, or his designee, may provide telephonic notification of the escape to the law enforcement agency of the county or city in which the hospital or facility is located. If such notification is given, the time and date of notification, the person notified, and the person making the notification shall be noted in the written notification required by this section.

SEC. 14. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the additional net costs, if any, imposed on local government by this act are insignificant in nature and will not cause any financial burden on local government.

CHAPTER 961

An act to repeal Article 5 (commencing with Section 13080) of Chapter 1 of Division 10 of the Education Code, and to add Chapter 10.7 (commencing with Section 3540) to Division 4 of Title 1 of the Government Code, relating to public educational employment relations, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 22, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 13080) of Chapter 1 of Division 10 of the Education Code is repealed.

SEC. 2. Chapter 10.7 (commencing with Section 3540) is added to Division 4 of Title 1 of the Government Code, to read:

CHAPTER 10.7. MEETING AND NEGOTIATING IN PUBLIC EDUCATIONAL EMPLOYMENT

Article 1. General Provisions

3540. It is the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of California by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy. Nothing contained herein shall be deemed to supersede other provisions of the Education Code and the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations, so long as the rules and regulations or other methods of the public school employer do not conflict with lawful collective agreements.

It is the further intention of the Legislature that nothing contained in this chapter shall be construed to restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the administration and governing board of such school district with respect to district policies on academic and professional matters, so long as the exercise of such functions do not conflict with lawful collective agreements.

It is the further intention of the Legislature that any legislation enacted by the Legislature governing employer-employee relations of other public employees shall be incorporated into this chapter to the extent possible. The Legislature also finds and declares that it is an advantageous and desirable state policy to expand the jurisdiction of the board created pursuant to this chapter to cover other public employers and their employees, in the event that such legislation is enacted, and if this policy is carried out, the name of the Educational Employment Relations Board shall be changed to the "Public Employment Relations Board."

3540.1. As used in this chapter:

(a) "Board" means the Educational Employment Relations Board created pursuant to Section 3541.

(b) "Certified organization" or "certified employee organization" means an organization which has been certified by the board as the exclusive representative of the public school employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3544).

(c) "Confidential employee" means any employee who, in the regular course of his duties, has access to, or possesses information relating to, his employer's employer-employee relations.

(d) "Employee organization" means any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer. "Employee organization" shall also include any person such an organization authorizes to act on its behalf.

(e) "Exclusive representative" means the employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of a public school employer.

(f) "Impasse" means that the parties to a dispute over matters within the scope of representation have reached a point in meeting and negotiating at which their differences in positions are so substantial or prolonged that future meetings would be futile.

(g) "Management employee" means any employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the public school employer subject to review by the Educational Employment Relations Board.

(h) "Meeting and negotiating" means meeting, conferring,

negotiating, and discussing by the exclusive representative and the public school employer in a good faith effort to reach agreement on matters within the scope of representation and the execution, if requested by either party, of a written document incorporating any agreements reached, which document shall, when accepted by the exclusive representative and the public school employer, become binding upon both parties and, notwithstanding Section 3543.7, shall not be subject to subdivision 2 of Section 1667 of the Civil Code. The agreement may be for a period of not to exceed three years.

(i) "Organizational security" means either:

(1) An arrangement pursuant to which a public school employee may decide whether or not to join an employee organization, but which requires him, as a condition of continued employment, if he does join, to maintain his membership in good standing for the duration of the written agreement. However, no such arrangement shall deprive the employee of the right to terminate his obligation to the employee organization within a period of 30 days following the expiration of a written agreement; or

(2) An arrangement that requires an employee, as a condition of continued employment, either to join the recognized or certified employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of such organization for the duration of the agreement, or a period of three years from the effective date of such agreement, whichever comes first.

(j) "Public school employee" or "employee" means any person employed by any public school employer except persons elected by popular vote, persons appointed by the Governor of this state, management employees, and confidential employees.

(k) "Public school employer" or "employer" means the governing board of a school district, a school district, a county board of education, or a county superintendent of schools.

(*l*) "Recognized organization" or "recognized employee organization" means an employee organization which has been recognized by an employer as the exclusive representative pursuant to Article 5 (commencing with Section 3544).

(m) "Supervisory employee" means any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

Article 2. Administration

3541. (a) There is in state government the Educational Employment Relations Board which shall be independent of any

state agency and shall consist of three members. The members of the board shall be appointed by the Governor by and with the advice and consent of the Senate. One of the original members shall be chosen for a term of one year, one for a term of three years, and one for a term of five years. Thereafter terms shall be for a period of five years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Members of the board shall be eligible for reappointment. The Governor shall select one member to serve as chairperson. A member of the board may be removed by the Governor upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the commission, and two members of the board shall at all times constitute a quorum.

(c) Members of the board shall hold no other public office in the state, and shall not receive any other compensation for services rendered.

(d) Each member of the board shall be paid an annual salary of thirty-six thousand dollars ($36,000). In addition to his salary, each member of the board shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his duties, subject to the rules of the State Board of Control relative to the payment of such expenses to state officers generally.

(e) The board shall appoint an executive director and such other persons as it may from time to time deem necessary for the performance of its functions, prescribe their duties, fix their compensation and provide for reimbursement of their expenses in the amounts made available therefor by appropriation. The executive director shall be a person familiar with employer-employee relations. He shall be subject to removal at the pleasure of the board. The board may employ a general counsel to assist it in the performance of its functions under this chapter. A person so employed may, independently of the Attorney General, represent the board in any litigation or other matter pending in a court of law to which the board is a party or in which it is otherwise interested.

3541.3. The board shall have all of the following powers and duties:

(a) To determine in disputed cases, or otherwise approve, appropriate units.

(b) To determine in disputed cases whether a particular item is within or without the scope of representation.

(c) To arrange for and supervise representation elections which shall be conducted by means of secret ballot elections, and certify the results of the elections.

(d) To establish lists of persons broadly representative of the public and qualified by experience to be available to serve as mediators, arbitrators, or factfinders. In no case shall such lists

include persons who are on the staff of the board.

(e) To establish by regulation appropriate procedures for review of proposals to change unit determinations.

(f) Within its discretion, to conduct studies relating to employee-employer relations, including the collection, analyses, and making available of data relating to wages, benefits, and employment practices in public and private employment, and, when it appears necessary in its judgment to the accomplishment of the purposes of this chapter, recommend legislation. The board shall report to the Legislature by February 15th of each year on its activities during the immediately preceding calendar year. The board may enter into contracts to develop and maintain research and training programs designed to assist public employers and employee organizations in the discharge of their mutual responsibilities under this chapter.

(g) To adopt, pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2, rules and regulations to carry out the provisions and effectuate the purposes and policies of this chapter.

(h) To hold hearings, subpoena witnesses, administer oaths, take the testimony or deposition of any person, and, in connection therewith, to issue subpoenas duces tecum to require the production and examination of any employer's or employee organization's records, books, or papers relating to any matter within its jurisdiction.

(i) To investigate unfair practice charges or alleged violations of this chapter, and take such action and make such determinations in respect of such charges or alleged violations as the board deems necessary to effectuate the policies of this chapter.

(j) To bring an action in a court of competent jurisdiction to enforce any of its orders decisions or rulings or to enforce the refusal to obey a subpoena. Upon issuance of a complaint charging that any person has engaged in or is engaging in an unfair practice, the board may petition the court for appropriate temporary relief or restraining order.

(k) To delegate its powers to any member of the board or to any person appointed by the board for the performance of its functions, except that no fewer than two board members may participate in the determination of any ruling or decision on the merits of any dispute coming before it and except that a decision to refuse to issue a complaint shall require the approval of two board members.

(*l*) To decide contested matters involving recognition, certification, or decertification of employee organizations.

(m) To consider and decide issues relating to rights, privileges, and duties of an employee organization in the event of a merger, amalgamation, or transfer of jurisdiction between two or more employee organizations.

(n) To take such other action as the board deems necessary to discharge its powers and duties and otherwise to effectuate the purposes of this chapter.

3541.4. Any person who shall willfully resist, prevent, impede or interfere with any member of the board, or any of its agents, in the performance of duties pursuant to this chapter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars ($1,000).

3541.5. The initial determination as to whether the charges of unfair practices are justified, and, if so, what remedy is necessary to effectuate the purposes of this chapter, shall be a matter within the exclusive jurisdiction of the board. Procedures for investigating, hearing, and deciding these cases shall be devised and promulgated by the board and shall include all of the following:

(a) Any employee, employee organization, or employer shall have the right to file an unfair practice charge, except that the board shall not do either of the following: (1) issue a complaint in respect of any charge based upon an alleged unfair practice occurring more than six months prior to the filing of the charge; (2) issue a complaint against conduct also prohibited by the provisions of the agreement between the parties until the grievance machinery of the agreement, if it exists and covers the matter at issue, has been exhausted, either by settlement or binding arbitration. However, when the charging party demonstrates that resort to contract grievance procedure would be futile, exhaustion shall not be necessary. The board shall have discretionary jurisdiction to review such settlement or arbitration award reached pursuant to the grievance machinery solely for the purpose of determining whether it is repugnant to the purposes of this chapter. If the board finds that such settlement or arbitration award is repugnant to the purposes of this chapter, it shall issue a complaint on the basis of a timely filed charge, and hear and decide the case on the merits; otherwise, it shall dismiss the charge. The board shall, in determining whether the charge was timely filed, consider the six-month limitation set forth in this subdivision to have been tolled during the time it took the charging party to exhaust the grievance machinery.

(b) The board shall not have authority to enforce agreements between the parties, and shall not issue a complaint on any charge based of alleged violation of such a agreement that would not also constitute an unfair practice under this chapter.

(c) The board shall have the power to issue a decision and order directing an offending party to cease and desist from the unfair practice and to take such affirmative action, including but not limited to the reinstatement of employees with or without back pay, as will effectuate the policies of this chapter.

Article 3. Judicial Review

3542 (a) No employer or employee organization shall have the right to judicial review of a unit determination except: (1) when the board in response to a petition from an employer or employee organization, agrees that the case is one of special importance and

joins in the request for such review; or (2) when the issue is raised as a defense to an unfair practice complaint.

(b) Any charging party, respondent, or intervenor aggrieved by a decision or order of the board in an unfair practice case, except a decision of the board not to issue a complaint in such a case, shall have the right to seek review in a court of competent jurisdiction. Additionally, the board shall have the right to seek enforcement of any decision or order in a court of competent jurisdiction. The findings of the board on questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Once the record of the case has been filed with the court of competent jurisdiction, its jurisdiction shall be exclusive and its judgment final, except that it shall be subject to appeal to higher courts in this state.

Article 4. Rights, Obligations, Prohibitions, and Unfair Practices

3543. Public school employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public school employees shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public school employer, except that once the employees in an appropriate unit have selected an exclusive representative and it has been recognized pursuant to Section 3544.1 or certified pursuant to Section 3544.7, no employee in that unit may meet and negotiate with the public school employer.

Any employee may at any time present grievances to his employer, and have such grievances adjusted, without the intervention of the exclusive representative, as long as the adjustment is reached prior to arbitration pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8 and the adjustment is not inconsistent with the terms of a written agreement then in effect; provided that the public school employer shall not agree to a resolution of the grievance until the exclusive representative has received a copy of the grievance and the proposed resolution and has been given the opportunity to file a response.

3543.1. (a) Employee organizations shall have the right to represent their members in their employment relations with public school employers, except that once an employee organization is recognized or certified as the exclusive representative of an appropriate unit pursuant to Section 3544.1 or 3544.7, respectively, only that employee organization may represent that unit in their employment relations with the public school employer. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of

individuals from membership.

(b) Employee organizations shall have the right of access at reasonable times to areas in which employees work, the right to use institutional bulletin boards, mailboxes, and other means of communication, subject to reasonable regulation, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of the rights guaranteed by this chapter.

(c) A reasonable number of representatives of an exclusive representative shall have the right to receive reasonable periods of released time without loss of compensation when meeting and negotiating and for the processing of grievances.

(d) All employee organizations shall have the right to have membership dues deducted pursuant to Sections 13532 and 13604.2 of the Education Code, until such time as an employee organization is recognized as the exclusive representative for any of the employees in an appropriate unit, and then such deduction as to any employee in the negotiating unit shall not be permissible except to the exclusive representative.

3543.2. The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment. "Terms and conditions of employment" mean health and welfare benefits as defined by Section 53200, leave and transfer policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security pursuant to Section 3546, and procedures for processing grievances pursuant to Sections 3548.5, 3548.6, 3548.7, and 3548.8. In addition, the exclusive representative of certificated personnel has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent such matters are within the discretion of the public school employer under the law. All matters not specifically enumerated are reserved to the public school employer and may not be a subject of meeting and negotiating, provided that nothing herein may be construed to limit the right of the public school employer to consult with any employees or employee organization on any matter outside the scope of representation.

3543.3. A public school employer or such representatives as it may designate who may, but need not be, subject to either certification requirements or requirements for classified employees set forth in the Education Code, shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation.

3543.4. No person serving in a management position or a confidential position shall be represented by an exclusive representative. Any person serving in such a position shall have the right to represent himself individually or by an employee organization whose membership is composed entirely of employees

designated as holding such positions, in his employment relationship with the public school employee, but, in no case, shall such an organization meet and negotiate with the public school employer. No representative shall be permitted by a public school employer to meet and negotiate on any benefit or compensation paid to persons serving in a management position or a confidential position.

3543.5. It shall be unlawful for a public school employer to:

(a) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

(b) Deny to employee organizations rights guaranteed to them by this chapter.

(c) Refuse or fail to meet and negotiate in good faith with an exclusive representative.

(d) Dominate or interfere with the formation or administration of any employee organization, or contribute financial or other support to it, or in any way encourage employees to join any organization in preference to another.

(e) Refuse to participate in good faith in the impasse procedure set forth in Article 9 (commencing with Section 3548).

3543.6. It shall be unlawful for an employee organization to:

(a) Cause or attempt to cause a public school employer to violate Section 3543.5.

(b) Impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their exercise of rights guaranteed by this chapter.

(c) Refuse or fail to meet and negotiate in good faith with a public school employer of any of the employees of which it is the exclusive representative.

(d) Refuse to participate in good faith in the impasse procedure set forth in Article 9 (commencing with Section 3548).

3543.7. The duty to meet and negotiate in good faith requires the parties to begin negotiations prior to the adoption of the final budget for the ensuing year sufficiently in advance of such adoption date so that there is adequate time for agreement to be reached, or for the resolution of an impasse.

Article 5. Employee Organizations: Representation, Recognition, Certification, and Decertification

3544. An employee organization may become the exclusive representative for the employees of an appropriate unit for purposes of meeting and negotiating by filing a request with a public school employer alleging that a majority of the employees in an appropriate unit wish to be represented by such organization and asking the public school employer to recognize it as the exclusive representative. The request shall describe the grouping of jobs or

positions which constitute the unit claimed to be appropriate and shall include proof of majority support on the basis of current dues deduction authorizations or other evidence such as notarized membership lists, or membership cards, or petitions designating the organization as the exclusive representative of the employees. Notice of any such request shall immediately be posted conspicuously on all employee bulletin boards in each facility of the public school employer in which members of the unit claimed to be appropriate are employed.

3544.1. The public school employer shall grant a request for recognition filed pursuant to Section 3544 unless:

(a) The public school employer desires that representation election be conducted or doubts the appropriateness of a unit. If the public school employer desires a representation election, the question of representation shall be deemed to exist and the public school employer shall notify the board, which shall conduct a representation election pursuant to Section 3544.7, unless subdivision (c) or (d) apply; or

(b) Another employee organization either files with the public school employer a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 workdays of the posting of notice of the written request. The claim shall be evidenced by current dues deductions authorizations or other evidence such as notarized membership lists, or membership cards, or petitions signed by employees in the unit indicating their desire to be represented by the organization. If the claim is evidenced by the support of at least 30 percent of the members of an appropriate unit, a question of representation shall be deemed to exist and the public school employer shall notify the board which shall conduct a representation election pursuant to Section 3544.7, unless subdivisions (c) or (d) of this section apply; or

(c) There is currently in effect a lawful written agreement negotiated by the public school employer and another employee organization covering any employees included in the unit described in the request for recognition, unless the request for recognition is filed less than 120 days, but more than 90 days, prior to the expiration date of the agreement; or

(d) The public school employer has, within the previous 12 months, lawfully recognized another employee organization as the exclusive representative of any employees included in the unit described in the request for recognition.

3544.3. If, by January 1 of any school year, no employee organization has made a claim of majority support in an appropriate unit pursuant to Section 3544, a majority of employees of an appropriate unit may submit to a public school employer a petition signed by at least a majority of the employees in the appropriate unit requesting a representation election. An employee may sign such a petition though not a member of any employee organization.

Upon the filing of such a petition, the public school employer shall

immediately post a notice of such request upon all employee bulletin boards at each school or other facility in which members of the unit claimed to be appropriate are employed.

Any employee organization shall have the right to appear on the ballot if, within 15 workdays after the posting of such notice, it makes the showing of interest required by subdivision (b) of Section 3544.1.

Immediately upon expiration of the 15-workday period following the posting of the notice, the public school employer shall transmit to the board the petition and the names of all employee organizations that have the right to appear on the ballot.

3544.5. A petition may be filed with the board, in accordance with its rules and regulations, requesting it to investigate and decide the question of whether employees have selected or wish to select an exclusive representative or to determine the appropriateness of a unit, by:

(a) A public school employer alleging that it doubts the appropriateness of the claimed unit; or

(b) An employee organization alleging that it has filed a request for recognition as an exclusive representative with a public school employer and that the request has been denied or has not been acted upon within 30 days after the filing of the request; or

(c) An employee organization alleging that it has filed a competing claim of representation pursuant to subdivision (b) of Section 3544.1; or

(d) An employee organization alleging that the employees in an appropriate unit no longer desire a particular employee organization as their exclusive representative, provided that such petition is supported by current dues deduction authorizations or other evidence such as notarized membership lists, cards, or petitions from 30 percent of the employees in the negotiating unit indicating support for another organization or lack of support for the incumbent exclusive representative.

3544.7. (a) Upon receipt of a petition filed pursuant to Section 3544.3 or 3544.5, the board shall conduct such inquiries and investigations or hold such hearings as it shall deem necessary in order to decide the questions raised by the petition. The determination of that board may be based upon the evidence adduced in the inquiries, investigations, or hearing; provided that, if the board finds on the basis of the evidence that a question of representation exists, or a question of representation is deemed to exist pursuant to subdivision (a) or (b) of Section 3544.1, it shall order that an election shall be conducted by secret ballot and it shall certify the results of the election on the basis of which ballot choice received a majority of the valid votes cast. There shall be printed on each ballot the statement: "no representation." No voter shall record more than one choice on his ballot. Any ballot upon which there is recorded more than one choice shall be void and shall not be counted for any purpose. If at any election no choice on the ballot receives a majority of the votes cast, a runoff election shall be conducted. The

ballot for the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

(b) No election shall be held and the petition shall be dismissed whenever:

(1) There is currently in effect a lawful written agreement negotiated by the public school employer and another employee organization covering any employees included in the unit described in the request for recognition, or unless the request for recognition is filed less than 120 days, but more than 90 days, prior to the expiration date of the agreement; or

(2) The public school employer has, within the previous 12 months, lawfully recognized an employee organization other than the petitioner as the exclusive representative of any employees included in the unit described in the petition.

3544.9. The employee organization recognized or certified as the exclusive representative for the purpose of meeting and negotiating shall fairly represent each and every employee in the appropriate unit.

Article 6. Unit Determinations

3545. (a) In each case where the appropriateness of the unit is an issue, the board shall decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which such employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district.

(b) In all cases:

(1) A negotiating unit that includes classroom teachers shall not be appropriate unless it at least includes all of the classroom teachers employed by the public school employer, except management employees, supervisory employees, and confidential employees.

(2) A negotiating unit of supervisory employees shall not be appropriate unless it includes all supervisory employees employed by the district and shall not be represented by the same employee organization as employees whom the supervisory employees supervise.

(3) Classified employees and certificated employees shall not be included in the same negotiating unit.

Article 7. Organizational Security

3546. Subject to the limitations set forth in this section, organizational security, as defined, shall be within the scope of representation.

(a) An organizational security arrangement, in order to be effective, must be agreed upon by both parties to the agreement. At

the time the issue is being negotiated, the public school employer may require that the organizational security provision be severed from the remainder of the proposed agreement and cause the organizational security provision to be voted upon separately by all members in the appropriate negotiating unit, in accordance with rules and regulations promulgated by the board. Upon such a vote, the organizational security provision will become effective only if a majority of those members of the negotiating unit voting approve the agreement. Such vote shall not be deemed to either ratify or defeat the remaining provisions of the proposed agreement.

(b) An organizational security arrangement which is in effect may be rescinded by majority vote of the employees in the negotiating unit covered by such arrangement in accordance with rules and regulations promulgated by the board.

3546.5. Every recognized or certified employee organization shall keep an adequate itemized record of its financial transactions and shall make available annually, to the board and to the employees who are members of the organization, within 60 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by a certified public accountant. In the event of failure of compliance with this section, any employee within the organization may petition the board for an order compelling such compliance, or the board may issue such compliance order on its motion. An employee organization required to file financial reports under the Labor-Management Disclosure Act of 1959 covering employees governed by this chapter shall be exempt from the requirements of this section.

Article 8. Public Notice

3547. (a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of

implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.

Article 9. Impasse Procedures

3548. Either a public school employer or the exclusive representative may declare that an impasse has been reached between the parties in negotiations over matters within the scope of representation and may request the board to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the board determines that an impasse exists, it shall, in no event later than five working days after the receipt of a request, appoint a mediator in accordance with such rules as it shall prescribe. The mediator shall meet forthwith with the parties or their representatives, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The services of the mediator, including any per diem fees, and actual and necessary travel and subsistence expenses, shall be provided by the board without cost to the parties. Nothing in this section shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure and in the event of such agreement, the board shall not appoint its own mediator, unless failure to do so would be inconsistent with the policies of this chapter. If the parties agree upon their own mediation procedure, the cost of the services of any appointed mediator, unless appointed by the board, including any per diem fees, and actual and necessary travel and subsistence expenses, shall be borne equally by the parties.

3548.1. If the mediator is unable to effect settlement of the controversy within 15 days after his appointment and the mediator declares that factfinding is appropriate to the resolution of the impasse, either party may, by written notification to the other, request that their differences be submitted to a factfinding panel. Within five days after receipt of the written request, each party shall select a person to serve as its member of the factfinding panel. The board shall, within five days after such selection, select a chairman of the factfinding panel. The chairman designated by the board shall not, without the consent of both parties, be the same person who served as mediator pursuant to Section 3548.

3548.2. The panel shall, within 10 days after its appointment, meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take such other steps as it may deem appropriate. For the purpose of such hearings, investigations, and inquiries, the panel shall have the power to issue subpoenas requiring the attendance

and testimony of witnesses and the production of evidence. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state, or any political subdivision or agency thereof, including any board of education, shall furnish the panel, upon its request, with all records, papers and information in their possession relating to any matter under investigation by or in issue before the panel.

In arriving at their findings and recommendations, the factfinders shall consider, weigh, and be guided by all the following criteria:

(1) State and federal laws that are applicable to the employer.

(2) Stipulations of the parties.

(3) The interests and welfare of the public and the financial ability of the public school employee-employer.

(4) Comparison of the wages, hours, and conditions of employment of the employees involved in the factfinding proceeding with the wages, hours, and conditions of employment of other employees performing similar services and with other employees generally in public school employment in comparable communities.

(5) The consumer price index for goods and services, commonly known as the cost of living.

(6) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays, and other excused time, insurance and pensions, medical and hospitalization benefits; the continuity and stability of employment; and all other benefits received.

(7) Such other facts, not confined to those specified in paragraphs (1) to (6), inclusive, which are normally or traditionally taken into consideration in making such findings and recommendations.

3548.3. If the dispute is not settled within 30 days after the appointment of the panel, or, upon agreement by both parties, within a longer period, the panel shall make findings of fact and recommend terms of settlement, which recommendations shall be advisory only. Any findings of fact and recommended terms of settlement shall be submitted in writing to the parties privately before they are made public. The public school employer shall make such findings and recommendations public within 10 days after their receipt. The costs for the services of the panel chairman, including per diem fees, if any, and actual and necessary travel and subsistence expenses shall be borne by the board. Any other mutually incurred costs shall be borne equally by the public school employer and the exclusive representative. Any separately incurred costs for the panel member selected by each party, shall be borne by such party.

3548.4. Nothing in this article shall be construed to prohibit the mediator appointed pursuant to Section 3548 from continuing mediation efforts on the basis of the findings of fact and recommended terms of settlement made pursuant to Section 3548.3.

3548.5. A public school employer and an exclusive representative who enter into a written agreement covering matters within the

scope of representation may include in the agreement procedures for final and binding arbitration of such disputes as may arise involving the interpretation, application, or violation of the agreement.

3548.6. If the written agreement does not include procedures authorized by Section 3548.5, both parties to the agreement may agree to submit any disputes involving the interpretation, application, or violation of the agreement to final and binding arbitration pursuant to the rules of the board.

3548.7. Where a party to a written agreement is aggrieved by the failure, neglect, or refusal of the other party to proceed to arbitration pursuant to the procedures provided therefor in the agreement or pursuant to an agreement made pursuant to Section 3548.6, the aggrieved party may bring proceedings pursuant to Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure for a court order directing that the arbitration proceed pursuant to the procedures provided therefor in such agreement or pursuant to Section 3548.6.

3548.8. An arbitration award made pursuant to Section 3548.5, 3848.6, or 3848.7 shall be final and binding upon the parties and may be enforced by a court pursuant to Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure.

Article 10. Miscellaneous

3549. The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees and shall not be construed as prohibiting a public school employer from making the final decision with regard to all matters specified in Section 3543.2.

Nothing in this section shall cause any court or the board to hold invalid any negotiated agreement between public school employers and the exclusive representative entered into in accordance with the provisions of this chapter.

3549.1. All the proceedings set forth in subdivisions (a) to (d), inclusive, shall be exempt from the provisions of Sections 965 and 966 of the Education Code, the Bagley Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3) and the Ralph M. Brown Act (Chapter 9 commencing with Section 54950) of Part 1 of Division 2 of Title 5, unless the parties mutually agree otherwise:

(a) Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.

(b) Any meeting of a mediator with either party or both parties to the meeting and conferring process.

(c) Any hearing, meeting, or investigation conducted by a factfinder or arbitrator.

(d) Any executive session of the public school employer or between the public school employer and its designated

representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives.

3549.3. If any provisions of this chapter or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 3. There is hereby appropriated from the General Fund to the Educational Employment Relations Board the sum of three hundred thousand dollars ($300,000) for the support of the board.

SEC. 4. Sections 3541 and 3541.3 of the Government Code, as added by Section 2 of this act, and Section 3 of this act, shall become operative on January 1, 1976. Sections 3543, 3543.1, 3544, 3544.1, 3544.3, 3544.5, 3544.7, and 3545 of the Government Code, as added by Section 2 of this act, shall become operative on April 1, 1976. Section 1 of this act and all other provisions of Section 2 of this act shall become operative on July 1, 1976.

SEC. 5. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations or responsibilities imposed on local government by this act.

CHAPTER 962

An act to amend Sections 69895 and 69900 of the Government Code, relating to superior court employees.

[Became law without Governor's signature September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In the City and County of San Francisco, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893. The salary of the executive officer shall be a minimum salary of two thousand three hundred fifty-seven dollars ($2,357) monthly during his first year of service, two thousand five hundred ninety-three dollars ($2,593) monthly during his second year of service, two thousand eight hundred twenty-nine dollars ($2,829) during his third year of service, and three thousand sixty-six dollars ($3,066) monthly during his fourth year of service and thereafter.

In the city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall

each receive a salary of one thousand six hundred eighty dollars ($1,680) monthly during his first year of service, one thousand seven hundred forty-eight dollars ($1,748) monthly during his second year of service, one thousand eight hundred forty-six dollars ($1,846) monthly during his third year of service, and one thousand nine hundred thirty-five dollars ($1,935) monthly during his fourth year of service and thereafter; and one criminal courts coordinator who shall be paid a minimum salary of one thousand five hundred one dollars ($1,501) monthly during his first year of service, a salary of one thousand five hundred sixty-seven dollars ($1,567) monthly during his second year of service, a salary of one thousand six hundred thirty dollars ($1,630) monthly during his third year of service, and a maximum salary of one thousand seven hundred nine dollars ($1,709) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted during the 1975–76 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the city and county.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 2. Section 69900 of the Government Code is amended to read:

69900. In the City and County of San Francisco, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries	$952	$975	$1,015	$1,064
One senior clerk	937	960	985	1,032
Four assistant court commissioners	1,520	1,606	1,683	1,764
One traffic hearing officer	1,439	1,509	1,583	1,644
One administrative assistant to juvenile court	1,405	1,453	1,524	1,597
Two court assistants	897	968	1,046	1,136
Three clerk-typists	674	720	764	808
Two information clerks	805	824	867	907
One junior clerk-typist	558	599	641	690
One chief assistant to calendar clerk	1,177	1,233	1,285	1,354
One chief calendar clerk	1,501	1,567	1,630	1,709

One administrative assistant to master calendar judge	1,501	1,567	1,630	1,709
One domestic relations commissioner	1,684	1,738	1,820	1,907
Four deputy domestic relations commissioners	1,316	1,346	1,409	1,477
One counselor in mental health	1,584	1,660	1,740	1,824
Six court commissioners	2,016	2,184	2,352	2,520
One civil courts coordinator	1,568	1,630	1,709	1,773
One pretrial assistant	1,568	1,630	1,709	1,773
Four legal research assistants	1,118	1,161	1,205	1,251
One general clerk	630	670	710	752

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1975–76 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire on January 1 of the second year following the date of the appointment or change in compensation unless ratified by the Legislature.

The salaries of such employees shall be paid by the city and county.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 963

An act to amend Sections 74502, 74503, 74504, and 74504.5 of the Government Code, relating to municipal courts.

[Became law without Governor's signature September 23, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. (a) There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of two thousand three hundred three dollars ($2,303) monthly during the first year of service, a salary of two thousand four hundred seventeen dollars ($2,417) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of two thousand five hundred thirty-seven dollars ($2,537) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, and a maximum salary of two thousand seven hundred forty-nine dollars ($2,749) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment. Whenever any vacancy occurs, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary provided in this section.

(b) There shall be one court commissioner who shall be paid a salary of 75 percent of a municipal court judge's salary monthly during the first year of service, a salary of 77 percent of a municipal court judge's salary monthly after the first day of the month following the first anniversary of his appointment, a salary of 80 percent of a municipal court judge's salary monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, and a salary of 84 percent of a municipal court judge's salary monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment. Whenever a vacancy occurs, the judges or a majority of them notwithstanding any other provisions of the Government Code, may appoint one court commissioner, who shall hold office at their pleasure and who shall receive the salary provided in this section.

(c) There shall be one executive assistant to the presiding judge who shall be paid a salary of one thousand seven hundred eighteen dollars ($1,718) monthly during the first year of service, a salary of one thousand eight hundred six dollars ($1,806) monthly after the

first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand eight hundred ninety-two dollars ($1,892) monthly after the second year of service, commencing on the first day of the month following the second year of his appointment. Whenever a vacancy occurs, the judges, or a majority of them, notwithstanding any other provision of this code, shall appoint one executive assistant to the presiding judge, who shall hold office at their pleasure and who shall receive the salary provided in this section.

(d) There shall be one judicial secretary who shall serve as judicial secretary to the presiding judge and executive assistant to the presiding judge who shall be paid the salary of one thousand forty-eight dollars ($1,048) monthly. Whenever a vacancy occurs, the judges, or a majority of them, shall appoint one judicial secretary who shall hold office at their pleasure and who shall receive the salary as provided in this section.

SEC. 2. Section 74503 of the Government Code is amended to read:

74503. (a) There shall be one chief deputy, who shall also serve as jury commissioner and who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a minimum salary of two thousand sixty-seven dollars ($2,067) monthly during the first year of service, a salary of two thousand one hundred fifty-five dollars ($2,155) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of two thousand two hundred forty-seven dollars ($2,247) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one chief deputy, who shall also serve as jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) Notwithstanding the provisions of Section 74507, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be the court systems coordinator, and who shall perform such duties as assigned by the clerk of the court and who shall be paid a minimum salary of one thousand six hundred twenty-eight dollars ($1,628) monthly during the first year of service, a salary of one thousand seven hundred three dollars ($1,703) monthly after the first year of service commencing on the first day of the month following the anniversary of his appointment, and a maximum salary of one thousand seven hundred eighty dollars ($1,780) monthly after the second year of service

commencing on the first day of the month following the second anniversary of his appointment. Whenever any vacancy occurs, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one court systems coordinator, who shall hold such position at their pleasure and who shall perform such duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(c) Notwithstanding the provisions of Section 74507 of the Government Code, the clerk shall appoint, or a majority of the judges of the municipal court may appoint, one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and capable to perform the duties of class number 1656, as set forth in City and County of San Francisco class specifications on April 1, 1968, and who shall be paid a salary of one thousand six hundred fifty-one dollars ($1,651) monthly during the first year of service, a salary of one thousand seven hundred twenty-seven dollars ($1,727) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, and a salary of one thousand eight hundred five dollars ($1,805) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(d) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand six hundred twenty-eight dollars ($1,628) monthly during the first year of service, a salary of one thousand seven hundred three dollars ($1,703) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand seven hundred eighty dollars ($1,780) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of the Government Code is amended to read:

74504. The clerk shall also appoint:

(a) Six deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of one thousand four hundred eighteen dollars ($1,418) monthly during the first year of service, a salary of one thousand four hundred eighty-four dollars ($1,484) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand five hundred sixty-one dollars ($1,561) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Thirty-five deputy clerks who shall be paid a minimum salary of one thousand one hundred ninety dollars ($1,190) monthly during the first year of service, a salary of one thousand two hundred

sixty-five dollars ($1,265) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand three hundred sixty-four dollars ($1,364) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Twenty-two deputy clerks who shall be paid a minimum salary of one thousand thirty-four dollars ($1,034) monthly during the first year of service, a salary of one thousand sixty-nine dollars ($1,069) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of one thousand one hundred eight dollars ($1,108) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Eight deputy clerks who shall be paid a minimum salary of nine hundred sixty-eight dollars ($968) monthly during the first year of service, a salary of nine hundred ninety-three dollars ($993) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand twenty-one dollars ($1,021) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(e) One deputy clerk who shall be paid a minimum salary of nine hundred seventeen dollars ($917) monthly during the first year of service, a salary of nine hundred forty-three dollars ($943) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of nine hundred sixty-eight dollars ($968) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Thirty-five deputy clerks who shall be paid a minimum salary of eight hundred forty-six dollars ($846) monthly during the first year of service, a salary of eight hundred seventy-three dollars ($873) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of nine hundred four dollars ($904) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Sixty-two deputy clerks who shall be paid a minimum salary of six hundred seventy-five dollars ($675) monthly during the first year of service, a salary of seven hundred thirty-one dollars ($731) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred seven dollars ($807) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Three deputy clerk-information clerks who shall be paid a

minimum salary of six hundred eighty-seven dollars ($687) monthly during the first year of service, a salary of seven hundred eighty-one dollars ($781) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of eight hundred seventy-seven dollars ($877) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, and a maximum salary of nine hundred seven dollars ($907) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment. Whenever any vacancy occurs, the clerk with the approval of the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint a deputy clerk-information clerk, who shall perform such duties as assigned by the clerk and who shall receive the salary hereinabove provided.

(i) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as administrative secretary to the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(j) One deputy clerk designated in Section 74504 and while assigned by the clerk of the court as budget-purchasing deputy to the head accountant, accounting division, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(k) Two deputy clerks designated in Section 74504 who shall serve as master calendar clerk, civil, and master calendar clerk, criminal, and while assigned to such position by the clerk of the court, shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(*l*) Five deputy clerks designated in Section 74504, and while assigned by the clerk of the court as the principal courtroom clerks serving in the arraignment courts and traffic courts, shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(m) Two deputy clerks designated in Section 74504, who shall serve as master jury calendar clerk, civil and master jury calendar clerk, criminal, and while assigned to such position shall be paid in addition to the salary provided by this article, the additional sum of one hundred dollars ($100) monthly.

(n) Deputy clerks who are required and authorized to work more than 40 hours in a week shall be entitled to overtime pay for that period in excess of the 40 hours at a rate equal to one and one-half times the amount to which they are otherwise entitled.

SEC. 4. Section 74504.5 of the Government Code is amended to read:

74504.5. (a) With the approval of the board of supervisors, a majority of municipal court judges may establish positions for officers, attachés, and employees in addition to those provided by

this article. The order and approval establishing any such position shall designate the position title and pay rate and whether the provisions of Section 74507 are applicable to the position.

With the approval of the board of supervisors, a majority of the judges may appoint and employ such additional officers, attachés, and employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members.

(b) Rates of compensation of all court personnel provided by this article may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

(c) Appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire January 1 of the second calendar year following such appointments or changes in compensation, unless ratified by the Legislature.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 964

An act to amend Section 7 of, and to add Section 2.5 to, Chapter 1333 of the Statutes of 1968, relating to San Francisco Harbor lands.

[Became law without Governor's signature September 23, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 2.5 is added to Chapter 1333 of the Statutes of 1968, to read:

Sec. 2.5. Notwithstanding the exception and reservation to the State of California of subsurface mineral deposits, as set forth by Section 2 of this act, as to those materials in the area known as Presidio and Alcatraz Shoals commonly used for purposes of land fill, including, but not limited to, earth, sand, gravel, and aggregates, on or after January 1, 1976, any contract to lease or franchise, or other agreement concerning such area shall be entered into by the mutual agreement of the State Lands Commission and the City and County of San Francisco acting by and through the San Francisco Port Commission. The area subject to this section is hereby more particularly described as follows:

Beginning at Alcatraz Light (X = 1,445,185; Y = 488,602) located on Alcatraz Island; running thence in a direct line northerly toward Point Blunt Rock (X = 1,446,515; Y = 498,171) located on Angel

Island, for a distance of 900 yards; thence westerly in a direct line toward North Tower (X = 1,428,696; Y = 488,678) of the Golden Gate Bridge, for a distance of 2,100 yards to a point due South of Point Knox; thence southwesterly in a direct line toward South Tower (X = 1,428,995; Y = 484,489) of the Golden Gate Bridge, for a distance of 2,800 yards; thence due South to the shore line of San Francisco; thence generally easterly along the shore line of San Francisco to its intersection with a direct line between Coit Tower (X = 1,449,719; Y = 479,821) and aforesaid Alcatraz Light; thence northwesterly on last aforesaid line to Alcatraz Light and the point of beginning.

Coordinates shown are California State Grid, Zone 3.

It is not the intent of this section to change any existing right of any party in the subject area.

SEC. 2. Section 7 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 7. As to the accumulation and expenditure of revenues for any single capital improvement on the transferred lands involving an amount in excess of two hundred fifty thousand dollars ($250,000) in the aggregate, the City and County of San Francisco shall file with the Department of Finance a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning Unless the Department of Finance, within 90 days after the time of such filing, notifies the City and County of San Francisco that such capital improvement is not in the statewide interest and benefit or is not authorized by any of the subdivisions in Section 5 of this act, the City and County of San Francisco may proceed with the improvement. The Department of Finance may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the City and County of San Francisco with the notice of its determination. In the event the Department of Finance notifies the City and County of San Francisco that such capital improvement is not authorized, the City and County of San Francisco shall not disburse any revenue for or in connection with such capital improvement, unless and until permitted by an order or judgment of a court of competent jurisdiction in a suit brought for the purpose of determining whether such proposed capital improvement is in the statewide interest and benefit. The city and county may bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the Department of Finance and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against the state.

CHAPTER 965

An act to amend Sections 8701, 8702, 8703, and 8707 of, and to add Section 8708 to, the Government Code, relating to the Commission of the Californias.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 8701 of the Government Code is amended to read:

8701. The commission consists of 18 members, seven of whom shall be appointed by the Governor. The Lieutenant Governor shall serve as a member of the commission. The Governor shall select a member to serve as chairman of the commission.

Five Senators shall be appointed by the Senate Committee on Rules to membership on the commission. Five Assemblymen shall be appointed by the Speaker of the Assembly to membership on the commission,. The members appointed from the Senate and the Assembly shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter. Members of the commission shall serve at the pleasure of the appointing power for a period of not more than four years. Members may be reappointed by their appointing power.

SEC. 2. Section 8702 of the Government Code is amended to read:

8702. The commission shall further and develop favorable economic, educational, and cultural relations with the State of Baja California, the State of Baja California Sur, other states and territories of the Republic of Mexico, and shall cooperate with similar commissions representing the State of Baja California and the State of Baja California Sur. The commission shall report to the Governor and the Legislature annually on the plans and programs which it finds will advance the economic, educational, and cultural relations of the several states, and which will lead to cooperative advancement of each state's resources.

SEC. 3. Section 8703 of the Government Code is amended to read:

8703. The commission shall appoint a director and may employ such employees as it deems necessary to carry out its functions under this chapter. The commission may also incur necessary expenses to effectuate its purposes, and may accept grants from federal or state agencies, or from private foundations or individuals, in order to assist it in carrying out its duties, functions, and powers under this chapter.

SEC. 4. Section 8707 of the Government Code is amended to read:

8707. Members and employees of the commission may travel outside of the state and may hold hearings and conduct investigations within and outside the state, whenever necessary to carry out the purposes of this chapter and may acquire any available information from any governmental agency in Mexico.

SEC. 5. Section 8708 is added to the Government Code, to read:

8708. The chairman of the commission may establish an advisory committee on the subject of California-Mexico relations, may appoint members thereto from both California and Mexico, and may designate a chairman of the committee. Members of the advisory committee shall receive no compensation nor reimbursement for travel or other expenses, and shall serve for a period of two years beginning January 1, 1977, but may be reappointed by the chairman.

CHAPTER 966

An act to repeal and add Article 7 (commencing with Section 73560), and to repeal Article 22 (commencing with Section 74220) of Chapter 10 of Title 8 of the Government Code, relating to courts.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 7 (commencing with Section 73560) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 7. Municipal Courts in the County of Monterey

73560. This article applies only to municipal courts established in the following judicial districts in the County of Monterey.

(a) A district embracing the Cities of Monterey, Carmel, Seaside, Sand City, and Del Rey Oaks designated as the Monterey-Carmel Judicial District;

(b) A district embracing the City of Salinas designated as the Salinas Judicial District.

73561. Each of the municipal court districts established in the County of Monterey shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Monterey-Carmel Judicial District	3
Salinas Judicial District	3

73562. The judges of the Monterey-Carmel Municipal Court District and the judges of the Salinas Municipal Court District shall, by a majority vote of the total number of judges of both districts, appoint a municipal courts administrator who shall serve both the Monterey-Carmel Municipal Court District and the Salinas Municipal Court District. The municipal courts administrator shall be the Clerk of the Monterey-Carmel Municipal Court District and the Clerk of the Salinas Municipal Court District, and his position shall be considered as being half time in the Monterey-Carmel Municipal Court District and half time in the Salinas Municipal Court District. He shall receive a salary at the rate specified in Range No. 45 appearing in Section 73564. He shall be the appointing authority for those positions listed in Section 73563.

The municipal court judges of both districts shall prescribe and regulate by majority vote the duties and authority of the municipal courts administrator among which shall be:

(a) To direct and coordinate the nonjudicial activities of the districts

(b) To coordinate the personnel practices in compliance with rules of the districts and those of the County of Monterey.

(c) To prepare and administer the budgets of the districts.

(d) To coordinate with county agencies, the acquisition, utilization, maintenance, and disposition of facilities, equipment and supplies necessary for operation of the districts.

(e) To initiate studies and prepare appropriate recommendations and reports to the presiding judge and judges of each district relating to the business of the districts, including, but not limited to, such matters as standardization of forms, procedures, and of classification and compensation of court attachés.

(f) To collect, compare, and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the district and to prepare periodic reports and recommendations based on such data.

(g) To provide for and conduct a program of in-service training for the personnel of the municipal courts.

(h) To prepare procedure guides for the personnel of the municipal courts.

(i) To make arrangements for and attend all meetings of the judges, to assist in the preparation of the agenda, and to prepare minutes of the meetings of the judges.

(j) To serve as liaison for the districts with other persons, committee boards, groups, and associations as directed by the presiding judge of each district.

73563. The number of positions within each job classification which may be filled by appointment by the municipal courts administrator and the salary range prescribed in Section 73564 which constitutes the compensation for each job classification are as follows:

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In the Monterey-Carmel Municipal Court District:

Number	Salary range	Job classification
1	41	Assistant clerk of the municipal court
1	36A	Senior municipal court clerk
6	34	Municipal court clerk
1	30A	Senior typist-clerk
1	31A	Senior account clerk
1	30	Stenographer-clerk II
4	29A	Legal process clerk
7	28A	Typist-clerk II

In the Salinas Municipal Court District

Number	Salary range	Job classification
1	41	Assistant clerk of the municipal court
2	36A	Senior municipal court clerk
7	34	Municipal court clerk
1	30A	Senior typist-clerk
1	31A	Senior account clerk
1	30	Stenographer-clerk II
4	29A	Legal process clerk
6	28A	Typist-clerk II

73564. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5	Hourly conversion Step 1
26A	480	504	529	557	586	2.769
27	491	516	543	571	601	2.833
27A	504	529	557	586	617	2.908
28	516	543	571	601	633	2.977
28A	529	557	586	617	649	3.052
29	543	571	601	633	666	3.133
29A	557	586	617	649	683	3.214
30	571	601	633	666	701	3.294
30A	586	617	649	683	719	3.381
31	601	633	666	701	738	3.467
31A	617	649	683	719	757	3.560
32	633	666	701	738	777	3.652
32A	649	683	719	757	798	3.744
33	666	701	738	777	818	3.842

33A	683	719	757	798	841	3.940
34	701	738	777	818	863	4.044
34A	719	757	798	841	885	4.148
35	738	777	818	863	909	4.258
35A	757	798	841	885	934	4.367
36	777	818	863	909	959	4.483
36A	798	841	885	934	985	4.604
37	818	863	909	959	1,010	4.719
37A	841	885	934	985	1,038	4.852
38	863	909	959	1,010	1,065	4.979
38A	885	934	985	1,038	1,094	5.106
39	909	959	1,010	1,065	1,123	5.244
39A	934	985	1,038	1,094	1,154	5.389
40	959	1,010	1,065	1,123	1,184	5.533
40A	985	1,038	1,094	1,154	1,216	5.683
41	1,010	1,065	1,123	1,184	1,248	5.827
41A	1,038	1,094	1,154	1,216	1,282	5.989
42	1,065	1,123	1,184	1,248	1,316	6.144
42A	1,094	1,154	1,216	1,282	1,352	6.312
43	1,123	1,184	1,248	1,316	1,388	6.479
43A	1,154	1,216	1,282	1,352	1,427	6.658
44	1,184	1,248	1,316	1,388	1,465	6.831
44A	1,216	1,282	1,352	1,427	1,507	7.015
45	1,248	1,316	1,388	1,465	1,548	7.200
45A	1,282	1,352	1,427	1,507	1,592	7.396
46	1,316	1,388	1,465	1,548	1,636	7.592
46A	1,352	1,427	1,507	1,592	1,682	7.800
47	1,388	1,465	1,548	1,636	1,729	8.008
47A	1,427	1,507	1,592	1,682	1,778	8.233
48	1,465	1,548	1,636	1,729	1,827	8.452
48A	1,507	1,592	1,682	1,778	1,878	8.694

73565. Certain classes of positions prescribed in this article are deemed to be equivalent in job and salary level to position classifications included in the salary resolution of Monterey County. In order to maintain parity of compensation and employee benefits between attachés of the Monterey-Carmel Municipal Court District, Salinas Municipal Court District, and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions the provisions of this section shall govern salary adjustments and employee benefits for attachés of the Monterey-Carmel Municipal Court District and Salinas Municipal Court District in Monterey County.

On the effective date of any amendment to said resolution adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto shall be adjusted an equivalent amount. In no event shall such salary adjustments exceed an amount

equivalent to four range numbers of the salary range number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is in excess of the maximum dollar amount shown on the last line of the schedule shown in Section 73564, the adjustment shall apply to each position in such classification on the effective date of the act fixing such amount.

No chief municipal court clerk employed by either court referred to in this article on the effective date of this article shall have his or her individual rate of pay reduced by reason of reallocation of the employee to the classification of assistant clerk of the municipal court.

Table of Positions

Court classification	County classification
Municipal courts administrator	Municipal courts administrator
Assistant clerk of the municipal court	Assistant clerk of the municipal court
Senior municipal court clerk	Supervising clerk II
Municipal court clerk	Superior court clerk
Senior typist-clerk	Senior typist-clerk
Senior account clerk	Senior account clerk
Stenographer-clerk II	Stenographer-clerk II
Legal process clerk	Legal process clerk
Typist-clerk II	Typist-clerk II

Attachés of the Monterey-Carmel Municipal Court District and the Salinas Municipal Court District shall be entitled to all employee benefits that are provided for or made applicable to the equivalent Monterey County employee classification, including anniversary dates, changes thereto, and step advancements.

73566. (a) With the approval of the board of supervisors, a majority of municipal court judges of the Monterey-Carmel Municipal Court District or the Salinas Municipal Court District may establish positions for officers, attachés, and employees in addition to those provided by this article. The order and approval establishing any such position shall designate the position title and pay rate.

If any additional positions are so established, the municipal courts administrator may appoint and employ such additional officers, attachés, and employees as are necessary for the performance of the duties and exercise of the powers conferred by law upon the court and its members.

(b) Additional positions or changes in compensation made pursuant to this article shall be on an interim basis and shall expire January 1, 1978.

73567. The sheriff and his deputies shall act ex officio as the

marshal and deputy marshals of the courts referred to in this article.

SEC 3. Article 22 (commencing with Section 74220) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 967

An act to add Chapter 17 (commencing with Section 22370) to Division 8 of the Business and Professions Code, relating to invention development services contracts.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17 (commencing with Section 22370) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 17. INVENTION DEVELOPMENT SERVICES CONTRACTS

Article 1. General Provisions

22370. (a) The Legislature finds that there are in the State of California members of the general public who have ideas or inventions that they believe have substantial commercial value but which members of the general public do not have the resources or expertise necessary to develop, manufacture or market these ideas or inventions; that these members of the general public are commonly referred to as "inventors"; that these inventors are generally not people who earn their livelihood from developing, manufacturing, promoting or marketing ideas or inventions, from manufacturing or marketing products, from publishing literary works or from owning, operating or controlling commercial enterprises; that there is a significant number of persons who have realized that inventors are willing to expend substantial sums for services represented to result in the development, manufacture, promotion, sale or general exploitation of the commercial value of their ideas or inventions; that these persons are frequently known as invention developers; that the invention developers' services are generally offered for sums ranging from $500 to $5,000 plus either a percentage of the income that may be derived from the sale or marketing of the idea or invention or a partial ownership interest in

the idea or invention; that the inventors generally have a very passive role in the development, promotion, manufacture or sale of their ideas or inventions after the contract with the invention developer is executed, usually doing little more than receiving periodic reports from the invention developer; that an extremely small number of inventors to whom these invention developers offer their services ever have their products sold or marketed; that there exists in connection with invention development services, sales practices and business methods which have worked a fraud, deceit, imposition, and financial hardship upon many people of this state; that existing legal protection to consumers is inadequate to prevent these abuses; that the invention development industry has a significant impact upon the economy and well-being of this state and its local communities; and that the provisions of this chapter relating to such services are necessary for the public welfare.

(b) The Legislature declares that the purpose of this chapter is to safeguard the public against fraud, deceit, imposition, and financial hardship, and to foster and encourage competition, fair dealing, and prosperity in the field of invention development services by prohibiting or restricting false and misleading advertising, onerous contract terms, harmful financial practices, and other unfair, dishonest, deceptive, destructive, unscrupulous, fraudulent, and discriminatory practices by which the public has been injured in connection with invention development services but not to interfere with, or further regulate by this chapter, those persons who provide researching, marketing, surveying, or other kinds of consulting services to professional manufacturers, marketers, publishers or others purchasing such services as an adjunct to the traditional commercial enterprises in which they engage as a livelihood.

22371. As used in this chapter, the following words have the following meanings:

(a) "Contract for invention development services" shall include a contract by which an invention developer undertakes to develop or promote an invention for a customer.

(b) "Customer" shall include any person, firm, corporation, or other entity that is solicited by, inquires about or seeks the services of, or enters into a contract for invention development services with an invention developer, except (1) any department or agency of the federal, state, or local government, (2) any charitable, scientific, educational, religious. or other organization qualified under Section 501(c)(3) or described in Section 170(b)(1)(a) of the Internal Revenue Code of 1954, as amended, and (3) any person, firm, corporation, or other entity regularly engaged in a trade, business, or profession which has either a net worth of one hundred thousand dollars ($100,000) or more or gross receipts from any source of fifty thousand dollars ($50,000) or more during the calendar year in which any contract for invention development services is signed.

(c) "Invention" shall mean (1) an invention, (2) an idea, (3) a concept, or (4) any combination thereof.

(d) "Invention developer" shall mean any person, firm, corporation, or association, and the agents, employees, or representatives of such person, firm, corporation, or association that develops or promotes or offers to develop or promote an invention, except (1) any department or agency of the federal, state, or local government, (2) any charitable, scientific, educational, religious, or other organization qualified under Section 501(c)(3) or described in Section 170(b)(1)(a) of the Internal Revenue Code of 1954, as amended, (3) any person, firm, corporation, association, or other entity whose gross receipts from contracts for invention development services, as defined in subdivision (a) of Section 22371, do not exceed 10 percent of its gross receipts from all sources during the fiscal year preceding the year in which any contract for invention development services is signed, or (4) any person, firm, corporation, association or other entity that does not charge a fee for invention development services. For the purposes of this paragraph, "fee" shall include any payment made by the customer to such entity including reimbursements for expenditures made or costs incurred by such entity but shall not include any payment made from a portion of the income received by a customer by virtue of invention development services performed by such entity.

(e) "Invention development services" shall include acts required or promised to be performed, or actually performed, or both, by an invention developer for a customer.

Article 2. General Regulatory Provisions

22372. (a) Every contract for invention development services shall be in writing and shall be subject to the provisions of this chapter. A copy of the written contract shall be given to the customer at the time he signs the contract.

(b) If one or more subsequent contracts are contemplated by the invention developer in connection with an invention, or if the invention developer contemplates performance of services in connection with an invention in more than one phase with the performance of each phase covered in one or more subsequent contracts, the invention developer shall so state in a writing and shall supply to the customer such writing together with a copy of such contract or a written summary of the general terms of each and every such subsequent contract, including the amount of any fees or other consideration required from the customer, at the time the customer signs the first contract.

22373. (a) Notwithstanding any contractual provision to the contrary, the invention developer and the customer shall each have the right to cancel a contract for invention development services for any reason at any time within seven days of the date the invention developer and the customer sign the contract. Cancellation shall be effected by written notice mailed or delivered to the invention developer or the customer. If said notice is mailed, it must be

postmarked by midnight of the last day of the cancellation period. If the notice is delivered, it must be delivered by the end of the invention developer's normal business day. Within five business days after receipt of such notice of cancellation by the customer, the invention developer shall return to the customer, by mail, all moneys paid and all materials provided by the customer.

(b) The provisions of subdivision (a) shall apply to every contract executed between an invention developer and a customer. Each such contract shall contain the following statement in 10-point boldface type immediately above the place at which the customer signs the contract: "The seven-day period during which you may cancel this contract for any reason by mailing or delivering written notice to the invention developer will expire on

_____

(Last date to mail or deliver notice)

If you choose to mail your notice, it must be placed in the United States mail properly addressed first-class postage prepaid and postmarked before midnight of this date. If you choose to deliver your notice to the invention developer directly, it must be delivered to him by the end of his normal business day on this date. The invention developer also has the right to cancel this contract by notice similarly mailed or delivered."

22374. Each and every contract for invention development services shall carry a distinctive and conspicuous cover sheet with the following notice (and no other) imprinted thereon in boldface type of not less than 10-point size:

"The following disclosures are required by law:

You have the right to cancel this contract for any reason at any time within seven days from the date you and the invention developer sign the contract and you receive a fully executed copy of it. To exercise this option you need only mail or deliver to this invention developer written notice of your cancellation. The method and time for notification is set forth in this contract immediately above the place for your signature. Upon cancellation, the invention developer must return by mail, within five business days, all money paid and all materials provided by you.

This contract between you and the invention developer is regulated by law. The invention developer is not qualified or permitted to advise you whether protection of your idea or invention is available under the patent, copyright or trademark laws of the United States or any other law. This contract does not provide any patent, copyright or trademark protection for your idea or invention. If your idea or invention is patentable, copyrightable or subject to trademark protection, or infringes an existing valid patent, copyright or trademark or a patent, copyright or trademark for which application has been made, your failure to inquire into these matters may affect your rights to your idea or invention."

22375. No invention developer shall acquire any interest, partial or whole, in the title to the customer's invention, unless the invention

developer contracts to manufacture the invention and acquires such interest for such purpose at or about the time the contract for manufacture is executed. Nothing in this section shall be construed to prohibit an invention developer from contracting with a customer to receive a portion of any proceeds accruing to the customer as a result of performance of invention development services by the invention developer.

22376. No contract for invention development services shall require or entail the execution of any note or series of notes by the customer which, when separately negotiated, will cut off as to third parties any right of action or defense which the customer may have against the invention developer.

22377. Any assignee of the invention developer's rights is subject to all equities and defenses of the customer against the invention developer existing in favor of the customer at the time of the assignment.

22378. With respect to each and every contract for invention development services, the invention developer shall deliver to the customer, at the address specified in the contract at quarterly intervals throughout the term of the contract, a written statement of the services performed to date; provided, however, the first such statement need not be delivered until 180 days after the contract is executed.

Article 3. Mandatory Contract Terms

22379. Every contract for invention development services shall set forth in at least 10-point boldface type, or equivalent size if handwritten, all of the following:

(a) The terms and conditions of payment required by Section 22373.

(b) A full and detailed description of the acts or services that the invention developer undertakes to perform for the customer. To the extent that the description of acts or services affords the invention developer discretion to decide what acts or services are to be performed by the invention developer, the invention developer shall exercise that discretion to promote the best interests of the customer.

(c) A statement whether the invention developer undertakes to construct one or more prototypes, models, or devices embodying the customer's invention.

(d) A statement whether the invention developer undertakes to sell or distribute one or more prototypes, models, or devices embodying the customer's invention.

(e) The name of the person or firm contracting to perform the invention development services, the name under which said person or firm is doing or has done business as an invention developer, and the name of any parent, subsidiary or affiliated company that may engage in performing the invention development services.

(f) The invention developer's principal business address and the

name and address of its agent in the State of California authorized to receive service of process.

(g) The business form of the invention developer, whether corporate, partnership, or otherwise.

(h) A statement of the fee charged, a statement that a portion of the fee charged will be paid as a commission or other similar payment, if in fact it is intended to be so paid, to a person inducing, directly or indirectly, a customer to contract for the services of the invention developer, which statement shall specify the names of the person or persons receiving said payment; and a statement of the approximate portion of the fee charged, if any, that will be expended for services relating to patent matters.

(i) A statement that the invention developer does not intend to expend more for the invention development services than the fee charged the customer, if, in fact, it does not, and if it does, a statement of the estimated expenditures of the invention developer in excess of the fee received from the customer.

(j) If any oral or written representation of estimated or projected customer earnings is made, a statement of such estimation or projection and the data upon which it is based.

(k) A single statement setting forth both (1) the total number of customers who have contracted with the invention developer provided, however, that the number need not reflect those customers who have contracted within the last 30 days, and (2) the number of customers that have received, by virtue of the invention developer's performance of invention development services, an amount of money in excess of the amount of money paid by such customers to the invention developer.

(*l*) A statement that the invention developer is required to maintain all records and correspondence relating to performance of the invention development services for that customer for a period not less than three years after expiration of the term of the contract for invention development services.

(m) The name and address of the custodian of all records and correspondence relating to the performance of the invention development services.

(n) A statement that the records and correspondence required to be maintained by subdivision (m) above will be made available to the customer or his representative for review and copying at the customer's expense on the invention developer's premises during normal business hours upon seven days' written notice, said time period to begin from the date the notice is placed in the United States mail properly addressed first-class postage prepaid.

(o) A statement of the expected date of completion of the invention development services.

(p) A statement as follows:

"This contract between you and the invention developer is regulated by law. The invention developer is not qualified or permitted to advise you whether protection of your idea or invention

is available under the patent, copyright or trademark laws of the United States or any other law. This contract does not provide any patent, copyright or trademark protection for your idea or invention. If your idea or invention is patentable, copyrightable or subject to trademark protection, or infringes an existing valid patent, copyright or trademark or a patent, copyright or trademark for which application has been made, your failure to inquire into these matters may affect your rights to your idea or invention."

Article 4. Disclosures Made Prior to Contract

22380. Every invention developer who charges a fee or requires any consideration for his invention development services must clearly and conspicuously disclose such fact in every advertisement of such services.

22381. In the first oral communication with a customer or in the first written response to an inquiry by a customer other than an oral communication or written response, the primary purpose of which is to arrange an appointment with the invention developer for presentation of his invention development services, the invention developer shall cause the following disclosures to be made to each customer:

(a) A statement of the fee charged, if known, or a statement of the approximate range of fees charged; a statement that a portion of the fee charged will be paid as a commission or other similar payment, if in fact it is intended to be so paid, to a person inducing, directly or indirectly, a customer to contract for the services of the invention developer; and a statement of the approximate portion of the fee charged, if any, that will be expended for services relating to patent matters.

(b) A statement that the invention developer does not intend to expend more for the invention development services than the fee charged the customer, if, in fact, it does not, and if it does, a statement of the estimated expenditures of the invention developer in excess of the fee received from the customer.

(c) A single statement setting forth both (1) the total number of customers who have contracted with the invention developer; provided, however, that the number need not reflect those customers who have contracted within the last 30 days and (2) the number of customers that have received by virtue of the invention developer's performance of invention development services an amount of money in excess of the amount of money paid by such customers to the invention developer.

(d) A statement as follows:

"Any contract for invention development services between you and our firm will be regulated by law. Our firm is not qualified or permitted to advise you whether protection of your idea or invention is available under the patent, copyright or trademark laws of the United States or any other law. The contract does not provide any

patent, copyright or trademark protection for your idea or invention. If your idea or invention is patentable, copyrightable or subject to trademark protection, or infringes an existing valid patent, copyright or trademark or a patent, copyright or trademark for which application has been made, your failure to inquire into these matters may affect your rights to your idea or invention."

Article 4.5. Remedies and Enforcement

22382. The provisions of this chapter are not exclusive and do not relieve the parties or the contract subject thereto from compliance with all other applicable provisions of law.

22383. Any contract for invention development services which does not comply with the applicable provisions of this chapter shall be void and unenforceable as contrary to public policy, provided that no contract shall be void and unenforceable if the invention developer proves that noncompliance was unintentional and resulted from a bona fide error notwithstanding the use of reasonable procedures adopted to avoid any such errors and makes an appropriate correction.

22384. Any contract for invention development services entered into in reliance upon any willful and false, fraudulent, or misleading representation by the invention developer shall be void and unenforceable.

22385. Any waiver by the customer of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

22386. Any person who has been injured by a violation of this chapter by an invention developer, or by any false or fraudulent statement, representation, or omission of material fact by an invention developer, or by failure of an invention developer to make all the disclosures required by Section 22379, may bring a civil action against the invention developer for the greater of the following amounts:

(1) Three thousand dollars ($3,000).

(2) Three times the amount of the actual damages, if any, sustained by the plaintiff.

In addition to the greater of the preceding amounts, the court may award reasonable attorney's fees to the plaintiff.

22387. Any invention developer who willfully violates any provision of this chapter, or willfully enters an invention development contract which omits any duty or disclosure required by this chapter, is guilty of a misdemeanor Any superior court of this state shall have jurisdiction in equity to restrain and enjoin the violation of any of the provisions of this chapter relating to invention development services and contracts therefor.

The duty to institute actions for violation of such provisions of this chapter, including equity proceedings to restrain and enjoin such violations, is hereby vested in the Attorney General, district

attorneys, county counsels, and city attorneys. The Attorney General, any district attorney, or city attorney may prosecute misdemeanor actions or institute equity proceedings or both.

This section shall not be deemed to prohibit the enforcement by any person of any right provided by this or any other law.

22388. Failure to make the disclosure required by Article 4 (commencing with Section 22380) shall render any contract subsequently entered into between the customer and the invention developer voidable by the customer.

Article 5. Financial Requirements

22389. Every invention developer rendering or offering to render invention development services in this state shall maintain a bond issued by a surety company admitted to do business in this state. The principal sum of the bond shall be 5 percent of the invention developer's gross income from the invention development business in this state during the invention developer's last fiscal year, except that the principal sum of the bond shall not be less than twenty-five thousand dollars ($25,000) in the first or any subsequent year of operations. A copy of such bond shall be filed with the Secretary of State prior to the time the invention developer first commences business in this state. The invention developer shall have 90 days after the end of each fiscal year within which to change the bond as may be necessary to conform to the requirements of this section.

22390. The bond required by Section 22389 shall be in favor of the State of California for the benefit of any person who, after entering into a contract for invention development services with an invention developer is damaged by fraud or dishonesty or failure to provide the services of the invention developer in performance of the contract. Any person claiming against the bond may maintain an action at law against the invention developer and the surety.

The aggregate liability of the surety to all persons for all breaches of conditions of the bond provided herein shall in no event exceed the amount of the bond.

22391. In lieu of furnishing the bond required by Section 22389, the invention developer may deposit with the Secretary of State a cash deposit in the like amount. This cash deposit may be satisfied by any of the following:

(a) Certificates of deposit payable to the Secretary of State issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates of share accounts assigned to the Secretary of State and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(c) Bearer bonds issued by the United States government or by this state.

(d) Cash deposited with the Secretary of State.

Article 6. Miscellaneous Provisions

22392. Every invention developer shall maintain all records and correspondence relating to performance of each invention development service contract for a period of not less than three years after expiration of the term of each such contract.

22393. No invention developer shall make, or authorize the making of, any reference to compliance by it with this act in any advertisement.

22394. If any provision of this act or the application thereof to any person or circumstances is held unconstitutional, the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities which, in the aggregate, do not result in significant identifiable cost changes.

SEC. 3. This act shall not apply to any contract entered into prior to the effective date of the act.

CHAPTER 968

An act to amend Sections 5132, 5195, 5232, 5364, 5838, 8117, 10303, 10307, and 10353 of the Streets and Highways Code, relating to improvement districts.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 5132 of the Streets and Highways Code is amended to read:

5132. The resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated, such as grading, paving, sewering and other work, and gives in general the location of the proposed work and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the proposed work, and if it refers to any agreement entered into pursuant to Section 5103. The resolution of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or work and acquisition may appear before the legislative body and show cause why the proposed work

or work and acquisition should not be carried out in accordance with the resolution of intention.

The notice shall also contain the name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the hearing proceedings. Such notice shall be omitted if the hearing of objections is not required as provided hereunder. The hearing of objections shall not be less than 15 nor more than 60 days from the date of the passage of the resolution.

The hearing of objections shall not be required if the legislative body, when considering passage of the resolution of intention, finds and determines by a four-fifth's vote of all members thereof, that all of the owners of lots or lands liable to be assessed, or their agents, who shall make oath that they are such agents, have signed and filed a petition waiving the hearing, with the clerk, on or before the fifth day prior to the day that the resolution of intention is to be considered for passage, declaring that they do not have any objections to the proposed work or work and acquisition, the extent of the district to be assessed, or any agreement entered into pursuant to Section 5103 or any other objections, and requesting that the hearing of objections shall not be required.

The intention of the legislative body to enter into an agreement with any other public agency, or public utility, pursuant to the provisions of Chapter 5 (commencing with Section 5170) or Chapter 28 (commencing with Section 5896.1) of this part, shall be briefly stated in the resolution of intention.

SEC. 2. Section 5195 of the Streets and Highways Code is amended to read:

5195. The notice shall contain a statement of the time, place and purpose of the hearing on the resolution of intention and a statement of the total estimated cost of the proposed improvement, the amount of any contribution of work or labor and any portion of materials, supplies or equipment which is to be made by any local, state, or federal agency or authority, together with a statement that any person interested may file a protest as provided in this division. The notice shall also contain the name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the protest proceedings.

SEC. 3. Section 5232 of the Streets and Highways Code is amended to read:

5232. Before ordering any changes made, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the work by reason of the proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why the changes should not be ordered. The resolution shall also contain the name and telephone number of a local department or agency designated by the

legislative body to answer inquiries regarding the hearing proceedings. Such notice shall be omitted if the hearing of objections is not required as provided hereunder. The resolution may describe the changes by referring to maps, plats, plans, profiles, detailed drawings, or specifications on file in the office of the clerk or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code, at least 10 days prior to the date of the hearing.

The hearing of objections shall not be required if the legislative body, when considering passage of the resolution, finds and determines by a four-fifth's vote of all members thereof, that all of the owners of lots or lands liable to be assessed, or their agents, who shall make oath that they are such agents, have signed and filed a petition waiving the hearing, with the clerk, on or before the fifth day prior to the day that the resolution is considered for passage, declaring that they do not have any objections to the proposed changes and requesting that the hearing of objections shall not be required.

SEC. 3.5. Section 5364 of the Streets and Highways Code is amended to read:

5364. Such notice shall designate the property within the assessment district belonging to the owner by street number, or some other description sufficient to enable the property owner to identify the property, include a statement of the amount proposed to be assessed against such property, and state the name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the making of an appeal pursuant to Section 5366.

SEC. 4. Section 5838 of the Streets and Highways Code is amended to read:

5838. The board of supervisors shall cause notice of the time, place, and purpose of the hearing to be given by mail to each owner whose name and address appears on the last equalized assessment roll and who owns real property within the boundaries of the territory sought to be annexed. The notice shall contain the name and telephone number of a local department or agency designated by the board of supervisors to answer inquiries regarding the hearing proceedings. The person directed by the board of supervisors to mail the notices shall file, upon the completion of the mailing, an affidavit setting forth the time and manner of the compliance with this section.

In addition, the board of supervisors shall cause notices of the hearing to be posted in three conspicuous places within the territory proposed to be annexed.

The notices shall be headed "Notice of hearing" in letters not less than one inch in height and shall contain a description of the territory proposed to be annexed and a statement of the time and place of the hearing. In lieu of the description the boundaries of

territory proposed to be annexed may be shown by means of a diagram printed upon the notice. The notice shall be posted not less than 10 days prior to the date set for the hearing.

In proceedings for annexation to sewer, lighting, or drainage maintenance districts, the board of supervisors shall direct its clerk to publish a notice once a week for two successive weeks in the newspaper of general circulation that the board deems most likely to give notice of hearing to the inhabitants. Such notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed or, in lieu of such description, the boundaries of the territory proposed to be annexed may be shown by means of a diagram. Such publication together with the posting of notices of hearing may be deemed adequate notice and no mailed notice need be required.

SEC. 5. Section 8117 of the Streets and Highways Code is amended to read:

8117. The resolution shall contain all of the following:

(a) A statement of intention to form the district and of the necessity for and purpose of its formation.

(b) A description of the unincorporated territory to be included.

(c) A statement of the general location of the project or projects for the construction and maintenance of which the district is to be formed.

(d) The name of the proposed district.

(e) A statement of time and place at which objections to the formation of the district or to its extent will be heard, which time shall not be less than 30 days after the adoption of the resolution.

(f) The name and telephone number of a local department or agency designated by the board of supervisors to answer inquiries regarding the hearing proceedings.

SEC. 6. Section 10303 of the Streets and Highways Code is amended to read:

10303. The notices shall:

(a) Be headed "Notice of improvement," in letters of not less than one inch in height.

(b) In legible characters state the fact and date of passage of the resolution of intention, the filing of the report, and the time and place set for hearing of protests.

(c) Briefly describe the improvement proposed to be made or acquired.

(d) Refer to the resolution of intention and report for further particulars.

(e) Contain the name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the protest proceedings.

SEC. 7. Section 10307 of the Streets and Highways Code is amended to read:

10307. The notice shall contain:

(a) A statement of the time, place, and purpose of the hearing on

the resolution of intention and report.

(b) A statement of the total estimated cost of the proposed improvement.

(c) The amount, as shown by the report, to be assessed against the particular parcel covered by the notice.

(d) A statement that any person interested may file a protest in writing as provided in this division.

(e) The name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the protest proceedings.

SEC. 8. Section 10353 of the Streets and Highways Code is amended to read:

10353. Before ordering any changes made, other than as provided in Section 10352, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the improvement by reason of the proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why the changes should not be ordered. The resolution shall also contain the name and telephone number of a local department or agency designated by the legislative body to answer inquiries regarding the hearing proceedings. The resolution may describe the changes by referring to maps, plats, plans, profiles, detailed drawings, or specifications on file in the office of the clerk of the legislative body or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code, at least 10 days prior to the date of the hearing.

SEC. 9. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 969

An act to amend Section 216 of, and to add Section 216.1 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 216 of the Streets and Highways Code is amended to read:

216. The noise level produced by the traffic on, or by the construction of, a state freeway shall be measured in the classrooms, libraries, multipurpose rooms, and spaces used for pupil personnel services of a public or private elementary or secondary school if the classrooms, libraries, multipurpose rooms, or spaces used for pupil personnel services were constructed prior to the award of the initial construction contract for the freeway route and prior to January 1, 1974, or were constructed after December 31, 1973, and were constructed prior to the issuance of a statement of present and projected noise levels of the freeway route by the department pursuant to subdivision (g) of Section 65302 of the Government Code, and are being used for the purpose for which they were constructed.

Such measurements shall be made at appropriate times during regular school hours and shall not include noise from sources that exceed the maximum permitted by law.

If the noise level produced from the freeway traffic, or the construction of the freeway, exceeds 50 decibels on the "A" scale, the department shall undertake a noise abatement program in any such classroom, library, multipurpose room, or space used for pupil personnel services to reduce the freeway traffic noise level therein to 50 or fewer decibels on the "A" scale by, but not limited to, installing acoustical materials, eliminating windows, installing air conditioning, or constructing sound baffle structures.

If the department determines that the construction of the freeway will result in a noise level exceeding 50 decibels on the "A" scale, the department shall complete the temporary or permanent noise abatement program prior to commencing such construction, or as soon as practicable thereafter.

If it becomes necessary to convert such classrooms, libraries, multipurpose rooms, or spaces used for pupil personnel services to other school-related purposes because the freeway traffic noise level therein exceeds 50 decibels on the "A" scale, the department shall pay the cost of such conversions.

If the noise level generated from sources within and without the classrooms, libraries, multipurpose rooms, or spaces used for pupil personnel services exceeds 50 decibels on the "A" scale prior to construction of the freeway and the noise from the freeway, or the construction thereof, also exceeds 50 decibels on the "A" scale, the department shall be required to undertake such a noise abatement program that will reduce the noise to its preconstruction level.

Priority for noise abatement programs shall be given to those public and private elementary and secondary classrooms, libraries, multipurpose rooms, and spaces used for pupil personnel services constructed in conformance with Article 4 (commencing with Section 15451), Chapter 2, Division 11 of the Education Code.

As used in this section, the "A" scale means the "A" weighting

described in Section 3.1 of the American National Standard specification for sound level meters, S1.4-1971, approved April 27, 1971, and published by the American National Standards Institute.

The department shall submit to the Legislature, on or before February 1 of each year, an annual report on its program for the implementation of this section.

SEC. 2. Section 216.1 is added to the Streets and Highways Code, to read:

216.1. As used in Section 216, "spaces used for pupil personnel services" means rooms that are used primarily for counseling, testing, or similar type services involving the presence of pupils.

CHAPTER 970

An act to amend Section 33411.3 of, and to add Sections 33411.2, 33413, and 33449 to, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 33411.2 is added to the Health and Safety Code, to read:

33411.2. As used in this article:

(a) "Affordable rent" has the same meaning as specified in Section 41023.

(b) "Persons and families of low or moderate income" has the same meaning as specified in Section 41056.

(c) "Replacement dwelling unit" means a dwelling unit developed or constructed pursuant to Section 33413 in replacement of a dwelling unit destroyed or removed from the low- and moderate-income housing market by an agency and which is decent, safe, and sanitary and contains at least the same number of bedrooms and other living areas as the dwelling unit destroyed or removed by the agency.

(d) "Very low income households" has the same meaning as specified in Section 41067.

SEC. 2. Section 33411.3 of the Health and Safety Code is amended to read:

33411.3. Whenever all or any portion of a redevelopment project is developed with low- or moderate-income housing units the agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low or moderate income displaced by the redevelopment project. Such persons and families shall be given priority in renting or buying such housing; provided, however, failure to give such

priority shall not affect the validity of title to real property.

SEC. 3. Section 33413 is added to the Health and Safety Code, to read:

33413. (a) Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of a redevelopment project, the agency shall, within four years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable rents within the project area or within the territorial jurisdiction of the agency.

(b) (1) At least 30 percent of all new or rehabilitated dwelling units developed within the project area by an agency shall be for persons and families of low or moderate income. Of such 30 percent, not less than 50 percent thereof shall be for very low income households.

(2) At least 15 percent of all new or rehabilitated dwelling units developed within the project area by public or private entities or persons other than the agency shall be for persons and families of low or moderate income. Of such 15 percent, not less than 40 percent thereof shall be for very low income households.

(3) The requirements of this subdivision shall apply in the aggregate to housing in the project area and not to each individual case of rehabilitation, development, or construction of dwelling units.

(c) The agency shall require that the aggregate number of dwelling units rehabilitated, developed or constructed pursuant to subdivision (a) or (b) remain for persons and families of low or moderate income and very low income households, respectively, for not less than the period of the land use controls established in the redevelopment plan.

(d) This section shall apply only to redevelopment projects for which a final redevelopment plan is adopted pursuant to Article 5 (commencing with Section 33360) of this chapter on or after January 1, 1976, and to areas which are added to a project area by amendment to a final redevelopment plan adopted on or after January 1, 1976. However, any agency may, by resolution, elect to make the requirements of this section applicable to any redevelopment project of the agency for which the final redevelopment plan was adopted prior to January 1, 1976.

(e) Except as otherwise authorized by law, nothing in this section shall empower an agency to operate a rental housing development beyond such period as is reasonably necessary to sell or lease the housing development.

SEC. 4. Section 33449 is added to the Health and Safety Code, to read:

33449. Notwithstanding Section 33440, or any other provision of law, an agency may, inside or outside any project area, acquire land,

donate land, improve sites, or construct or rehabilitate structures in order to provide housing for persons and families of low or moderate income, as defined in Section 41056, and very low income households, as defined in Section 41067, and may provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing within the community.

Except as otherwise authorized by law, nothing in this section shall empower an agency to operate a rental housing development beyond such period as is reasonably necessary to sell or lease the housing development.

This section shall apply to all redevelopment project areas for which a redevelopment plan has been adopted, whether the redevelopment plan is adopted before or after January 1, 1976.

CHAPTER 971

An act to add Section 32912.7 to the Food and Agricultural Code, and to add Section 26561.5 to the Health and Safety Code, relating to food.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 32912.7 is added to the Food and Agricultural Code, to read:

32912.7. If a milk product or product resembling a milk product purports to be or is represented for special dietary use by humans by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, the label shall bear a statement of:

(a) The weight per specified serving of protein, fat, and available carbohydrates in such milk product or product resembling a milk product; and

(b) The number of available calories supplied by a specified quantity of such milk product or product resembling a milk product.

A milk product or product resembling a milk product shall be considered to be represented for special dietary use if it bears a label, brand name, or nutritional statement suggesting that it is "low calorie," "low fat," "skim," "nonfat," "sugar free," "diet," or words of similar import.

This section shall not apply to a milk product or a product resembling a milk product packaged in a glass container.

For purposes of this section only, "product resembling a milk product" means a product defined in Section 38912, without the exclusions of Section 38903.

SEC. 2. Section 26561.5 is added to the Health and Safety Code, to read:

26561.5. If a food purports to be or is represented for special dietary use by humans by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, the label shall bear a statement of:

(a) The percent by weight per specified serving of protein, fat, and available carbohydrates in such food; and

(b) The number of available calories supplied by a specified quantity of such food.

A food shall be considered to be represented for special dietary use if it bears a label, brand name, or nutritional statement suggesting that it is "low calorie," "low fat," "skim," "nonfat," "sugar free," "diet," or words of similar import.

Any food is misbranded if it does not comply with the requirements of this section.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 972

An act to add Article 7.5 (commencing with Section 20870) to Chapter 7 of Division 8 of the Business and Professions Code, and to amend Section 7355 of the Revenue and Taxation Code, relating to fuel.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 7.5 (commencing with Section 20870) is added to Chapter 7, Division 8 of the Business and Professions Code, to read:

Article 7.5. Basis of Settlement

20870. It is unlawful for any distributor or for any broker to sell any product to a retailer or to any person, when the quantity distributed in any single delivery to a single location is 5,000 or more gallons, as, or purporting to be, gasoline, unless, the distributor or broker, as the case may be, offers to invoice the purchaser for such

gasoline on the basis of temperature-corrected gallonage to 60 degrees Fahrenheit for all such deliveries to the purchaser over a period of twelve (12) consecutive months and settles his accounts with the purchaser on the same basis.

SEC. 2. Section 7355 of the Revenue and Taxation Code is amended to read:

7355. "Gallon" means the United States gallon of 231 cubic inches as provided in Section 12302 of the Business and Professions Code, without adjustment of the volumetric gallonage for temperature correction of the fuel distributed, except that temperature-corrected gallonage to 60 degrees Fahrenheit as invoiced to the purchaser with settlement made on the same basis will be accepted as the gallonage distributed with respect to the following distributions:

(a) To a distributor licensed under this part.

(b) To any person when the distribution is exempt from tax as provided in Section 7401 of this part.

(c) To a purchaser who uses the fuel exclusively for a purpose other than in motor vehicles operated upon the public highways of this state entitling him to a refund of the tax.

(d) To the United States government or any agency or instrumentality thereof pursuant to a contract of sale requiring application of temperature correction.

(e) To any person when the quantity distributed in any single delivery to a single location is 5,000 or more gallons and temperature correction is consistently applied to all such deliveries to the purchaser over a period of 12 or more consecutive months.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 973

An act to amend Section 69580 of the Government Code, relating to superior courts, and making an appropriation therefor.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 28 judges of the superior court.

SEC. 2. The sum of one hundred eighty thousand dollars ($180,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

CHAPTER 974

An act to add Section 593d to the Penal Code, relating to cable television.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 593d is added to the Penal Code, to read:

593d. Every person who knowingly and willfully makes unauthorized connections, whether physically, electrically, or inductively, or attaches any unauthorized device or devices to any cable, wire or other component of a franchised cable television system or to a television set, for the purpose of intercepting any program carried by a franchised cable television system which such person is not authorized to receive, is guilty of a misdemeanor punishable by fine not exceeding two hundred dollars ($200) or by imprisonment in the county jail not exceeding 30 days.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 975

An act to amend Section 4305 of, and to repeal Chapter 4 (commencing with Section 4501) of Division 2 of, the Public Utilities Code, relating to transportation.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4305 of the Public Utilities Code is amended to read:

4305. On or after January 1, 1971, any person or corporation, subject to the license fee imposed by Section 4304, required to pay any excise or license tax of any kind, character, or description whatever imposed by any city, or city and county, other than an excise or license tax authorized under Division 2 (commencing with Section 6001) of the Revenue and Taxation Code, for the privilege of doing any transportation business therein on or after October 1, 1970, may credit the amount of such tax against the fee imposed by Section 4304.

SEC. 2. Chapter 4 (commencing with Section 4501) of Division 2 of the Public Utilities Code is repealed.

CHAPTER 976

An act relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Item 308 of the Budget Act of 1975 (Chapter 176 of the Statutes of 1975), the amount of such item shall be apportioned in accordance with the provisions of Chapter 6.10 (commencing with Section 6499.230) of Division 6 of the Education Code, rather than the provisions of Chapter 6.1 (commencing with Section 6445) of Division 6 of the Education Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act revises a statutory reference in the Budget Act of 1975 concerning the apportionment of funds for the Educationally Disadvantaged Youth Program. It is imperative that such revision take effect on or about the commencement of the 1975–76 academic year and as soon as possible. It is therefore necessary that this act go into immediate effect.

CHAPTER 977

An act to add Article 10 (commencing with Section 11140) to Chapter 1, Part 1, Division 3, Title 2 of the Government Code, relating to state agencies.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 11140) is added to Chapter 1, Part 1, Division 3, Title 2 of the Government Code, to read:

Article 10. State Boards and Commissions

11140. It is the policy of the State of California that the composition of state boards and commissions shall be broadly reflective of the general public including ethnic minorities and women.

11141. In making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy expressed in this article. It is not the intent of the Legislature that formulas or specific ratios be utilized in complying with this article.

CHAPTER 978

An act to add Sections 409.1 and 409.2 to the Unemployment Insurance Code, relating to the California Unemployment Insurance Appeals Board.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 409.1 is added to the Unemployment Insurance Code, to read:

409.1. If a final judgment of a court of competent jurisdiction reverses or declares invalid a precedent decision of the appeals board issued under Section 409 or this section, the appeals board, acting as a whole, shall promptly modify the precedent decision to conform in all respects to the judgment of the court. The modified precedent decision shall supersede the prior precedent decision for all purposes. The appeals board shall promptly notify the Director of

Employment Development, the Director of Benefit Payments, the referees of the appeals board, and all other subscribers to the precedent decisions, of the modified precedent decision.

SEC. 2. Section 409.2 is added to the Unemployment Insurance Code, to read:

409.2. Any interested person or organization may bring an action for declaratory relief in the superior court in accordance with the provisions of the Code of Civil Procedure to obtain a judicial declaration as to the validity of any precedent decision of the appeals board issued under Section 409 or 409.1.

CHAPTER 979

An act to amend Sections 1328, 1330, 1334, 1377, 2707.2, 2707.4, 2737, 3654.4, 3655, 3656, 4655, and 4656 of the Unemployment Insurance Code, relative to unemployment insurance.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1328 of the Unemployment Insurance Code is amended to read:

1328. The Employment Development Department shall consider the facts submitted by an employer pursuant to Section 1327 and make a determination as to the claimant's eligibility for benefits. The Employment Development Department shall promptly notify the claimant and any employer who prior to the determination has submitted any facts or given any notice pursuant to Section 1327 and authorized regulations of the determination and the reasons therefor. The claimant and any such employer may appeal therefrom to a referee within 20 days from mailing or personal service of notice of the determination. The 20-day period may be extended for good cause. The Director of Employment Development shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 2. Section 1330 of the Unemployment Insurance Code is amended to read:

1330. The claimant and any base period employer to whom a notice of computation or recomputation is given may, within 20 days after the mailing or personal service of such notice, protest the accuracy of the computation or recomputation. The 20-day period may be extended for good cause. The Department of Benefit Payments shall consider any such protest and shall promptly notify the claimant and the base period employer submitting the protest of the recomputation or denial of recomputation. An appeal may be

taken from a notice of denial of recomputation in the manner prescribed in Section 1328. The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 3. Section 1334 of the Unemployment Insurance Code is amended to read:

1334. A referee after affording a reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm, reverse, modify, or set aside any determination which is appealed under this article. The claimant, any employer becoming a party to the appeal by submitting a protest or information pursuant to Sections 1326 to 1333, inclusive, of this article, and the director shall be promptly notified in writing of the referee's decision, together with his reasons therefor. The decision shall be final unless, within 20 days after mailing of such decision, further appeal is initiated to the appeals board pursuant to Section 1336. The 20-day limitation may be extended for good cause.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 4. Section 1377 of the Unemployment Insurance Code is amended to read:

1377. Within 20 days from the date of mailing or serving of the notice of overpayment, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, reverse, modify, or set aside the findings set forth in the notice of overpayment. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 20 days from the date of notification or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 20-day period for an appeal to the referee or to the appeals board may be extended for good cause.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 5. Section 2707.2 of the Unemployment Insurance Code is amended to read:

2707.2. The Employment Development Department shall consider the facts submitted by the employer pursuant to Section 2707.1 and make a determination as to the eligibility of the claimant for benefits. The Employment Development Department shall promptly notify the claimant of the determination and the reasons therefor. The claimant may appeal therefrom to a referee within 20 days from mailing or personal service of the notice of determination. The 20-day period may be extended for good cause. The Director of Employment Development and the Director of Benefit Payments shall be interested parties to any appeal.

"Good cause," as used in this section, shall include, but not be

limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 6. Section 2707.4 of the Unemployment Insurance Code is amended to read:

2707.4. The claimant may, within 20 days after the mailing or personal service of the notice of computation or recomputation, protest the accuracy of the computation or recomputation. The 20-day period may be extended for good cause. The Department of Benefit Payments shall consider any such protest and shall promptly notify the claimant of the recomputation or denial of recomputation. The claimant may appeal from a notice of denial of recomputation in the manner prescribed in Section 2707.2. The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 7. Section 2737 of the Unemployment Insurance Code is amended to read:

2737. Within 20 days from the date of mailing or serving of the notice of overpayment determination, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, reverse, modify, or set aside the findings set forth in the notice of overpayment determination. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 20 days from the date of notification or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 20-day period for an appeal to the referee or to the appeals board may be extended for good cause.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 8. Section 3654.4 of the Unemployment Insurance Code is amended to read:

3654.4. The Department of Benefit Payments shall consider the facts submitted by an employing unit pursuant to Section 3654.1 and make a determination as to the exhaustee's eligibility for extended duration benefits under subdivision (e) of Section 3552. The Department of Benefit Payments shall promptly notify the exhaustee and any employing unit who prior to the determination has submitted any facts pursuant to Section 3654.1 of the determination and the reasons therefor. The exhaustee and any such employing unit may appeal therefrom to a referee within 20 days from mailing or personal service of notice of the determination. The 20-day period may be extended for good cause. The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 9. Section 3655 of the Unemployment Insurance Code is amended to read:

3655. The Employment Development Department shall

consider the facts submitted by an employer pursuant to Section 3654 and make a determination as to the exhaustee's eligibility for extended duration benefits. The Employment Development Department shall promptly notify the exhaustee and any employer who prior to the determination has submitted any facts pursuant to Section 3654 of the determination and the reasons therefor. The exhaustee and any such employer may appeal therefrom to a referee within 20 days from mailing or personal service of notice of the determination. The 20-day period may be extended for good cause. The Director of Employment Development shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 10. Section 3656 of the Unemployment Insurance Code is amended to read:

3656. Upon the filing of a valid primary claim by an exhaustee, the Employment Development Department shall promptly make an extended duration award computation which shall set forth the maximum amount of extended duration benefits potentially payable during the extended duration period, the weekly benefit amount, and the expiration date of the extended duration period. The Employment Development Department shall promptly notify the exhaustee of the computation. He may, within 20 days after the mailing or personal service of the notice of computation, protest its accuracy. The 20-day period may be extended for good cause. The Department of Benefit Payments shall consider any such protest and shall promptly notify the exhaustee of the recomputation or denial of recomputation. An appeal may be taken from a notice of denial of recomputation in the manner prescribed in Section 3655. The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 11. Section 4655 of the Unemployment Insurance Code is amended to read:

4655. The Employment Development Department shall consider the facts submitted by an employer pursuant to Section 4654 and make a determination as to the individual's eligibility for federal-state extended benefits. The Employment Development Department shall promptly notify the individual and any employer who prior to the determination has submitted any facts pursuant to Section 4654 of the determination and the reasons therefor. The individual and any such employer may appeal therefrom to a referee within 20 days from mailing or personal service of notice of the determination. The 20-day period may be extended for good cause. The Director of Employment Development shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

SEC. 12. Section 4656 of the Unemployment Insurance Code is amended to read:

4656. Upon the filing of a valid application by an individual, the Employment Development Department shall promptly make a federal-state extended benefit award computation which shall set forth the maximum amount of federal-state extended benefits potentially payable during the extended benefit period, and the weekly benefit amount. The Employment Development Department shall promptly notify the individual of the computation. He may, within 20 days after the mailing or personal service of the notice of computation or recomputation, protest its accuracy. The 20-day period may be extended for good cause. The Department of Benefit Payments shall consider any such protest and shall promptly notify the individual of the recomputation or denial of recomputation. An appeal may be taken from a notice of denial of recomputation in the manner provided in Section 4655. The Director of Benefit Payments shall be an interested party to any appeal.

"Good cause," as used in this section, shall include, but not be limited to, mistake, inadvertence, surprise, or excusable neglect.

CHAPTER 980

An act to amend Section 14004 of the Elections Code, relating to equipment for polling places.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 14004 of the Elections Code is amended to read:

14004. All officers required by law to designate polling places shall furnish the polling places with:

(a) An American Flag of such size as may be determined by the board of supervisors, to be erected at or near each polling place within the county.

(b) A ballot box, to be marked on the outside "general ballots."

(c) When any city officers are to be elected, a second ballot box, to be marked on the outside "municipal ballots."

(d) A sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others.

Each booth shall be provided with a screen so adjusted as to completely conceal the voter's actions while voting.

(e) Several inkpads and several stamps for each booth. The stamp shall be one solid piece and shall be made so that a cross (+) may be made with either end.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 981

An act to amend Section 14004 of the Elections Code, relating to elections.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 14004 of the Elections Code is amended to read:

14004. All officers required by law to designate polling places shall furnish the polling places with:

(a) An American Flag of such size as may be determined by the board of supervisors, to be erected at or near each polling place within the county.

(b) A ballot box, to be marked on the outside "general ballots."

(c) When any city officers are to be elected, a second ballot box, to be marked on the outside "municipal ballots."

(d) A sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others.

(e) Several inkpads and several stamps for each booth. The stamp shall be one solid piece and shall be made so that a cross (+) may be made with either end.

(f) When a candidate or candidates have qualified to have his or their names counted pursuant to Chapter 8.5 (commencing with Section 18600) of Division 10, a sufficient number of pencils in the voting booths for the purpose of writing in on the ballot the name of such candidate or candidates.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the additional net costs, if any, imposed on local government by this act are insignificant in nature and will not place any financial burden on local government.

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CHAPTER 982

An act to add Article 5m (commencing with Section 998.001) to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of the Veterans' Finance Committee of 1943 and the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, appropriating money for the purpose of carrying out the provisions of the article; and providing for the submission of the measure to the people at a special election to be consolidated with the 1976 direct primary election, to take effect immediately.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Article 5m (commencing with Section 998.001) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5m. Veterans Bond Act of 1976

998.001. This article may be cited as the Veterans Bond Act of 1976.

998.002. The State General Obligation Bond Law, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

998.003. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans' Farm and Home Building Fund of 1943 created by Section 988.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

998.004. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans' Farm and Home Purchase Act of 1974 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of five hundred million dollars ($500,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

998.005. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

998.006. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of

and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 998.007, which sum is appropriated without regard to fiscal years.

998.007. For the purposes of carrying out the provisions of this article the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

998.008. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

998.009. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

998.010. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

998.011. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same

manner whenever additional sales are made.

SEC. 2 Section 1 of this act shall take effect upon the adoption of the people of the Veterans Bond Act of 1976, as set forth in Section 1 of this act. This section and Sections 3 to 6, inclusive, of this act contain provisions relating to and necessary for the submission of the Veterans Bond Act of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the eighth day of June 1976. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1976," and the same square under said words the following in eight-point type: "This act provides for a bond issue of five hundred million dollars ($500,000,000) to provide farm and home aid for California veterans." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1976," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of five hundred million dollars ($500,000,000) to provide farm and home aid for California veterans." Opposite the words "For the Veterans Bond Act of 1976," and "Against the Veterans Bond Act of 1976," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the Veterans Bond Act of 1976," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1976." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 7. (a) Within two days after the effective date of this act, the author and first coauthor of such act and one member of the opposite house who voted with the majority on such act shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of such measure. If such act was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within five days after the date of appointment.

(b) Upon the effective date of this act, the Secretary of State shall request the Attorney General to prepare a ballot title for such measure submitted pursuant to this section and shall also request the Legislative Analyst to prepare an analysis of said measure in accordance with Section 88003 of the Government Code. Said title and said analysis of such act shall be filed with the Secretary of State within 10 days after the effective date of this act. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(c) The submission of the arguments, rebuttal arguments, and press releases requesting arguments and rebuttal arguments for such constitutional amendment shall be in accordance with the applicable provisions of Division 4 (commencing with Section 3500) of the Elections Code, except that the times for the submission of arguments, rebuttal arguments, and press releases shall be the times provided as follows:

(1) One day for the Secretary of State to return arguments for rebuttal; and

(2) Three days for rebuttal arguments.

SEC. 8. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because duties, obligations, or responsibilities imposed on local governmental entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

CHAPTER 983

An act to amend Sections 31203, 31207, 31215, 31247, 31266, and 31295.3 of, and to repeal Section 31296 of, the Education Code, relating to state scholarships, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state university or college for the purposes of California State University and Colleges admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state university or college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship, as determined by the commission.

(b) He has graduated from high school or has been accepted for admission by an accredited university or college.

(c) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(d) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(e) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter.

(f) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 2. Section 31207 of the Education Code is amended to read:

31207. (a) The State Scholarship Commission is continued in existence as the State Scholarship and Loan Commission, consisting of nine members, to be appointed by the Governor. Appointments made pursuant to this section on and after the effective date of the amendments of this section enacted at the 1966 First Extraordinary Session of the Legislature shall be subject to confirmation by the Senate.

(b) As used in this chapter, "commission" means the State Scholarship and Loan Commission.

(c) The commission shall submit an annual report to the Legislature concerning the programs which it administers.

SEC. 3. Section 31215 of the Education Code is amended to read:

31215. The commission may require all applicants to take a test

administered under secure conditions on a national or statewide test date and acceptable for admission purposes at a college or university eligible to participate in the state scholarship program. In deciding upon the use of one or more tests which meet the conditions specified in this article, the commission shall appoint a panel of five psychologists or psychometrists who shall report to the commission on the appropriateness of each of the tests for scholarship purposes. If more than one test meets the conditions specified in this article the panel shall also investigate and report to the commission its findings concerning the comparability of the tests. On the basis of the results of such examinations if required, plus other academic criteria which the commission shall require, the commission shall determine the award winners for the next ensuing academic year. Such commission also shall determine which of the current award winners are making satisfactory academic progress and are entitled to an annual renewal of their scholarships.

SEC. 4. Section 31247 of the Education Code is amended to read:

31247. There shall be graduate fellowships, including renewals, for each academic year equal in number to 2 percent of the total number of baccalaureate degrees awarded during the next preceding academic year by colleges and universities located in California and accredited by the Western Association of Schools and Colleges. The amount of each award shall be calculated according to the applicant's financial need, not to exceed full cost of tuition and regular fees for one year at the institution which the student attends.

SEC. 5. Section 31266 of the Education Code is amended to read:

31266. The commission shall not award any additional grants for any fiscal years other than those specified in Section 31263 unless there is specific authorization by the Legislature to continue the awarding of college opportunity grants pursuant to this chapter.

SEC. 6. Section 31295.3 of the Education Code is amended to read:

31295.3. To be eligible for an occupational education and training grant under this chapter, an applicant shall meet all of the following requirements:

(a) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(b) Be a citizen of the United States or have been admitted to permanent residence.

(c) Demonstrate occupational achievement or aptitude and financial need. In determining occupational achievement or aptitude, the commission may use acceptable testing procedures to the extent these are available. In determining financial need of an applicant, the commission shall expect each student to make a self-help contribution toward occupational or technical training costs and the financial status of his parents shall be taken into consideration.

(d) Use his grant for occupational or technical training in California in institutions which are either accredited or are

candidates for accreditation by the Western Association of Schools and Colleges or by a national accrediting association recognized by the U.S. Office of Education or in the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951) of Division 19. As used in this section, "occupational or technical training" shall mean that phase of education coming after the completion of a secondary school program and leading toward recognized occupational goals approved by the commission, which shall include three-year hospital-based programs to train licensed registered nurses approved by the Board of Registered Nursing.

(e) Have applied for a state occupational education and training grant and have met the criteria established by the commission for eligibility for such grant.

(f) Have complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state occupational education and training grants adopted pursuant to this chapter.

SEC. 7. Section 31296 of the Education Code is repealed.

SEC. 8. The sum of fifty-seven thousand three hundred dollars ($57,300) is hereby appropriated from the General Fund to the State Scholarship and Loan Commission for the purpose of developing Phase II of a Master Plan for the Administration and Coordination of Publicly Funded Student Aid in California. Such plan shall be developed with the cooperation of staffs of the Postsecondary Education Commission, the University of California, the California State University and Colleges, and with representatives of community colleges, independent colleges, and other postsecondary institutions and shall be submitted to the Legislature no later than June 30, 1976.

CHAPTER 984

An act to amend and supplement the Budget Act of 1975 (Chapter 176, Statutes of 1975) by adding Section 2.8D thereto, relating to an appropriation for parks.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2.8D is added to the Budget Act of 1975 (Chapter 176, Statutes of 1975), to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT OF 1974 PROGRAM

Sec. 2.8D. The following sums of money, or so much thereof as

may be necessary, unless otherwise provided herein, are hereby appropriated for expenditure during the 1975–76, 1976–77 and 1977–78 fiscal years. Appropriations for studies, planning, and working drawings shall be available for expenditure only during the 1975–76 fiscal year. All such appropriations shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

LOCAL ASSISTANCE

Resources

390.2D—For grants to counties, cities, cities and counties, or special districts, pursuant to subdivision (a) of Section 5096.85 of the Public Resources Code, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund of 1974 90,000
Unless otherwise provided herein, funds appropriated for each of the local grant projects in this item are for acquisition, development, or both.

Projects in Amador County:

Schedule:

(1) County of Amador, Pine Grove Park	6,000
(2) County of Amador, Pioneer Park	28,000
(3) County of Amador, Fiddletown Park	10,000
(4) City of Plymouth, District Five Community Park	20,000
(5) City of Amador, Amador City Park	5,000
(6) River Pine Public Utility District, Pine Lodge Park	10,000
(7) City of Volcano, Soldier Gulch Park	11,000

provided that none of the funds which are appropriated by this item for the projects set forth herein shall be available for expenditure unless and until such projects are submitted to, and reviewed and approved by, the Secretary of the Resources Agency pursuant to Section 5096.89 of the Public Resources Code.

CHAPTER 985

An act to add Part 6 (commencing with Section 14200) to Division 3 of Title 1 of the Corporations Code, relating to business and industrial development corporations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Part 6 (commencing with Section 14200) is added to Division 3 of Title 1 of the Corporations Code, to read:

PART 6. BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS

CHAPTER 1. PRELIMINARY PROVISIONS

14200. This part may be cited as "Business and Industrial Development Corporations Act."

14201. The purposes of this act are:

(a) To promote, stimulate, develop, and advance the business prosperity and economic welfare of California and its citizens;

(b) To encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry;

(c) To stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state;

(d) To cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments in this state;

(e) To provide financing for the promotion, development, and conduct of all kinds of business activity in this state.

CHAPTER 2. DEFINITIONS AND GENERAL PROVISIONS

14205. Unless the context otherwise requires, the following definitions shall govern the construction of this act:

(a) "Board of directors" means the board of directors of a corporation created under this act.

(b) "Corporation" means a California business and industrial development corporation permitted to function pursuant to this act.

(c) "Financial institution" means any banking corporation or

trust company, savings and loan association, insurance company or related corporation or other institution engaged primarily in lending or investing funds.

(d) "Loan limit" means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to a corporation, as determined under the provisions of this act.

(e) "Member" means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this act, upon its call, and in accordance with the provisions of this act.

(f) "Superintendent" means the superintendent of banks or any person or persons whom the superintendent authorizes to act for him in the particular matter.

14207. The provisions of Division 1 (commencing with Section 100) of this title of this code, relating to general corporation law, apply to corporations created under this act, except where such provisions are in conflict with this act. A corporation created under this act shall be treated as a "corporation" or "domestic corporation" as those terms are used in this title, except that the purposes for which corporations created under this act are formed shall not thereby be extended

14208. The exemption from the qualification provisions of the Corporate Securities Law of 1968 provided by subdivision (a) of Section 25100 of the Corporations Code shall not be available to the corporations created under this act.

14209. A corporation organized pursuant to this part, or any corporation in existence on the effective date of this part may become a business and industrial development corporation by conforming to the provisions of this act.

CHAPTER 3. CREATION

14210. A corporation may be permitted to function pursuant to this part for the purpose of promoting, developing and financing the prosperity and economic welfare of the state.

14211. The articles of incorporation shall meet the requirements of Division 1 (commencing with Section 100) of this title with the following exceptions:

(a) The name of the corporation shall include the words "California business and industrial development corporation."

(b) The articles need not identify the specific business in which the corporation is primarily to engage.

(c) The statement of purposes for which the corporation is formed shall be the purposes as stated in Section 14201.

(d) The number of directors shall not be less than 25.

(e) The articles shall include a statement that the corporation is organized pursuant to Part 6 of Division 3 of Title 1 of the Corporations Code.

CHAPTER 4. POWERS

14215. In furtherance of its purposes and in addition to the powers now and hereafter conferred on business corporations by California and federal statutes, a corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(a) To elect, appoint, and employ officers, agents, and employees, and to make contracts and incur liabilities for any of the purposes of the corporation. A corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint-stock company, association or trust, or in any other manner.

(b) To borrow money from its members and the Small Business Administration and any other similar federal agency for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights, and privileges of every kind and nature, or any part thereof or interest therein, except that a corporation is not empowered to issue industrial revenue bonds.

(c) To make loans, at the lowest rate of interest consistent with the financial integrity and purposes of the corporation, to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith. A corporation shall not approve any application for a loan unless and until the applicant for the loan shows that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(d) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to any real or personal property acquired by a corporation from time to time in the satisfaction of debts or enforcement of obligations.

(e) To acquire the goodwill, business, rights and real and personal property, and other assets, or any part thereof, or interest therein, of any person, firm, corporation, joint-stock company, association or trust, and to assume, undertake, or pay the obligations, debts, and liabilities of any person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or

otherwise dispose of industrial plants or business establishments.

(f) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(g) To mortgage, pledge, or otherwise encumber any property, right or thing of value, acquired pursuant to the powers contained in subdivision (e), (f), or (g) of this section as security for the payment of and part of the purchase price thereof.

(h) To cooperate with and avail itself of the facilities of the United States Department of Commerce and the California Economic Development Commission, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organization in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities of the State of California.

(i) To assist California job creation corporations in funding state-guaranteed loans and to maintain contact with all the state and federal economic development programs for the purpose of coordination to obtain the best possible results from all economic development funds available in California. Such coordinated efforts shall be accurately described in the annual report of a corporation.

(j) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

CHAPTER 5. MEMBERSHIP

14216. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles or organization or trust indentures:

(a) Any person, including all domestic corporations organized for the purpose of carrying on business within this state, and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trusts, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of a corporation, and while owners of said stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this act. State-chartered banks, trust companies, savings and loan associations, and insurance companies may not become

members or make loans to a corporation without the prior approval, as appropriate, of the Superintendent of Banks or the Savings and Loan Commissioner or Insurance Commissioner. A financial institution which does not become a member of a corporation shall not be permitted to acquire any shares of the capital stock of the corporation.

(b) All financial institutions are hereby authorized to become members of a corporation and to make loans to the corporation as provided herein.

(c) Each financial institution which becomes a member of a corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of any bonds, securities, or other evidences of indebtedness created by, or the shares of the capital stock of a corporation, and while owners of such stock to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon; provided, that the amount of the capital stock of a corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent (10%) of the loan limit of such member.

14217. The amount of capital stock of a corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

CHAPTER 6. LOAN REQUIREMENTS

14220. Any financial institution, qualified for membership, may request membership in a corporation by making application to the board of directors on such form and in such manner as the board of directors may require, and membership shall become effective upon receipt of the application by the board of directors.

14221. Each member of a corporation shall make loans to the corporation as and when called upon by it to do so on those terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(a) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this chapter.

(b) No loan to a corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed 50 times the amount then paid in on the outstanding capital stock of the corporation.

(c) The total amount outstanding on loans to a corporation made by any member at any one time, when added to the amount of the investment in the capital stock of the corporation then held by the member, shall not exceed:

(1) Twenty percent of the total amount then outstanding on loans to the corporation by all members, including in the total amount outstanding the amount of loans validly called for but not yet

advanced.

(2) The following limit, to be determined as of the time the member becomes a member on the basis of the audited balance sheet of the member at the close of its fiscal year immediately preceding its application for membership, or in the case of an insurance company, its last annual statement to the State Insurance Commissioner; a maximum of 2½ percent of the capital and surplus of commercial banks and trust companies; a maximum of ½ percent of the total outstanding loans made by savings and loan associations, and building and loan associations; a maximum of 2½ percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; a maximum of 2½ percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; a maximum of ⅒ percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors for other financial institutions. The percentage at or below such maximum limits shall be decided by each member.

(d) Subject to paragraph (1) of subdivision (c) of this section, each call made by a corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of the member's loan limit, reduced by the balance of outstanding loans made by the member to the corporation and the investment in capital stock of the corporation held by the member at the time of the call.

(e) All loans to a corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, and shall be freely transferable at all times.

CHAPTER 7. TERMINATION OF MEMBERSHIP

14225. Membership in a corporation shall be for the duration of the corporation; provided that upon written notice given to the corporation five years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

14226. A member shall not be obligated to make any loans to a corporation pursuant to calls made subsequent to notice of the intended withdrawal of the member.

CHAPTER 8. STOCKHOLDERS AND MEMBERS

14227. The stockholders and the members of a corporation shall exercise the following corporate powers:

(a) To elect directors as provided in Section 14244.

(b) To do all things necessary or desirable to secure aid assistance loans and other financing from any financial institutions, and from any agency established under the Small Business Investment Act of 1958, Public Law 85-699, 85th Congress, or other similar federal laws

now or hereafter enacted.

(c) To exercise such other corporate powers consistent with this act as may be conferred on the stockholders and the members by the bylaws.

14228. Whenever any corporate action is required by Division 1 (commencing with Section 100) of this title to be approved by stockholders, such corporate action must be approved by both the stockholders and the members of a corporation. The stockholders and the members shall vote separately thereon by classes, and except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders, present or represented, shall be entitled and the affirmative vote of a majority of the votes to which the members, present or represented, shall be entitled.

14229. Each stockholder shall have one vote, in person or by proxy, for each share of voting stock held by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one million dollars ($1,000,000) shall have one additional vote, in person or by proxy, for each additional one million dollars ($1,000,000) which such member is authorized to have outstanding on loans to the corporation at any one time as determined under paragraph (2) of subdivision (c) of Section 14221.

14230. No amendment of the articles of incorporation shall be made without the consent of each member affected if the amendment increases the obligation of a member to make loans to the corporation, makes any change in the principal amount, interest rate, maturity date, or security or credit position of any outstanding loans of a member to the corporation, affects a member's right to withdraw from membership as provided in Chapter 7 (commencing with Section 14225), or affects a member's voting rights as provided in Chapter 8 (commencing with Section 14227).

CHAPTER 9. MANAGEMENT OF THE CORPORATION

14240. Subject to limitations in the articles of incorporation and this act as to action which shall be authorized or approved by the stockholders and members, all corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed and conducted by a board of directors.

14241. The board of directors may choose and appoint a president, vice president, secretary, treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. Any president, vice president, secretary or treasurer shall perform such duties as are imposed by the bylaws or the board of directors.

14242. The authorized number of directors shall be at least 25. At least four-fifths of the directors shall each be representatives of a corresponding number of geographical regions of the state. Members of a corporation shall elect two-thirds of the board of

directors, and the stockholders shall elect the remaining directors.

14244. Any vacancy in the office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Every shareholder or member entitled to vote at any election for directors may cumulate his votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which his shares are entitled, or distribute his votes on the same principle among as many candidates as he thinks fit.

14245. Directors and officers shall not be responsible for losses unless occasioned by the willful misconduct or negligence of those directors and officers.

CHAPTER 10. EARNED SURPLUS

14250. Each year a corporation shall set apart as earned surplus not less than 10 percent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for the original accumulation.

CHAPTER 11. DEPOSIT REQUIREMENTS

14251. A corporation shall not deposit any of its funds in any banking institution unless the banking institution has been designated as a depository by a vote of a majority of the directors, present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. A corporation shall not receive money on deposit.

CHAPTER 12. REPORTS AND EXAMINATIONS

14255. Within 105 days after the close of each calendar year, a corporation shall file with the superintendent an audit report containing:

(a) Financial statements (including balance sheet, statement of income or loss, statement of changes in capital accounts, and statement of changes in financial condition) for or as of the end of such calendar year, prepared by an independent certified public accountant or an independent public accountant in accordance with generally accepted accounting principles;

(b) Report, certificate, or opinion of such independent certified public accountant or independent accountant, stating that such financial statements were prepared in accordance with generally accepted accounting principles; and

(c) Such other information as the superintendent may request.

14256. A corporation shall, whenever requested by the superintendent, file with the superintendent a report in such form, containing such information, and verified in such manner, as the superintendent may specify.

14257. (a) The superintendent may at any time examine a corporation.

(b) The directors, officers, and employees of a corporation being examined by the superintendent shall exhibit to the superintendent, on request, any or all of its securities, books, records, and accounts and shall otherwise facilitate such examination so far as it may be in their power to do so.

(c) The superintendent may administer an oath to any person whose testimony is required for the purposes of an examination of a corporation and may, by issuance of a subpoena, compel the appearance of any person and the production of any evidence for the purposes of such examination.

(d) A corporation which is examined by the superintendent shall pay to the superintendent, upon presentation by the superintendent of a statement to such corporation, a fee of one hundred fifty dollars ($150) a day for each examiner or other person engaged in such examination. The superintendent shall deliver all money collected pursuant to this subdivision to the State Treasurer, who shall deposit such money to the credit of the State Banking Fund.

14258. The superintendent shall make available to the Insurance Commissioner, Savings and Loan Commissioner, Auditor General, and Governor copies of all reports filed with him by a corporation pursuant to Sections 12455 and 12456 of this code and copies of the reports of all examinations made by him pursuant to Section 14257 of this code.

14259. Whenever a corporation files a report with the superintendent pursuant to Sections 14255 or 14256 of this code and whenever the superintendent examines a corporation pursuant to Section 14257 of this code, the superintendent may forward any appropriate comments regarding such report or examination to the board of directors of such corporation.

CHAPTER 13. CREDIT OF STATE NOT TO BE PLEDGED

14265. Under no circumstances shall the credit of the state be pledged to a corporation organized under the provisions of this act.

CHAPTER 14. FEDERAL LAW

14266. A corporation organized under the provisions of this act is a state development company, as defined in the Small Business Investment Act of 1958, Public Law 85-699, 85th Congress, or any other similar federal legislation and shall assist small businesses in California by applying for Small Business Administration funds and

by meeting the requirements of, and cooperating and coordinating its activities with, the Small Business Administration.

CHAPTER 15. FISCAL YEAR

14270. A corporation organized under this act shall adopt June 30th as the end of its fiscal year.

CHAPTER 16. SEVERABILITY

14271. If any provision of this act or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the energy crisis and the recent downturn in the nation's economy, there is a high probability of a recession in the state this year. A proven way to stimulate the economy and create more jobs is to assist small and medium-size businesses. Corporations organized under this act would render this assistance by loans, guarantee of loans, investment of equity capital and managerial assistance. Since this act will ameliorate such situation, it is necessary for this act to take effect immediately.

CHAPTER 986

An act to amend Section 68926 of the Government Code, relating to filing fees for civil appeals.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 68926 of the Government Code is amended to read:

68926. The fee for filing a notice of appeal in a civil case appealed to a court of appeal is fifty dollars ($50). The fee for filing a petition for a writ within the original civil jurisdiction of the Supreme Court or of a court of appeal is fifty dollars ($50). Such fees are in full for all services through the rendering of the judgment or the issuing of the remittitur or peremptory writ except the fee imposed by Section 68927. The Judicial Council may make rules governing the time and method of payment of such fees, and providing for excuse therefrom

in appropriate cases.

CHAPTER 987

An act to amend Sections 405, 670, 12804, 21200, 21960, and 23330 of, and to add Sections 406, 4020, 21207.5, 24015, and 39012 to, the Vehicle Code, relating to vehicles.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 405 of the Vehicle Code is amended to read:

405. A "motor-driven cycle" is any motorcycle, including every motor scooter, with a motor which produces less than 15 gross brake horsepower, and every bicycle with motor attached. A motor-driven cycle does not include a motorized bicycle, as defined in Section 406.

SEC. 2. Section 406 is added to the Vehicle Code, to read:

406. A "motorized bicycle" is any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

SEC. 3. Section 670 of the Vehicle Code is amended to read:

670. A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

SEC. 4. Section 4020 is added to the Vehicle Code, to read:

4020. A motorized bicycle operated upon a highway is exempt from registration.

SEC. 5. Section 12804 of the Vehicle Code, as amended by Section 1 of Chapter 162 of the Statutes of 1975, is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued

by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle or any motorized bicycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

(f) Notwithstanding the provisions of subdivision (b), any person holding a valid California driver's license of any class may operate a motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class 4 endorsement on such license.

SEC. 5.5. Section 12804 of the Vehicle Code, as amended by Section 1 of Chapter 162 of the Statutes of 1975, is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals, including the highway signs, markers, and traffic control devices established by the Department of Transportation. The applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive, except that the department may waive the driving test part of the examination of an applicant who holds a valid license issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a report of a medical examination of the applicant given not more than two years prior to the date of the application by a physician licensed to practice medicine. The report shall be on a form approved by the department or by the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation. In establishing the requirements consideration may be given to the

standards presently required of motor carrier drivers by the Federal Highway Administration of the United States Department of Transportation. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck," any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. A three-axle housecar, any two-axle vehicle, and any such housecar or vehicle towing another vehicle weighing less than 6,000 pounds gross, except a bus, two-wheel motorcycle, or "farm labor truck."

(4) Class 4. Any two-wheel motorcycle or motorized bicycle. Authority to operate vehicles included in a class 4 license may be granted by endorsement on a class 1, 2 or 3 license upon completion of appropriate examination.

(c) Class 1 and class 2 drivers' licenses shall be valid for operating class 1 or class 2 vehicles only when a medical certificate approved by the department or the Federal Highway Administration or the Federal Aviation Administration of the United States Department of Transportation is in the licensee's immediate possession which has been issued within two years of the date of the operation of such vehicle, otherwise the license shall be valid only for operating class 3 vehicles and class 4 vehicles if so endorsed. A person holding a valid class 1 or class 2 driver's license on May 3, 1972, may operate class 1 or class 2 vehicles without a medical certificate until such time as the license expires.

(d) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

(e) The department may accept a certificate of competence in lieu of a driving test on class 4 applications when such certificate is issued by a law enforcement agency for its officers who operate class 4 vehicles in their duties provided the applicant has also met the other examination requirements for the license for which he is applying.

(f) Notwithstanding the provisions of subdivision (b), any person

holding a valid California driver's license of any class may operate a motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class 4 endorsement on such license.

SEC. 6. Section 21200 of the Vehicle Code is amended to read:

21200. Every person riding a bicycle upon a roadway or any paved shoulder has all the rights and is subject to all the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application.

A bicycle is a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

SEC. 7. Section 21207.5 is added to the Vehicle Code, to read:

21207.5. Notwithstanding Sections 21207 and 23127 of this code, Section 5079.7 of the Public Resources Code, or any other provision of law, no motorized bicycle may be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over such path or trail permits, by ordinance, such operation.

SEC. 7.5. Section 21960 of the Vehicle Code is amended to read:

21960. (a) The Department of Transportation and local authorities may, by order, ordinance, or resolution, with respect to freeways or designated portions thereof under their respective jurisdictions, to which all rights of access have been acquired, prohibit or restrict the use of the freeways or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle or a motorized bicycle. Any such prohibition or restriction pertaining to either bicycles or motor-driven cycles, or to both, shall be deemed to include motorized bicycles; and no person may operate a motorized bicycle wherever such prohibition or restriction is in force. Notwithstanding any provisions of any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway may walk to the nearest exit, in either direction, on that side of the freeway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) Such prohibitory regulation shall be effective when appropriate signs giving notice thereof are erected upon any freeway and the approaches thereto.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Transportation.

SEC. 8. Section 23330 of the Vehicle Code is amended to read:

23330. Except where a special permit has been obtained from the Department of Transportation under the provisions of Article 6

(commencing with Section 35780) of Chapter 5 of Division 15, none of the following shall be permitted on any vehicular crossing:

(a) Animals while being led or driven, even though tethered or harnessed.

(b) Bicycles or motorized bicycles, unless the department by signs indicates that either bicycles or motorized bicycles, or both, are permitted upon all or any portion of the vehicular crossing.

(c) Vehicles carrying explosives in any amount or carrying more than 10 gallons of corrosive liquids.

(d) Vehicles having a total width of vehicle or load exceeding 102 inches.

(e) Vehicles carrying items prohibited by regulations promulgated by the Department of Transportation.

SEC. 9. Section 24015 is added to the Vehicle Code, to read:

24015. (a) Motorized bicycles shall comply with those federal motor vehicle safety standards established under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381, et seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards.

(b) Except as provided in subdivision (a), none of the provisions of this chapter relating to motorcycles and motor-driven cycles, as defined in this code, shall apply to a motorized bicycle.

SEC. 10. Section 39012 is added to the Vehicle Code, to read:

39012. The provisions of this division are applicable to motorized bicycles.

SEC. 11. It is the intent of the Legislature, if this bill and Senate Bill No. 244 are both chaptered and become effective January 1, 1976, both bills amend Section 12804 of the Vehicle Code, and this bill is chaptered after Senate Bill No. 244, that the amendments to Section 12804 proposed by both bills be given effect and incorporated in Section 12804 in the form set forth in Section 5.5 of this act. Therefore, Section 5.5 of this act shall become operative only if this bill and Senate Bill No. 244 are both chaptered and become effective January 1, 1976, both amend Section 12804, and this bill is chaptered after Senate Bill No. 244, in which case Section 5 of this act shall not become operative.

CHAPTER 988

An act to amend Section 9580 of the Vehicle Code, relating to vessels.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 9850 of the Vehicle Code is amended to read:

9850. Every undocumented vessel using the waters or on the waters of this state shall be currently numbered. No person shall operate or a county, city, or political subdivision give permission for the operation of any undocumented vessel on such waters unless the undocumented vessel is numbered in accordance with this chapter, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another state, and unless (1) the certificate of number issued to such undocumented vessel is in full force and effect, and (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such undocumented vessel.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 989

An act to repeal and add Section 19526 of the Revenue and Taxation Code, relating to senior citizens property tax assistance.

[Approved by Governor September 22, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 19526 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 19526 is added to the Revenue and Taxation Code, to read:

19526. Assistance shall not be allowed under this part if gross household income, after allowance for actual cash expenditures which are reasonable, ordinary and necessary to realize such income, exceeds twenty thousand dollars ($20,000).

SEC. 3. This act shall be operative with respect to claims for property tax assistance for property tax fiscal years beginning July 1, 1975, and fiscal years thereafter.

CHAPTER 990

An act to amend Section 117j of the Code of Civil Procedure, relating to small claims court.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior court upon the filing of any document or paper by the plaintiff in a small claims action.

On appeal the action shall be tried anew. The practice and procedure on appeal and the time and manner in which records on appeal shall be made up and filed shall be prescribed in rules adopted by the Judicial Council.

If the plaintiff in a small claims action is a corporation, the plaintiff shall be entitled to appear and defend in the superior court on its own behalf and without the representation of an attorney.

If, in an unlawful detainer proceeding in a small claims court pursuant to Section 117, judgment is for plaintiff, proceedings on the judgment are automatically stayed, without the filing of a bond by defendant, until the expiration of the time for appeal, and, if an appeal is perfected, until the appeal is decided.

SEC. 2. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior court upon the filing of any document or paper by the plaintiff in a small claims action.

On appeal the action shall be tried anew. The practice and procedure on appeal and the time and manner in which records on appeal shall be made up and filed shall be prescribed in rules adopted

by the Judicial Council.

If the plaintiff in a small claims action is a corporation, the plaintiff shall be entitled to appear and defend in the superior court on its own behalf and without the representation of an attorney.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 212 are both chaptered and become effective January 1, 1976, both bills amend Section 117j of the Code of Civil Procedure, and this bill is chaptered after Senate Bill No. 212, that the amendments to Section 117j proposed by both bills be given effect and incorporated in Section 117j in the form set forth in Section 2 of this act. Therefore, Section 2 of this act shall become operative only if this bill and Senate Bill No. 212 are both chaptered and become effective January 1, 1976, both amend Section 117j, and this bill is chaptered after Senate Bill No. 212, in which case Section 1 of this act shall not become operative.

CHAPTER 991

An act relating to the Princeton Ferry, and making an appropriation therefor.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Princeton Ferry is the last Sacramento River crossing of its kind north of the Sacramento-San Joaquin Delta, and thus constitutes a historical unit which, together with sufficient land for its operation and interpretation, should be preserved for the enjoyment and education of the public.

SEC. 2. The Department of Parks and Recreation shall undertake a feasibility study of a project to restore the reaction Princeton Ferry, and to preserve the electrified Princeton Ferry currently in operation, as a historical unit and its relation to the River Road and 16-Mile House.

SEC. 3. Notwithstanding Section 5098.2 of the Public Resources Code, the sum of seven thousand five hundred dollars ($7,500) is hereby appropriated from the Park and Recreation Revolving Account in the General Fund to the Department of Parks and Recreation to undertake a feasibility study pursuant to Section 2 of this act.

CHAPTER 992

An act to amend Section 1143 of the Probate Code, relating to public administrators.

[Approved by Governor September 22, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1143 of the Probate Code is amended to read:

1143. (a) Except as provided in subdivision (b), when a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed five thousand dollars ($5,000) excluding any motor vehicle owned by the decedent, the public administrator may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. The money received from any such sale or collection shall be used to pay commissions to the public administrator, and to defray the expenses of the burial of the decedent and the expenses of his last illness; the balance, if any, shall be used to pay other claims approved by the court; and there shall be no administration upon the estate unless additional property is discovered. No notice of the application need be given. The application may be filed whether or not there is a will of the decedent in existence, if the executor named therein refuses to act, or if the will does not appoint an executor.

(b) When a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed five hundred dollars ($500), the public administrator may, instead of applying to the superior court or judge thereof for an order provided in subdivision (a), apply such money or proceeds from the sale of any personal property towards the expense of the burial of the decedent or may deposit such money with the county treasurer for use in the general fund without regard for any claims, other than preferred claims, against the decedent's estate.

SEC. 2. The amendments to Section 1143 of the Probate Code made by this act shall apply to all decedents' estates which are subject to its provisions, regardless of the date of death or the date on which this act becomes operative.

CHAPTER 993

An act to amend Section 23130 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration, or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds and any combination of vehicles towed by such motor vehicle	86 dbA	90 dbA
	Speed limit of 45 mph or less	**Speed limit of more than 45 mph**
(2) Any motorcycle other than a motor-driven cycle	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76 dbA	82 dbA

(b) The noise limits established by this section shall be based on a distance of 50 feet from the center of the lane of travel within the speed limit specified in this section. The Department of the California Highway Patrol may provide for measuring at distances other than 50 feet from the center of the lane of travel. In such a case, the measurement shall be corrected so as to provide for measurements equivalent to the noise limit established by this section measured at 50 feet.

(c) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized. These procedures shall allow, to the extent feasible, noise measurement and

enforcement action to be accomplished in reasonably confined areas such as residential areas of urban cities.

(d) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(e) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of more than 10,000 pounds if the unladen weight is more than 5,000 pounds.

(f) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

CHAPTER 994

An act to amend Sections 35923 and 35925 of, and to add Section 35924.5 to, the Food and Agricultural Code, relating to certified milk.

[Approved by Governor September 23, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 35923 of the Food and Agricultural Code is amended to read:

35923. A county milk commission shall consist of six members who reside in the county where the commission is located and who shall be appointed by the board of supervisors for a term of four years and shall be eligible for reappointment. The members shall be appointed as follows:

(a) A physician who is a member of a county medical association organized under and approved by the Medical Society of the State of California.

(b) A physician nominated by the county health department.

(c) A veterinarian, who shall be a member of the county or regional veterinarian association.

(d) A physician nominated by a producer or producers of certified milk in the county.

(e) A physician nominated by the American Association of Medical Milk Commissions, Incorporated.

(f) A public member, appointed by the board of supervisors.

If no nomination is made by a group so authorized to nominate a member under subdivisions (a) to (e), inclusive, the board of supervisors shall appoint a person who is a member of any of the designated organizations authorized to nominate members.

SEC. 2. Section 35924.5 is added to the Food and Agricultural Code, to read:

35924.5. A county milk commission shall give reasonable notice to the public of its meetings, and shall hold its public hearings in public buildings.

Members of the commission shall receive twenty-five dollars ($25) per diem for each day spent on official business of the commission, payable from the fees collected pursuant to this article. No member of the commission shall travel beyond the boundaries of the state on official business without prior approval of the county board of supervisors.

SEC. 3. Section 35925 of the Food and Agricultural Code is amended to read:

35925. A county milk commission shall certify milk, including unpasteurized milk, for any applicant for certification whose milk complies with the rules, regulations, and standards for production, distribution and sale of milk adopted by the commission and prescribed in this code, irrespective of whether the milk is produced in the county in which the commission is located or in a contiguous county, so long as there is not a milk commission located in such a contiguous county. Provided, however, that the power of a milk commission to certify milk produced in the contiguous county shall terminate at such time as a milk commission is created in such contiguous county.

Nothing in this section shall affect any milk inspection, including an approved milk inspection service pursuant to Chapter 4 (commencing with Section 33051) of this part or any other inspection, for milk which is produced in such contiguous county and certified by the commission.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because Section 35926 of the Food and Agricultural Code contains a revenue source which may be utilized by local governments to cover the cost of the mandate.

CHAPTER 995

An act to amend Sections 10854 and 10855 of the Education Code, relating to public school.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

80—3166

The people of the State of California do enact as follows:

SECTION 1. Section 10854 of the Education Code, as amended by Chapter 1205 of the Statutes of 1974, is amended to read:

10854. The governing board of any school district may adopt rules and regulations authorizing teachers, principals, and other certificated personnel to administer reasonable corporal or other punishment to pupils when such action is deemed an appropriate corrective measure except and to the extent that such action is permissible as provided in Section 10855.

SEC. 2. Section 10855 of the Education Code, as added by Chapter 1205 of the Statutes of 1974, is amended to read:

10855. (a) Corporal punishment shall not be administered to a pupil without the prior written approval of the pupil's parent or guardian. The written approval shall be valid for the school year in which it is submitted but may be withdrawn by the parent or guardian at any time.

(b) If a school district has adopted a policy of corporal punishment pursuant to Section 10854, at the beginning of the first semester or quarter of the regular school term the governing board of each such school district shall notify the parent or guardian in a manner similar to that provided pursuant to Section 10921 that corporal punishment shall not be administered to a pupil without the prior written approval of the pupil's parent or guardian.

CHAPTER 996

An act to amend Sections 266a, 266b, 266d, 266e, 266f, 267 and 784 of the Penal Code, relating to crimes.

[Approved by Governor September 23, 1975. Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 266a of the Penal Code is amended to read:

266a. Every person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison not exceeding five years, and a fine not exceeding one thousand dollars ($1,000).

SEC. 2. Section 266b of the Penal Code is amended to read:

266b. Every person who takes any other person unlawfully, and against his or her will, and by force, menace, or duress, compels him or her to live with such person in an illicit relation, against his or her consent, or to so live with any other person, is punishable by

imprisonment in the state prison not less than two nor more than four years.

SEC. 2.5. Section 266d of the Penal Code is amended to read:

266d. Any person who receives any money or other valuable thing for or on account of placing in custody any other person for the purpose of causing the other person to cohabit with any person to whom the other person is not married, is guilty of a felony.

SEC. 3. Section 266e of the Penal Code is amended to read:

266e. Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony.

SEC. 4. Section 266f of the Penal Code is amended to read:

266f. Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony.

SEC. 5. Section 267 of the Penal Code is amended to read:

267. Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison not exceeding five years, and a fine not exceeding one thousand dollars ($1,000).

SEC. 6. Section 784 of the Penal Code is amended to read:

784. The jurisdiction of a criminal action:

1. For forcibly and without lawful authority seizing and confining another, or inveigling or kidnapping another, with intent, against his or her will, to cause him or her to be secretly confined or imprisoned in this state, or to be sent out of the state, or from one county to another, or to be sold as a slave, or in any way held to service;

2. For decoying, taking, or enticing away any minor child, with intent to detain and conceal it from its parent, guardian, or other person having the lawful charge of the child;

3. For inveigling, enticing, or taking away any person for the purpose of concubinage or prostitution, as defined in subdivision (b) of Section 647;

Is in any competent court within the jurisdictional territory in which the offense was committed, or in the jurisdictional territory out of which the person upon whom the offense was committed was taken or within the jurisdictional territory in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

SEC. 7. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a

variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 997

An act to amend Sections 12071 and 12072 of the Penal Code, relating to firearms.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 12071 of the Penal Code is amended to read:

12071. The duly constituted licensing authorities of any city or county shall accept applications for, and may grant licenses permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person. If a license is granted it shall be in the form prescribed by the Attorney General, effective for not more than one year from the date of issue, and be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered

(a) Within 15 days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

SEC. 2. Section 12072 of the Penal Code is amended to read:

12072. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within 15 days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped

and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

CHAPTER 998

An act to add Section 72195.5 to the Government Code, relating to court reporters.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 72195.5 is added to the Government Code, to read:

72195.5. Notwithstanding Section 72195 or any other provision of law, county boards of supervisors may, at their discretion, prescribe compensation for official court reporters and official court reporters pro tempore of superior courts and municipal courts in any municipal court district in such county.

SEC. 2. This act will become operative only if Assembly Constitutional Amendment No. 70 of the 1975–76 Regular Session is approved by the voters and, in such case, this act shall become operative at the same time as A.C.A. 70.

CHAPTER 999

An act to amend Section 2815 of the Business and Professions Code, relating to nurses.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2815 of the Business and Professions Code is amended to read:

2815. Subject to the provisions of Section 128, as amended by Chapter 863 of the 1973 Statutes, the amount of the fees prescribed by this chapter in connection with the issuance of licenses for registered nurses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a regular renewable license shall be thirty-five dollars ($35).

(b) The fee to be paid for approval of a continuing education program shall be fixed by the board at not more than twenty-five dollars ($25).

(c) The biennial fee to be paid upon the filing of an application for renewal of the regular renewable license shall be not more than sixteen dollars ($16).

(d) The fee to be paid upon the filing of an application for the examination taken in lieu of a continuing education program shall be fixed by the board to compensate for the cost of preparation and administration of the examination, but in no case shall exceed fifty dollars ($50).

(e) The penalty fee for failure to renew a regular renewable license within the prescribed time shall be fixed by the board at not more than 50 percent of the regular renewal fee.

(f) The penalty for submitting insufficient funds or fictitious check, draft or order on any bank or depository for payment of any fee to the board shall be three dollars ($3).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1000

An act to add Section 24.5 to, and to add Article 8 (commencing with Section 6045) to Chapter 9 of Part 1 of Division 4 of, the Food and Agricultural Code, relating to pest control, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 24.5 is added to the Food and Agricultural Code, to read:

24.5. Inasmuch as plants growing in native stands or planted for ornamental purposes contribute to the environmental and public health and welfare needs of the people of the state, the Legislature hereby finds and declares that such plants shall be considered as a part of the agricultural industry for the purpose of any law that provides for the protection of the agricultural industry from pests.

SEC. 2. Article 8 (commencing with Section 6045) is added to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, to read:

Article 8. Dutch Elm Disease

6045. The prevention of the introduction and spread within this

state of the Dutch elm disease caused by the fungus Ceratocystis ulmi is essential to the preservation of the environment. Without control, such disease will spread rapidly within the state and inflict irreparable loss upon many communities having stately and valuable elm shade trees. Such disease is a pest as defined in this code, and the director shall take all steps necessary to prevent or retard the introduction, establishment, and spread of the disease, including the detection, removal, and destruction of infected elm trees.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury the sum of nine hundred fifty thousand dollars ($950,000) to the Department of Food and Agriculture, in augmentation of the 1975–76 support budget of such department for purposes of carrying out the provisions of Article 8 (commencing with Section 6045), Chapter 9, Part 1, Division 4 of the Food and Agricultural Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Dutch elm disease is a rapidly spreading pest which is spreading throughout California and threatens destruction of significant numbers of trees in communities throughout the state. In order to prevent or minimize such destruction, it is necessary that the provisions of this act go into immediate effect.

CHAPTER 1001

An act to amend Section 594 of the Code of Civil Procedure, relating to trials.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 594 of the Code of Civil Procedure is amended to read:

594. (a) In superior courts and municipal courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with his case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had 15 days' notice of such trial as specified in subdivision (b). If the adverse party has served notice of trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to the trial, the adverse party shall

be deemed to have had such notice.

(b) The notice to the adverse party required by subdivision (a) shall be served by mail on all the parties by the clerk of the court not less than 20 days prior to the date set for trial. If notice is not served by the clerk as required by this subdivision, it may be served by mail by any party on the adverse party not less than 15 days prior to the date set for trial. If notice is served by the clerk, proof thereof may be made by introduction into evidence of the clerk's certificate pursuant to subdivision (3) of Section 1013a. If notice is served by a party, proof thereof may be made by introduction into evidence of an affidavit or certificate pursuant to subdivision (1) or (2) of Section 1013a. The provisions of this subdivision are exclusive.

(c) In justice courts if either party fails to appear at the time fixed for trial, the trial may proceed at the request of the adverse party. When all the parties served with process have appeared, or when some of them have appeared and the default of the others has been entered, the judge shall fix the day for trial, whether the issue be one of law or fact, and the day fixed for trial shall be entered on the docket. Notice of the day fixed for trial shall be given, as herein provided, to the parties to the action who have appeared. Such notice shall be in writing, signed by the judge, or by the clerk if there be a clerk, and substantially in the following form:

In the Justice Court, _____ Judicial District, County of _____, State of California

_____ _____, Plaintiff,
vs.
_____ _____, Defendant.

To _____, plaintiff (or attorney for plaintiff) and to _____, defendant (or attorney for defendant).

You and each of you will please take notice that the undersigned judge before whom the above-entitled cause is pending, has set for hearing the demurrer of _____, filed in said cause (or has set the said cause for trial, as the case may be), before me at my office in said judicial district, at _____ o'clock, __m., on the _____ day of _____, 19__.

Dated this _____ day of _____, 19__.

(Signed) _____ _____,
Judge,

By _____ _____,
Clerk (if signed by clerk)

When a party has appeared by attorney, the notice may be served upon the attorney either personally, by mail, or in the manner prescribed by subdivision 1 of Section 1011.

When a party appears in person, he shall leave with the judge, or with the clerk if there be a clerk, an address where service of such

notice may be made, which shall be entered upon the docket; and such notice may, if the address is within the county in which the cause is pending, be served on the party personally if he can be found at the address; otherwise, it may be served by mail in the manner hereinafter specified.

When such notice is personally served, it shall be served at least five days before the day fixed for trial, and may be served by any person competent to serve a summons in such justice court. It shall be served, returned, and filed in the same manner as a summons.

When such notice is served by mail, it shall be served as follows: For each person who is to be served with such notice, the judge, or clerk if there be a clerk, shall place a copy of such notice in an envelope, seal it, address it to the person on whom it is to be served at his place of residence (or at his office if he is an attorney), and deposit it in the post office at least 10 days before the day fixed for the trial, with the postage prepaid thereon.

When such notice is served by mail, the judge shall enter on his docket the date of mailing such notice, and the entry shall be prima facie evidence of the fact of service.

CHAPTER 1002

An act to amend Sections 20100.1, 20202.5, and 20654.3 of the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 20100.1 of the Government Code is amended to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (c) of Section 20100 shall receive fifty dollars ($50) for every day of actual attendance at meetings of the board or any meeting of any committee of the board of which committee such person is a member and which meeting is conducted for the purpose of carrying out the powers and duties of the board, together with their necessary traveling expenses incurred in connection with performance of their official duties.

SEC. 2. Section 20202.5 of the Government Code is amended to read:

20202.5. Costs of administration of the system shall be paid from funds appropriated for interest income from the Retirement Fund.

SEC. 3. Section 20654.3 of the Government Code is amended to read:

20654.3. A member of the Judges' Retirement System, the

Legislators' Retirement System, the State Teachers' Retirement System, the University of California Retirement System, or a retirement system established under the County Employees Retirement Law of 1937, who has withdrawn accumulated contributions from this system shall have the right to redeposit such contributions, subject to the same conditions as imposed for redeposits of accumulated contributions by Section 20654, including such right as he would have had under Section 20023.1 had he not withdrawn his contributions.

Provisions of this section extending a right to redeposit accumulated contributions withdrawn from this system shall also apply to members of any retirement system established under Chapter 2 (commencing with Section 45300) of Division 5 of Title 4 with respect to which an ordinance complying with Section 45310.5 has been filed with and accepted by the board or any retirement system established by or pursuant to the charter of a city or city and county or by any other public agency of this state which system, in the opinion of the board, provides a similar modification of rights and benefits because of membership in this system and with respect to which the governing body of such city, city and county or public agency and the board have entered into agreement pursuant to Section 20042.

The payments required by this section shall be made prior to the member's retirement and when made the member shall be credited with service for the period covered by the redeposited contributions, and he shall have the same rights with respect thereto as a member who has elected pursuant to Section 20393 to leave his accumulated contributions on deposit in the fund.

Notwithstanding any other provision of this section, redeposit may be made within 90 days following the effective date of the amendment to this section during the 1973–74 Regular Session by any person who retired under the retirement system of the University of California after January 1, 1972, and prior to such effective date. Final compensation for such persons shall be computed as though retirement under this system and the university system had been concurrent.

CHAPTER 1003

An act to amend Sections 31910, 31911, 31912, 31913, 31913.5, 31914, and 31915 of, and to add Section 31913.2 to, the Education Code, relating to family physician training, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

I am deleting the appropriation contained in Section 9(a) of Senate Bill No 490 The $896,875 appropriation remaining in the bill is adequate to fund the Song-Brown Family Physician Training Program

Sincerely,

EDMUND G BROWN JR , Governor

The people of the State of California do enact as follows:

SECTION 1. Section 31910 of the Education Code is amended to read:

31910. The Legislature hereby finds and declares that physicians engaged in family practice are in very short supply in California. The current emphasis placed on specialization in medical education has resulted in a shortage of physicians trained to provide comprehensive primary health care to families. The Legislature hereby declares that it regards the furtherance of a greater supply of competent family physicians to be a public purpose of great importance and further declares the establishment of the program pursuant to this chapter to be a desirable, necessary and economical method of increasing the number of family physicians to provide needed medical services to the people of California. The Legislature further declares that it is to the benefit of the state to assist in increasing the number of competent family physicians graduated by colleges and universities of this state to provide primary health care services to families within the state.

The Legislature finds that the shortage of family physicians can be improved by the placing of a higher priority by public and private medical schools, hospitals, and other health care delivery systems in this state, on the recruitment and improved training of medical students and residents to meet the need for family physicians. To help accomplish this goal, each medical school in California is encouraged to organize a strong family practice program or department. It is the intent of the Legislature that such programs or departments be headed by a physician who possesses specialty certification in the field of family practice, and has broad clinical experience in the field of family practice.

The Legislature further finds that encouraging the training of primary care physician's assistants and primary care nurse practitioners will assist in making primary health care services more accessible to the citizenry, and will, in conjunction with the training of family physicians, lead to an improved health care delivery system in California.

Community hospitals in general and rural community hospitals in particular, as well as other health care delivery systems, are encouraged to develop family practice residencies in affiliation or association with accredited medical schools, to help meet the need for family physicians in geographical areas of the state with recognized family primary health care needs. Utilization of expanded resources beyond university-based teaching hospitals should be emphasized, including facilities in rural areas wherever

possible.

It is the intent of the Legislature to provide for a program designed primarily to increase the number of students and residents receiving quality education and training in the specialty of family practice and as primary care physician's assistants and primary care nurse practitioners and to maximize the delivery of primary care family physician services to specific areas of California where there is a recognized unmet priority need. This program is intended to be implemented through contracts with accredited medical schools, programs which train primary care physician's assistants and programs which train primary care nurse practitioners, hospitals, and other health care delivery systems based on per-student or per-resident capitation formulas. It is further intended by the Legislature that the programs will be professionally and administratively accountable so that the maximum cost effectiveness will be achieved in meeting the professional training standards and criteria set forth in this article.

This article may be cited as the "Song-Brown Family Physician Training Act."

SEC. 2. Section 31911 of the Education Code is amended to read:

31911. The term "family physician" as used in this article means a primary care physician who is prepared to and renders continued comprehensive and preventative health care services to families and who has received specialized training in an approved family practice residency for three years after graduation from an accredited medical school.

The terms "associated" and "affiliated," as used in this article, mean that relationship that exists by virtue of a formal written agreement between a hospital or other health care delivery system and an approved medical school which pertains to the family practice training program for which state contract funds are sought. This definition shall include such agreements which may be entered into subsequent to the effective date of this article as well as those relevant agreements which are in existence prior to the effective date of this article.

The term "commission," as used in this article, shall mean the Health Manpower Policy Commission.

The term "programs which train primary care physician's assistants" as used in this article shall mean a program which has been approved for the training of primary care physician's assistants pursuant to Section 2515 of the Business and Professions Code.

The term "programs which train primary care nurse practitioners" as used in this article shall mean a program for the training of primary care nurse practitioners which is operated by an approved medical school or which is affiliated with a school of nursing approved by the Board of Registered Nursing pursuant to Section 2786 of the Business and Professions Code.

SEC. 3. Section 31912 of the Education Code is amended to read:

31912. There is hereby created a state medical contract program

with accredited medical schools, programs which train primary care physician's assistants, programs which train primary care nurse practitioners, hospitals, and other health care delivery systems to increase the number of students and residents receiving quality education and training in the specialty of family practice and to maximize the delivery of primary care family physician services to specific areas of California where there is a recognized unmet priority need for such services.

SEC. 4. Section 31913 of the Education Code is amended to read:

31913. There is hereby created a Health Manpower Policy Commission. The commission shall be composed of nine members who shall serve at the pleasure of their appointing authorities:

(a) Six members appointed by the Governor, as follows: one representative of the University of California medical schools, from a nominee or nominees submitted by the University of California; one representative of the private medical schools accredited in California from individuals nominated by each of such schools; one representative of practicing family physicians; one representative of undergraduate medical students in a family practice program or residence in family practice training; one representative of trainees in a primary care physician's assistant program or a practicing physician's assistant; one representative of trainees in a primary care nurse practitioners program or a practicing nurse practitioner; and one representative of the State Department of Health, from nominees submitted by the director.

(b) Two consumer representatives of the public who are not elected or appointed public officials, one appointed by the Speaker of the Assembly and one appointed by the Chairman of the Senate Rules Committee.

(c) The Chief of the Health Manpower Development Section, or his designee, shall serve as executive secretary for the commission.

SEC. 5. Section 31913.2 is added to the Education Code, to read:

31913.2. The members of the commission, other than state employees, shall receive compensation of twenty-five dollars ($25) for each day's attendance at a commission meeting, in addition to actual and necessary travel expenses incurred in the course of attendance at a commission meeting.

SEC. 6. Section 31913.5 of the Education Code is amended to read:

31913.5. (a) The duties of the commission shall be:

(1) To determine specific areas of the state where unmet priority needs for primary care family physicians exist.

(2) To establish standards for family practice training programs and family practice residency programs and programs which train primary care physician's assistants and programs which train primary care nurse practitioners, including appropriate provisions to encourage family physicians and primary care physician's assistants and primary care nurse practitioners who receive training in accordance with this article to provide needed services in areas of

unmet need within the state. Standards for family practice residency programs shall provide that all such residency programs contracted for pursuant to this article shall (i) meet the American Medical Association's "Essentials" for Residency Training in Family Practice, (ii) be approved by the Residency Review Committee for Family Practice of the American Medical Association, and (iii) be affiliated or associated with accredited medical schools in California. Every program shall include a component of training designed for medically underserved multicultural communities, lower socioeconomic neighborhoods, or rural communities, and shall be organized to prepare family physicians or primary care physician's assistants or primary care nurse practitioners for service in such neighborhoods and communities. Medical schools receiving funds under this article shall have programs or departments that recognize family practice as a major independent specialty.

(3) To review and make recommendations to the Director of Health concerning the funding of family practice programs or departments, family practice residencies and programs for the training of primary care physician's assistants and primary care nurse practitioners which are submitted to the Health Manpower Development Section, for participation in the contract program established by this article. Where the commission determines that a program proposal which has been approved for funding or which is the recipient of funds under this article does not meet the standards established by the commission, it shall submit to the Director of Health and the Legislature a report detailing its objections. The commission may request the Department of Health to make advance allocations for program development costs from amounts appropriated for the purposes of this article.

(4) To establish contract criteria and single per-student and per-resident capitation formulas which shall determine the amounts to be transferred to institutions receiving contracts for the training of family practice students and residents and primary care physician's assistants and primary care nurse practitioner pursuant to this article. Institutions applying for or in receipt of contracts pursuant to this article may appeal to the director for waiver of these single capitation formulas. The director may grant such waiver in exceptional cases upon a clear showing by the institution that a waiver is essential to the institution's ability to provide a program of a quality comparable to those provided by institutions which have not received waivers, taking into account the public interest in program cost-effectiveness. Recipients of funds appropriated by this article shall, as a minimum, maintain the level of expenditure for family practice or physician's assistant training provided by such recipients during the 1973–74 fiscal year. Funds appropriated by this article shall be used to develop new programs or to expand existing programs and shall not replace funds supporting current family practice training programs. Institutions applying for or in receipt of contracts pursuant to this article may appeal to the director for

waiver of this maintenance of effort provision. The director may grant such waiver if he determines that there is reasonable and proper cause to grant such waiver.

(5) To review and evaluate these programs regarding proper compliance with the provisions of this article and to submit annual progress reports to the Legislature on or before September 30 of each year, commencing September 30, 1974. One standard for evaluation shall be the number of recipients who, after completing the program, actually go on to serve in areas of unmet priority needs in California.

SEC. 7. Section 31914 of the Education Code is amended to read:

31914. Pursuant to the provisions of this article, the Director of Health shall:

(a) Determine whether family practice, primary care physician's assistant training programs proposals, and primary care nurse practitioner training program proposals submitted to the Health Manpower Policy Commission for participation in the state medical contract program established by this article meet the standards established by the commission.

(b) Select and contract on behalf of the state with accredited medical schools, programs which train primary care physician's assistants, programs which train primary care nurse practitioners, hospitals, and other health care delivery systems for the purpose of training undergraduate medical students and residents in the specialty of family practice. Contracts shall be awarded to those institutions which best demonstrate the ability to provide quality education and training and to retain students and residents in specific areas of California where there is a recognized unmet priority need for primary care family physicians. Contracts shall be based upon the recommendations of the commission and in conformity with the contract criteria and program standards established by said commission.

(c) Be empowered to terminate, upon 30 days' written notice, the contract of any institution whose program does not meet the standards established by the commission or which otherwise does not maintain proper compliance with the provisions of this article, except as otherwise provided in contracts entered into by the director pursuant to this article.

SEC. 8. Section 31915 of the Education Code is amended to read:

31915. The Director of Health shall adopt, amend, or repeal such regulations as are necessary to enforce the provisions of this article, which shall include criteria which training programs must meet in order to qualify for waivers of single capitation formulas or maintenance of effort requirements authorized by Section 31913.5. Regulations for the administration of this article shall be adopted, amended, or repealed as provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 9. (a) There is hereby appropriated from the General Fund to the Health and Welfare Agency for the purposes of Article

8 (commencing with Section 31910) of Chapter 5 of Division 22 of the Education Code the sum of eight hundred ninety-six thousand eight hundred seventy-five dollars ($896,875), for contracts with accredited medical schools, programs which train primary care physician's assistants, programs which train primary care nurse practitioners, and with hospitals or other health care delivery systems located in California which are associated or affiliated with accredited medical schools.

(b) Notwithstanding any restriction on appropriations made pursuant to this act or Section 3 of Chapter 1176 of the Statutes of 1973, the sum of eight hundred ninety-six thousand eight hundred seventy-five dollars ($896,875), which was appropriated for the 1974–75 fiscal year pursuant to subdivision (a) of Section 3 of Chapter 1176 of the Statutes of 1973 and was unexpended, shall be available for expenditure in the 1975–76, 1976–77, 1977–78, and 1978–79 fiscal years.

(c) Notwithstanding any restriction on appropriations made pursuant to this act or Section 3 of Chapter 1176 of the Statutes of 1973, funds appropriated for the purposes of Article 8 (commencing with Section 31910) of Chapter 5 of Division 22 of the Education Code may be made available by way of advancements for program development costs.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that sufficient funds may be made available to insure the continued growth of the Family Physician Training Program and to help overcome the severe shortage of properly trained physicians that is required to meet the health needs of the people of California, it is essential that this act take effect immediately.

CHAPTER 1004

An act to amend Section 1203 of, and to add Section 1203.06 to, the Penal Code, relating to probation.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Penal Code is amended to read:

1203. (a) In every case in which a person is convicted of a felony and is eligible for probation, before judgment is pronounced, the court shall immediately refer the matter to the probation officer to investigate and report to the court, at a specified time, upon the circumstances surrounding the crime and the prior history and

record of the person, which may be considered either in aggravation or mitigation of the punishment. The probation officer shall immediately investigate and make a written report to the court of his findings and recommendations, including his recommendations as to the granting or denying of probation and the conditions of probation, if granted. The report shall be made available to the court and the prosecuting and defense attorneys at least two days or, upon the request of the person, five days prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorney which is filed with the court or an oral stipulation in open court which is made and entered upon the minutes of the court. At a time fixed by the court, the court shall hear and determine the application, if one has been made, or, in any case, the suitability of probation in the particular case. At the hearing, the court shall consider any report of the probation officer and shall make a statement that it has considered such report which shall be filed with the clerk of the court as a record in the case. If the court determines that there are circumstances in mitigation of the punishment prescribed by law or that the ends of justice would be subserved by granting probation to the person, it may place him on probation. If probation is denied, the clerk of the court shall immediately send a copy of the report to the Department of Corrections at the prison or other institution to which the person is delivered.

(b) If a defendant is not represented by an attorney, the court shall order the probation officer who makes the probation report to discuss its contents with the defendant.

(c) In every case in which a person is convicted of a misdemeanor, the court may either refer the matter to the probation officer for an investigation and a report or summarily grant or deny probation. If such a case is not referred to the probation officer, in sentencing the person, the court may consider any information concerning him which could have been included in a probation report. The court shall inform the person of the information to be considered and permit him to answer or controvert it. For this purpose, upon the request of the person, the court shall grant a continuance before the judgment is pronounced.

(d) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any of the following persons:

(1) Unless he had a lawful right to carry a deadly weapon, other than a firearm, at the time of the perpetration of the crime or his arrest, any person who has been convicted of arson, robbery, burglary, burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, trainwrecking, kidnapping, escape from the state prison, or

a conspiracy to commit one or more of such crimes and was armed with such weapon at either of such times.

(2) Any person who used or attempted to use a deadly weapon, other than a firearm, upon a human being in connection with the perpetration of the crime of which he has been convicted.

(3) Any person who willfully inflicted great bodily injury or torture in the perpetration of the crime of which he has been convicted.

(4) Any person who has been previously convicted twice in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony.

(5) Unless he has never been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, any person who has been convicted of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, trainwrecking, extortion, kidnapping, escape from the state prison, a violation of Section 286, 288, or 288a, or a conspiracy to commit one or more of such crimes.

(6) Any person who has been previously convicted once in this state of a felony or in any other place of a public offense which, if committed in this state, would have been punishable as a felony, if he committed any of the following acts:

(i) Unless he had a lawful right to carry a deadly weapon at the time of the perpetration of such previous crime or his arrest for such previous crime, he was armed with such weapon at either of such times.

(ii) He used or attempted to use a deadly weapon upon a human being in connection with the perpetration of such previous crime.

(iii) He willfully inflicted great bodily injury or torture in the perpetration of such previous crime.

(7) Any public official or peace officer of this state or any city, county, or other political subdivision who, in the discharge of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe, embezzled public money, or was guilty of extortion.

(e) When probation is granted in a case which comes within the provisions of subdivision (d), the court shall specify the circumstances indicating that the interests of justice would best be served by such a disposition.

(f) If a person is not eligible for probation, the judge may, in his discretion, refer the matter to the probation officer for an investigation of the facts relevant to the sentencing of the person. Upon such referral, the probation officer shall immediately investigate the circumstances surrounding the crime and the prior record and history of the person and make a written report to the court of his findings.

(g) No probationer shall be released to enter another state unless his case has been referred to the Administrator, Interstate Probation

and Parole Compacts, pursuant to the Uniform Act for Out-of-State Probationer or Parolee Supervision (Article 3 (commencing with Section 11175) of Chapter 2 of Title 1 of Part 4).

SEC. 2. Section 1203.06 is added to the Penal Code, to read:

1203.06. Notwithstanding the provisions of Section 1203:

(a) Probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any of the following persons:

(1) Any person who used a firearm during the commission or attempted commission of any of the following crimes:

(i) Murder.

(ii) Assault with intent to commit murder in violation of Section 217.

(iii) Robbery, in violation of Section 211.

(iv) Kidnapping, in violation of Section 207.

(v) Kidnapping for ransom, extortion, or robbery, in violation of Section 209.

(vi) Burglary of the first degree, as defined in Section 460.

(vii) Rape by force or violence, in violation of subdivision (2) of Section 261.

(viii) Rape by threat of great and immediate bodily harm in violation of subdivision (3) of Section 261.

(ix) Assault with intent to commit rape, the infamous crime against nature, or robbery, in violation of Section 220.

(x) Escape, in violation of Section 4530, or Section 4532.

(2) Any person previously convicted of a felony specified in subparagraphs (i) through (x) of paragraph (1), who is convicted of a subsequent felony and who was armed with a firearm at any time during its commission or attempted commission or was unlawfully armed with a firearm at the time of his arrest for the subsequent felony.

(b) (1) The existence of any fact which would make a person ineligible for probation under subdivision (a) shall be alleged in the information or indictment, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury.

(2) This subdivision does not prohibit the adjournment of criminal proceedings pursuant to Division 3 (commencing with Section 3000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(3) As used in subdivision (a) "used a firearm" means to display a firearm in a menacing manner, to intentionally fire it, or to intentionally strike or hit a human being with it.

(4) As used in subdivision (a) "armed with a firearm" means to knowingly carry a firearm as a means of offense or defense.

CHAPTER 1005

An act to amend Sections 14103.6, 14131, and 14132 of, and to repeal and add Sections 14133 and 14133.1 of, the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 14103.6 of the Welfare and Institutions Code is amended to read:

14103.6. The director, or a carrier acting under regulations adopted by the director, may require that any individual provider must receive prior authorization before providing services when the director or carrier determines that the provider has been rendering unnecessary services.

At any time the director determines that it is necessary to postpone elective services pursuant to Section 14120, he shall require prior authorization for those services determined to be generally elective under the provisions of Section 14103.4, except a service which costs less than one hundred dollars ($100) or a lower amount determined by the director. Such lower amount may be applied generally or for specific services. The director may terminate the requirement for prior authorization when he determines that it is no longer necessary to postpone elective services.

Prior authorization for services provided by persons licensed under the provisions of Chapter 4 (commencing with Section 1600) and Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code shall be determined by consultants licensed under Chapter 4 or Chapter 7 respectively. Prior authorization for all other elective services shall be determined by consultants licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, provided, however, that prior authorization for pharmaceutical services may be determined by persons licensed under the provisions of Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code, and prior authorization for services provided in an inpatient setting may be reviewed and approved, but not denied, by a person licensed under the provisions of Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, working under the supervision of a consultant licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

In no event shall prior authorization be required when there is a bona fide emergency requiring immediate treatment.

SEC. 1.5. Section 14103.6 of the Welfare and Institutions Code is

amended to read:

14103.6. Notwithstanding any other provision contained in this chapter, except when acting pursuant to his authority to postpone elective services pursuant to this section and Section 14120, the director shall have no authority to impose prior authorization on any basic or supplemental service provided by a physician on an outpatient basis, and except that the director, or a carrier acting under regulations adopted by the director, may require that any individual provider must receive prior authorization before providing services when the director or carrier determines that the provider has been rendering unnecessary services.

At any time the director determines that it is necessary to postpone elective services pursuant to Section 14120, he shall require prior authorization for those services determined to be generally elective under the provisions of Section 14103.4, except a service which costs less than one hundred dollars ($100) or a lower amount determined by the director. Such lower amount may be applied generally or for specific services. The director may terminate the requirement for prior authorization when he determines that it is no longer necessary to postpone elective services.

Prior authorization for services provided by persons licensed under the provisions of Chapter 4 (commencing with Section 1600) and Chapter 7 (commencing with Section 3000) of Division 2 of the Business and Professions Code shall be determined by consultants licensed under Chapter 4 or Chapter 7 respectively. Prior authorization for all other elective services shall be determined by consultants licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, provided, however, that prior authorization for pharmaceutical services may be determined by persons licensed under the provisions of Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code, and prior authorization for services provided in an inpatient setting may be reviewed and approved, but not denied, by a person licensed under the provisions of Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, working under the supervision of a consultant licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

In no event shall prior authorization be required when there is a bona fide emergency requiring immediate treatment.

SEC. 2. Section 14131 of the Welfare and Institutions Code is amended to read:

14131. The Medi-Cal Benefits Program comprises a department-administered uniform schedule of health care benefits. Notwithstanding any other provision of this chapter, "health care services" shall be limited to the benefits set forth in this article and in Section 14021.

SEC. 3. Section 14132 of the Welfare and Institutions Code is amended to read:

14132. The following is the schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital or clinic outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan, subject to utilization controls.

(b) Inpatient hospital services, including physician and podiatric services, is covered subject to utilization controls.

(c) Skilled nursing facility services, including podiatry and physician's services, and prescribed drugs, as described in subdivision (d), are covered subject to utilization controls. Physical therapy, occupational therapy, speech therapy and audiology services for patients in skilled nursing facilities are covered subject to utilization controls.

(d) Purchase of prescribed drugs is covered subject to the Medi-Cal Drug Formulary and utilization controls.

(e) Outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Anesthesiologist's services when provided as part of an outpatient medical procedure, nurse anesthetists services when rendered by an inpatient or outpatient setting under conditions set forth by the director, outpatient laboratory services, and X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain fixed artificial dentures necessary for obtaining employment or for medical conditions which preclude the use of removable dental prostheses.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered, subject to utilization controls.

(*l*) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Intermediate care facility services, including physician services, and prescribed drugs as described in subdivision (d) are covered, subject to utilization controls. Physical therapy,

occupational therapy, speech therapy and audiology services for patients in intermediate care facilities are covered subject to utilization controls.

(o) Family planning services are covered, subject to utilization controls.

SEC. 3.5. Section 14132 of the Welfare and Institutions Code is amended to read:

14132. The following is the schedule of benefits under this chapter:

(a) Outpatient services are covered as follows:

Physician, hospital or clinic outpatient, optometric, chiropractic, psychology, podiatric, occupational therapy, physical therapy, speech therapy, audiology, and services of persons rendering treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan, subject to utilization controls.

(b) Inpatient hospital services, including physician and podiatric services, is covered subject to utilization controls.

(c) Skilled nursing facility services, including podiatry and physician's services, and prescribed drugs, as described in subdivision (d), as covered subject to utilization controls. Physical therapy, occupational therapy, speech therapy and audiology services for patients in skilled nursing facilities are covered subject to utilization controls.

(d) Purchase of prescribed drugs is covered subject to the Medical-Cal Drug Formulary and utilization controls.

(e) Outpatient dialysis services and home hemodialysis services, including physician services, medical supplies, drugs and equipment required for dialysis, are covered, subject to utilization controls.

(f) Anesthesiologist's services when provided as part of an outpatient medical procedure, nurse anesthetists services when rendered by an inpatient or outpatient setting under conditions set forth by the director, outpatient laboratory services, and X-ray services are covered to the extent prescribed.

(g) Blood and blood derivatives are covered.

(h) Emergency and essential diagnostic and restorative dental services, except for orthodontic, fixed bridgework, and partial dentures that are not necessary for balance of a complete artificial denture, are covered, subject to utilization controls. Notwithstanding the foregoing, the director may by regulation provide for certain fixed artificial dentures necessary for obtaining employment or for medical conditions which preclude the use of removable dental prostheses.

(i) Medical transportation is covered, subject to utilization controls.

(j) Home health care services are covered, subject to utilization controls.

(k) Prosthetic and orthotic devices and eyeglasses are covered,

subject to utilization controls.

(*l*) Hearing aids are covered, subject to utilization controls.

(m) Durable medical equipment and medical supplies are covered, subject to utilization controls.

(n) Intermediate care facility services, including physician services, and prescribed drugs as described in subdivision (d) are covered, subject to utilization controls. Physical therapy, occupational therapy, speech therapy and audiology services for patients in intermediate care facilities are covered subject to utilization controls.

(o) Family planning services are covered, subject to utilization controls.

(p) Enterostomal therapy, subject to utilization controls where submitted as part of an extended surgical treatment plan. A registered nurse who meets the standards established pursuant to Section 2747 of the Business and Professions Code, or a person who meets the standards in Section 2748 of the Business and Professions Code, may bill and receive reimbursement for that portion of the treatment plan for which he actually performed services. A bill submitted by a physician for the extended surgical treatment plan shall be adjusted accordingly.

SEC. 4. Section 14133 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 14133 is added to the Welfare and Institutions Code, to read:

14133. Utilization controls that may be applied to the services set forth in Section 14132 which are subject to utilization controls shall be limited to:

(a) Prior authorization, which is approval by a Department of Health consultant, of a specified service in advance of the rendering of that service based upon a determination of medical necessity. Prior authorization includes authorization for multiple services which are requested and granted on the basis of an extended treatment plan where there is a need for continuity in the treatment of a chronic or extended condition.

(b) Postservice prepayment audit, which is review for medical necessity and program coverage after service was rendered but before payment is made. Payment may be withheld or reduced if the service rendered was not a covered benefit, deemed medically unnecessary or inappropriate. Nothing in this subdivision shall supersede the claims processing deadlines provided by Section 14104.3.

(c) Postservice postpayment audit, which is review for medical necessity and program coverage after service was rendered and the claim paid. The department may take appropriate steps to recover payments made if subsequent investigation uncovers evidence that the claim should not have been paid.

(d) Limitation on number of services, which means certain services may be restricted as to number within a specified time

frame.

SEC. 6. Section 14133.1 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 14133.1 is added to the Welfare and Institutions Code, to read:

14133.1. The director shall determine which of the utilization controls in Section 14133 shall be applied to any specific service or group of services which are subject to utilization controls.

Except as provided in Section 14103.6, neither prior authorization nor the limitation specified in subdivision (d) of Section 14133 shall be required for the first two services per month which are included among the services listed in subdivision (a) of Section 14132, or for the first two drug prescriptions purchased during any one month, provided that the prescription drugs are included in the Medi-Cal Formulary and the prescription otherwise conforms to applicable formulary requirements.

SEC. 8. It is the intent of the Legislature, if this bill and Assembly Bill No. 1033 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 14103.6 of the Welfare and Institutions Code, and this bill is chaptered after Assembly Bill No. 1033, that Section 14103.6 of the Welfare and Institutions Code, as amended by Section 1 of this act, shall remain operative until the effective date of Assembly Bill No. 1033, and that on the effective date of Assembly Bill No. 1033 Section 14103.6 of the Welfare and Institutions Code, as amended by Section 1 of this act, be further amended in the form set forth in Section 1.5 of this act to incorporate the changes in Section 14103.6 proposed by Assembly Bill No. 1033. Therefore, if this bill and Assembly Bill No. 1033 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1033 is chaptered before this bill and amends Section 14103.6, Section 1.5 of this act shall become operative on the effective date of Assembly Bill No. 1033.

SEC. 9. It is the intent of the Legislature, if this bill and Senate Bill No. 315 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 14132 of the Welfare and Institutions Code, and this bill is chaptered after Senate Bill No. 315, that Section 14132 of the Welfare and Institutions Code, as amended by Section 3 of this act, shall remain operative until the effective date of Senate Bill No. 315, and that on the effective date of Senate Bill No. 315 Section 14132 of the Welfare and Institutions Code, as amended by Section 3 of this act, be further amended in the form set forth in Section 3.5 of this act to incorporate the changes in Section 14132 proposed by Senate Bill No. 315. Therefore, if this bill and Senate Bill No. 315 are both chaptered and become effective on or before January 1, 1976, and Senate Bill No. 315 is chaptered before this bill and amends Section 14132, Section 3.5 of this act shall become operative on the effective date of Senate Bill No. 315.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within

the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

New Medi-Cal beneficiaries have had difficulty in obtaining initial office visits which is the primary entry point into the health delivery system. This act reduces the paperwork required of providers, and increases the willingness of providers to accept Medi-Cal patients. This act also allows pharmacists and optometrists to render necessary services as soon as needed without having to obtain prior authorization and thus increases the timeliness of service to Medi-Cal beneficiaries. In addition, this act clarifies the Legislature's intent to include mental health services, as described in Welfare and Institutions Code Section 14021, in the benefits provided under the Medi-Cal Benefits Program. Thus it is necessary that this act take immediate effect.

CHAPTER 1006

An act to add Chapter 2.5 (commencing with Section 1141.10) to Title 3 of Part 3 of the Code of Civil Procedure, relating to arbitration.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 1141.10) is added to Title 3 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 2.5. JUDICIAL ARBITRATION

1141.10. Notwithstanding any other provision of law, the Judicial Council shall provide by rule for a uniform system of arbitration of the following causes in superior courts:

(a) Any cause upon stipulation of the parties.

(b) Upon filing of an election by the plaintiff, any cause in which the plaintiff agrees that the arbitration award shall not exceed the total sum of seven thousand five hundred dollars ($7,500).

1141.20. Each arbitrator shall receive reasonable compensation for his services from funds appropriated to the Judicial Council for that purpose.

SEC. 2. This act shall become operative July 1, 1976.

CHAPTER 1007

An act to add Chapter 7 (commencing with Section 19301) to Division 14 of the Education Code, relating to school building lease-purchase bonds, and providing for the submission of the measure to the people at the 1976 direct primary election.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 19301) is added to Division 14 of the Education Code, to read:

CHAPTER 7. STATE SCHOOL BUILDING LEASE-PURCHASE BOND LAW OF 1976

19301. This act may be cited as the State School Building Lease-Purchase Bond Law of 1976.

19302. The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) is adopted for the purpose of the issuance, sale and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19303. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the State School Building Finance Committee created by Section 19510.

(b) "Board" means the State Allocation Board.

(c) "Fund" means the State School Building Lease-Purchase Fund.

19304. For the purpose of creating a fund to provide aid to school districts of the state in accordance with the provisions of the State School Building Lease-Purchase Law of 1976, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Lease-Purchase Fund under any act of the Legislature, together with interest provided for in that act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred million dollars ($200,000,000) in the manner provided herein, but not in excess thereof.

19305. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

19306. All money deposited in the fund under Section 19373 of this code and pursuant to the provisions of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19305. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19307. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19308, which sum is appropriated without regard to fiscal years.

19308. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be

returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19309. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19350 to 19397, inclusive, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. Fifty million dollars ($50,000,000) shall be available for apportionment on July 1, 1976, and seven million dollars ($7,000,000) shall become available for apportionment on the fifth day of each month thereafter until a total of two hundred million dollars ($200,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19310. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day-year basis.

19311. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19312. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19305 to pay principal and interest on bonds.

19313. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Sections 19350 to 19397, inclusive, shall apply.

19314. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Lease-Purchase Fund under any act of the Legislature, together with interest provided for in that act.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the State School Building Lease-Purchase Bond Law of 1976, as set forth in Section 1 of this act. Sections 2 to 4 of this act contain provisions relating to and necessary for the submission of the State School Building Lease-Purchase Bond Law of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. The State School Building Lease-Purchase Bond Law of 1976, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for their ratification at the next

direct primary election, to be held in the month of June 1976, and shall appear as the first proposition on the ballot.

SEC. 4. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "The State School Building Lease-Purchase Bond Law of 1976," and in the same square under said words the following in eight-point type: "Provides for a bond issue of two hundred million dollars ($200,000,000) to provide capital outlay for construction or improvement of public schools." Opposite the words "The State School Building Lease-Purchase Bond Law of 1976. Provides for a bond issue of two hundred million dollars ($200,000,000) to provide capital outlay for construction or improvement of public schools," there shall be left spaces marked "Yes" and "No" in which the voters may place an "X" in the manner required by law to indicate whether they vote for or against said act. Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 5. The votes cast for or against the State School Building Aid Lease-Purchase Bond Law of 1976 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

CHAPTER 1008

An act to add Chapter 10.5 (commencing with Section 13850) to Division 7 of the Water Code, relating to providing for the preparation, issuance and sale of state bonds to create a fund to provide aid in the planning, design and construction of facilities for the protection of domestic water supplies: defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest on such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1976

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direct primary election.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.5 (commencing with Section 13850) is added to Division 7 of the Water Code, to read:

CHAPTER 10.5. CALIFORNIA SAFE DRINKING WATER BOND LAW OF 1976

13850. This chapter shall be known and may be cited as the California Safe Drinking Water Bond Law of 1976.

13851. The Legislature hereby finds and declares that it is necessary for the preservation of the health, safety, and welfare of the people of California that water supplied for domestic purposes be pure, wholesome, and potable and does not endanger the health or lives of human beings and that water is available in adequate quantity at sufficient pressure for health, cleanliness, and other domestic purposes.

13854. The Legislature further finds and declares that a number of domestic water supply systems are inadequate and do not meet minimum bacteriological, chemical, or other basic health standards for domestic water supplies, and that it is in the interest of the people that the State of California provide technical and financial assistance to the end that the people of California are assured a safe, dependable, and potable supply of water for domestic purposes and that water is available in adequate quantity at sufficient pressure for health, cleanliness, and other domestic purposes.

13855. The Legislature further finds and declares that it is the intent of the Legislature to provide for the upgrading of domestic water supply systems to assure that all domestic water supplies at least meet minimum domestic water supply standards established under Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

13856. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter, except that notwithstanding anything in the State General Obligation Bond Law, the bonds authorized hereunder shall bear such rates of interest, or maximum rates, as may from time to time be fixed by the State Treasurer, with the approval of the committee, and the maximum maturity of bonds shall not exceed 50 years from the date of the bonds, or from the date of each respective series. The maturity of each respective series shall be calculated from the date of such series.

13857. As used in this chapter, and for purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the Safe Drinking Water Finance Committee, created by Section 13858.

(b) "Department" means the Department of Water Resources.

(c) "Domestic water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly supplies water to at least 25 individuals. Such term includes any water supply, treatment, storage, and distribution facilities under the control of the operator of such system.

(d) "Fund" means the California Safe Drinking Water Fund.

(e) "Supplier" or "supplier of water" means any person, partnership, corporation, association or other entity or political subdivision of the state which owns or operates a domestic water system.

(f) "Federal assistance" means funds available or which may become available to a supplier either directly or through allocation by the state, from the federal government as grants or loans for the improvement of domestic water systems.

(g) "Treatment works" means any devices or systems used in the treatment of water supplies, including necessary lands, which render such supplies pure, wholesome, and potable for domestic purpose.

(h) "Project" means proposed facilities for the construction, improvement, or rehabilitation of the domestic water system, and may include water supply, treatment works, and all or part of a water distribution system, if such inclusions are necessary to carry out the purpose of this chapter.

13858. The Safe Drinking Water Finance Committee is hereby created. The committee shall consist of the Governor, the State Treasurer, the Director of Finance, the Director of Water Resources, and the Director of Health or their designated representatives. A majority of the committee may act for the committee.

13859. There is in the State Treasury the California Safe Drinking Water Fund which fund is hereby created.

13860. The committee is hereby empowered to create a debt or debts, liability or liabilities, of the State of California, in an aggregate amount of one hundred seventy-five million dollars ($175,000,000) in the manner provided in this chapter. Such debt or debts, liability or liabilities, shall be created for the purpose of providing the fund to be used for the objects and works specified in Section 13861.

13861. (a) The moneys in the fund are hereby continuously appropriated and shall be used for the purposes set forth in this section.

(b) The department is authorized to enter into contracts with suppliers having authority to construct, operate, and maintain domestic water systems, for loans to such suppliers to aid in the construction of projects which will enable the supplier to meet, at a

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minimum, safe drinking water standards established pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code.

(c) Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract shall include, in substance, the following provisions:

(1) An estimate of the reasonable cost of the project.

(2) An agreement by the department to loan to the supplier, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals the portion of construction costs found by the department to be eligible for a state loan.

(3) An agreement by the supplier to repay the state, (i) over a period not to exceed 50 years, (ii) the amount of the loan, (iii) the administrative fee as described in Section 13862, and (iv) interest on the principal, which is the amount of the loan plus the administrative fee.

(4) An agreement by the supplier, (i) to proceed expeditiously with, and complete, the project, (ii) to commence operation of the project upon completion thereof, and to properly operate and maintain the project in accordance with the applicable provisions of law, (iii) to apply for and make reasonable efforts to secure federal assistance for the project, (iv) to secure approval of the department and of the State Department of Health before applying for federal assistance in order to maximize and best utilize the amounts of such assistance available, and (v) to provide for payment of the supplier's share of the cost of the project, if any.

(d) By statute, the Legislature may authorize bond proceeds to be used for a grant program, with grants provided to suppliers that are political subdivisions of the state, if it is determined that such suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code. The total amount of grants shall not exceed fifteen million dollars ($15,000,000), and no one supplier may receive more than four hundred thousand dollars ($400,000) in total.

13862. For the purpose of administering the provisions of this chapter, the total expenditures of the department and the State Department of Health may not exceed 3 percent of the bond proceeds deposited in the fund. The department shall establish a reasonable schedule of administrative fees, which fees shall be paid by the supplier pursuant to Section 13861, to reimburse the state for the costs of state administration of this chapter.

13863. As much of the moneys in the fund as may be necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

13864. Loans may be made only for projects for domestic water systems. The department may make reasonable allowance for future

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water-supply needs and may provide for additional capacity when excessive costs would be incurred by later enlargement. Such loans may be made for all or any part of the cost of constructing, improving, or rehabilitating any such system when, in the judgment of the State Department of Health, such improvement or rehabilitation is necessary to provide pure, wholesome, and potable water available in adequate quantity at sufficient pressure for health, cleanliness, and other domestic purposes. No loan to an individual supplier shall be more than one million five hundred thousand dollars ($1,500,000), unless the Legislature by an act raises the limit specified in this section.

13865. First priority for loans shall be given to suppliers with the most critical public health problems. Priority for loans shall also be given to suppliers which have a lesser capability to reasonably finance system improvements.

13866. Repayment of all or part of the principal, which is the loan plus the administrative fee, may be deferred during a development period not exceeding 10 years within the maximum 50-year repayment period, when in the department's judgment such development period is justified under the circumstances. Interest on the principal shall not be deferred. Repayment of principal which is deferred during a development period may, at the option of the supplier, be paid in annual installments during the remainder of the loan repayment period.

13867. The department shall require the payment of interest on each loan that is made pursuant to the provisions of this chapter at a rate equal to the average, as determined by the State Treasurer, of the net interest cost to the state on the sales of general obligation bonds pursuant to the provisions of this chapter. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

13868. The department, after public notice and hearing and with the advice of the State Department of Health, shall adopt rules and regulations necessary to carry out the purposes of this chapter. Such regulations shall include, but not be limited to, criteria and procedures for establishing the eligibility of a supplier and a project for assistance commensurate with the need for the project and the ability of the supplier to reasonably finance the project from other sources. It shall be the duty of the department to adopt such rules and regulations as in its judgment will most effectively carry out the provisions of this chapter in the public interest, to the end that the people of California are most efficiently and most economically provided supplies of pure, wholesome, and potable domestic water. Such rules and regulations may provide for the denial of funds when the purposes of this chapter may most economically and efficiently be attained by means other than the construction of the proposed project.

13868.1 The State Department of Health shall notify suppliers that may be eligible for loans pursuant to this chapter of (a) the purposes of this chapter, and (b) the rules and regulations adopted by the department.

13868.3. The State Department of Health, after public notice and hearing and with the advice of the department, shall from time to time establish a priority list of suppliers to be considered for financing.

13868.5. Upon approval by the State Department of Health of project plans submitted by a supplier on the priority list and upon issuance to the supplier of a permit or amended permit as specified in Chapter 7 (commencing with Section 4010) of Part 1 of Division 5 of the Health and Safety Code, the department may enter into a contract with the supplier.

13868.7. No more than twenty million dollars ($20,000,000) of state loans for projects shall be authorized by the department in a single calendar quarter. No contract shall be approved by the department unless the department finds that the supplier has the capacity to repay the loan amounts specified in the contract.

The Public Utilities Commission shall furnish comments at the request of the department concerning the ability of suppliers subject to their jurisdiction to finance the project from other sources and the ability to repay the loan.

13869. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereon.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on such bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of such revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

All money deposited in the fund which has been derived from premium on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

13870. All money repaid to the state pursuant to any contract executed under the provisions of Section 13861 shall be deposited in the General Fund and when so deposited shall be applied as a reimbursement to the General Fund on account of principal and interest on bonds issued pursuant to this chapter which has been paid from the General Fund.

13871. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the

provisions of this chapter, as such principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13872, which sum is appropriated without regard to fiscal years.

13872 For the purpose of carrying out the provisions of this chapter, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the department in accordance with this chapter. Any moneys made available under this section to the department shall be returned by the department to the General Fund from moneys received from the first sale of bonds sold for the purpose of carrying out this chapter subsequent to such withdrawal.

13873. Upon request of the department, supported by a statement of the proposed arrangements to be made pursuant to Section 13861 for the purposes therein stated, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such arrangements, and, if so, the amount of bonds then to be issued and sold Successive issues of bonds may be authorized and sold to make such arrangements progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

13874. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer

13875. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 13861, but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the California Safe Drinking Water Bond Law of 1976, as set forth in Section 1 of this act. Sections 2 to 9, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the California Safe Drinking Water Bond Law of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the eighth day of June 1976. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act.

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A ballot pamphlet shall be prepared, compiled, and distributed relating to the California Safe Drinking Water Bond Law of 1976, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section arguments for and against the measure hereby ordered submitted to the electors shall be prepared in time, form, and manner as provided in Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code and, to the extent not inconsistent therewith, in Article 1 8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted, and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots at such election shall have printed thereon and in a square thereof, the words: "For the California Safe Drinking Water Bond Law of 1976," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to provide funds for improvement of domestic water systems to meet minimum drinking water standards." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the California Safe Drinking Water Bond Law of 1976," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to provide funds for improvement of domestic water systems to meet minimum drinking water standards." Opposite the words "For the California Safe Drinking Water Bond Law of 1976," and "Against the California Safe Drinking Water Bond Law of 1976," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words "For the

California Safe Drinking Water Bond Law of 1976," and those voting against the said act shall do so by placing a cross opposite the words "Against the California Safe Drinking Water Bond Law of 1976." Provided, that where the voting of the election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for the election.

SEC. 8. The votes cast for or against the California Safe Drinking Water Bond Law of 1976 shall be counted, returned, and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that the act shall have received a majority of all the votes cast for and against it at the election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section, the Secretary of State shall request the Legislative Analyst to prepare an analysis of the measure in accordance with the provisions of Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code.

CHAPTER 1009

An act to add Chapter 7.5 (commencing with Section 19350) to Division 14 of, and to add Sections 19366.1, 19615.6, and 19615.7 to, the Education Code, relating to schools.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 5 (commencing with Section 19350) is added to Division 14 of the Education Code, to read:

CHAPTER 7.5. STATE SCHOOL BUILDING LEASE-PURCHASE LAW OF 1976

Article 1. General Provisions

19350. This chapter may be cited as the "Leroy F. Greene State School Building Lease-Purchase Law of 1976".

19351. The Legislature hereby declares that it is in the interest of

the state and the people thereof for the state to issue general obligation bonds and use the proceeds thereof to reconstruct, remodel or replace existing school buildings which are educationally inadequate or which do not meet present-day structural safety requirements, and to acquire new school sites and buildings for the purpose of making them available to local school districts for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

19352. The following terms wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the State Allocation Board.

(b) "Cost of project" includes, but is not limited to, the cost of all real estate property rights, and easements acquired, and the cost of developing the site and streets and utilities immediately adjacent thereto, the cost of construction of buildings and the furnishing and equipping of them, all financing charges, interest prior to, during, and for a period of six months prior to construction, engineering, architectural and legal expenses, the cost of plans, specifications, surveys, estimate of costs and revenues, administrative expenses or such other expenses that are necessary or incident to the financing of the project.

(c) The term "lease" includes a lease with an option to purchase.

(d) "Project" means the facility being constructed or acquired by the state for rental to the applicant school district and may include the reconstruction or modernization of existing buildings, construction of new buildings, the grading and development of sites, acquisition of sites therefor and any easements or rights-of-way pertinent thereto or necessary for its full use including the development of streets and utilities.

(e) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this chapter.

19353. The Director of General Services shall administer this chapter and shall provide such assistance to the board as it may require.

19354. The State Allocation Board is continued in existence for the purpose of this chapter. The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services under this chapter but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties hereunder, to be paid as an administrative expense referred to herein.

19355. In addition to such other powers and duties as are granted the board by this chapter, other statute, or the Constitution, the board shall have power to:

(a) Establish such qualifications not in conflict with other provisions of this chapter, as it deems will best serve the purposes of

this chapter, for determining the eligibility of school districts to lease projects under this chapter.

(b) Establish such procedures and policies in connection with the administration of this chapter as it deems necessary.

(c) Adopt such rules and regulations for the administration of this chapter, requiring such procedure, forms, and information, as it may deem necessary.

(d) Construct and control any project.

(e) Fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of such rates, rents or charges.

19356. The board shall not enter into any leases with respect to an application for replacing inadequate school facilities unless it has first investigated and made a finding that it would not be economical or good practice to rehabilitate said facilities.

19357. The State School Building Finance Committee, created by Section 19510 and composed of the Governor, State Controller, State Treasurer, Director of Finance, and Director of Education, all of whom shall serve thereon without compensation and a majority of whom shall constitute a quorum, is continued in existence for the purpose of this chapter. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet with and advise the committee to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

For purposes of this chapter said Members of the Legislature shall constitute an interim investigation committee on the subject of this chapter and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and the Assembly. The Director of General Services shall provide such assistance to the committee as it may require. The Attorney General shall be the legal adviser of the committee.

19358. A fund is hereby created in the State Treasury to be known as the State School Building Lease-Purchase Fund. All money in the State School Building Lease-Purchase Fund including any money deposited in said fund from any source whatsoever is hereby continuously appropriated without regard to fiscal years for expenditure pursuant to the provisions of this chapter.

Article 2. Projects

19359. The board may construct any project, and may acquire all property necessary therefor, on such terms and conditions as it may deem advisable. When any part of the work is to be done or performed by any public body or the United States jointly or in conjunction with the board, the portion of the cost thereof to be

borne by the board may be turned over to the government of the United States or to any other public body, to be expended by it in the acquisition, construction or completion of the project.

19360 The board may use for the payment of the costs of acquisition, construction or completion of any project any funds made available to the board by the State of California or any other funds provided by the board from any source, to be expended for accomplishing the purposes set forth in this chapter, together with the proceeds of bonds issued and sold pursuant to Chapter 7 (commencing with Section 19301).

19361. The board has full charge of the acquisition, construction, completion, and control of all projects authorized by them and may proceed with such work forthwith.

19362. Title to all property acquired, constructed, or improved by the board and the revenues and income therefrom, is in the State of California. All such property, and the income therefrom are exempt from all taxation by the State of California or by any county, city and county, city, district, political subdivision or public corporation thereof

19363. The board shall require the school district to make all necessary repairs, renewals and replacements to insure that a project is at all times kept in good repair, working order and condition. All costs incurred for this purpose will be borne by the school district.

19364 The board shall require the school district to insure against public liability or property damage in connection with any project.

19365. The board, by the adoption of rules, may establish priorities for the construction and leasing of projects to those school districts the pupils of which will benefit most. The board may make exceptions from established priorities when it determines that to do so will benefit the pupils affected.

19366. Each school district which desires to lease a project for a grade level maintained by it, shall submit through its governing board an application therefor to the board in such form and number of copies as the board may prescribe. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the Director of General Services.

Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project.

Before the board approves an application for a construction project, it shall establish cost standards for all new construction included therein. Such cost standards shall not exceed typical comparable new construction by school districts in the same area, or if there has been no new construction by school districts in the area, the cost standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying

cost standards the board shall take into account the size and type of the construction proposed and may make such deviations as in its judgment are justified. When a standard has been set by the board to cover any individual apportionment, no project shall be approved by the board in excess of such standard, unless the board shall find that in view of a subsequent increase in building costs an adjustment is warranted. No contract shall be let for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under this section for such new construction.

19366.1. In approving applications pursuant to this chapter, the board shall encourage the design and construction of facilities which will conserve unreplenishable energy resources by consideration of alternate design and insulation concepts as well as unconventional energy sources. In so doing, the board may increase cost allowances to reflect the difference between conventional and unconventional concepts when the board is satisfied that the life cycle cost of the project is not expected to exceed the life cycle cost of a conventionally designated project.

19367. Before the board approves any project which includes the acquisition of furniture or equipment, it shall establish current cost and quality standards for furniture and equipment. Such standards shall not exceed the cost and quality of furniture and equipment for comparable facilities purchased by school districts in the same area. Such standards shall consist of furniture and equipment costs for each type of classroom or pupil station having different cost criteria. Such standards shall be reviewed quarterly by the board and adjustments made in accordance with actual current costs. When cost and quality standards have been adopted by the board, such standards shall not be exceeded unless a subsequent increase in actual current costs warrants an adjustment

Before the board approves a project for the replacement, reconstruction, or alteration of, or addition to, a school building, full consideration shall be given to all usable furniture and equipment existing in the applicant district. The board may approve all or a portion of the amount applied for.

19368. Notwithstanding other provisions of this chapter, in order to expedite a total school facility a school district may first apply for a project which includes only the advance purchase of the land and preparation of plans and specifications. The acquisition of the site and the plans preparation shall be based on the justification documents for the total school facility. The school district may apply for a subsequent project or projects to complete the total school facility.

19369. No project shall be approved for the reconstruction, modernization or replacement of any school building which was constructed or reconstructed less than 30 years prior to the date of approval of the project applied for under this chapter.

19370 No project shall be acquired or constructed unless the

applicant district has first held an election at which more than 50 percent of the qualified electors of the district voting thereat have approved the ballot proposition hereinafter referred to in this section. At such election, the electors may authorize an increase in the maximum tax rate by an amount which will produce revenues equal to the annual lease payments.

Before entering into a lease or agreement pursuant to this article, the governing board of the school district shall call, hold, and conduct an election in the manner provided in Section 20803.2, except that the ballot used in the election shall contain substantially the words:

"Shall the governing board of the district be authorized to enter into lease-purchase agreements with the State of California under and subject to the provisions of Chapter 7.5 (commencing with Section 19350) of Division 14 of the Education Code for the construction, reconstruction, alteration, or replacement of school facilities, which amount is subject to lease payments as provided in said chapter, the project costs of which shall not exceed _____ dollars ($_____) Yes _____ No _____."

19371. Nothing contained in this chapter shall be construed as changing the powers and duties of the Department of Education or the Department of General Services in respect to school sites and the construction of school buildings as contained in Chapters 1 and 2 of Division 11 of the Education Code (beginning with Section 15001).

19372 The board shall not authorize a contract for the erection of any new school building, or for any addition to, or alteration of, any existing building, for lease-purchase to any school district subject to the provisions of Section 15409, unless the applicant district has submitted plans therefor to the State Department of Education, and obtained the written approval of the plans by that department.

19372.5. The board shall not authorize a contract for the erection of any new school, or for the addition to, or alteration of, any existing building, for lease purchase to any school district unless the applicant district has submitted plans therefor to the Department of General Services and obtained the written approval of such department pursuant to the provisions of Article 4 (commencing with Section 15451) of Chapter 2 of Division 11.

19373. Annual lease payments shall be established by the board in such amount as necessary to amortize the cost of the project over a period of not more than 30 years, including interest. The Director of General Services shall notify the State Controller, the governing board of the district, and the county auditor and county superintendent of schools of the county affected of the amounts due annually from each district under a lease entered into pursuant to this chapter. The State Controller shall, during the next fiscal year following notification by the Director of General Services, deduct the total amount of the annual payment due from each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 11256, 11257, and 17251, Sections

17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Lease-Purchase Fund. All money so transferred under the provisions of this section shall be available only for purposes of making annual payments of interest and principal on the bonds issued by the state for the purpose of constructing facilities under this chapter.

The board of supervisors of the county, the county superintendent of which has jurisdiction over any district which under this section will have moneys withheld by the State Controller from the apportionments to be made to it from the State School Fund during any fiscal year, shall annually at the time the board of supervisors makes the levy of taxes for county purposes, levy a tax upon the property in the district at a rate sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year in which the tax is levied. Such tax, when collected, shall be paid into the county treasury of the county, the county superintendent of schools of which has jurisdiction over the district for which the tax was levied, to the credit of the general fund of the district.

19374. Whenever, subsequent to the date on which a project has been approved under the provisions of this chapter, the boundaries of the applicant district are changed by any action, the territory comprising the boundaries of the applicant district at the time the project was approved shall remain obligated for payments required under a lease entered into in connection with the approved project.

19375. For the purposes of Sections 21702 and 21703, 50 percent of any remaining payments which would become due from a school district under any lease entered into by the district pursuant to this chapter, if such lease was to run its full term, shall be considered outstanding bonded indebtedness.

No district shall enter into any lease pursuant to this chapter if at the time 50 percent of any remaining rental payments thereunder, which would become due from the district pursuant to this chapter, or pursuant to Article 6 (commencing with Section 15551) of Chapter 2 of Division 11, including the lease to be entered into, if such leases were to run their full term, plus the total amount of district bonded indebtedness outstanding at the time, shall exceed 7 5 percent in the case of an elementary school district or high school district, or 12.5 percent in the case of a unified school district, of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. For the purpose of this section, the taxable property of the district shall be determined upon the basis that the district's assessed value has not been reduced by the exemption of the assessed value of business inventories in the district or reduced by the homeowners' property tax exemption.

19376. The board shall authorize the applicant school district to act as its agent in the performance of acts specifically approved by

the board and all acts required pursuant to Article 4 (commencing with Section 15451) of Chapter 2 of Division 11. Such authorizations shall include, but are not limited to, the selection of school sites, the securing of appraisals, the contracting for architectural services, the advertisement for construction bids and the entering into of contracts therefor and the purchase of furniture and equipment.

19377. In expending funds for any project under this chapter, a school district acts as an agent of the state and all sites purchased and improved, all equipment purchased, and all buildings constructed, altered or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the state.

The Director of General Services shall file with the county recorder of the county in which any site purchased or improved through the expenditure of funds under this chapter is located a certificate, properly acknowledged, indicating the state's interest in real property of the district by virtue of this section, without the necessity of particularizing such real property. The recorder shall record and index the certificate in the same manner as abstracts of judgments and the certificate shall constitute constructive notice of the state's interest in the particular real property affected. Such certificate shall, as to any party thereafter acquiring real property or any interest therein in the county from said school district, have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not exempt from execution. Such effect shall commence upon recordation and shall continue until the certificate is discharged or released as provided herein

Upon request, the Director of General Services shall (1) issue a release of the state's interest in any real property or a portion thereof that the district has been authorized by the board to dispose of under Section 19385, provided that delivery of such release may be subject to such conditions as may be prescribed by the board to protect the state's interest; (2) issue a disclaimer of the state's interest in any real property or a portion thereof of the district, the disposition of which the board is not required to consent to under the terms of Section 19385, provided that the delivery of such disclaimer may be subject to such conditions as the board deems appropriate to protect the interest of the state, including conditions relating to the amount of consideration to be received from such disposition where the board asserts an interest in the proceeds of such disposition under other provisions of this chapter. Such release or disclaimer shall conclusively protect any third party relying upon the same and shall be acknowledged to permit recordation by the county recorder.

Upon payment by the district of all amounts required to be paid by it or on its behalf to the state under this chapter, (1) the Director of General Services shall file with the county recorder a release of any such certificate, which release shall be recorded and indexed in the same index as the aforesaid certificate; and (2) the title to personal property purchased by such school district with funds

apportioned under this chapter shall revert thereto without further action by the state.

19377.7. The applicant district, acting as agent for the state, shall comply with all laws pertaining to the construction, reconstruction, or alteration of, or addition to school buildings.

19378. The board shall fix rents, charges, and fees for all projects acquired, constructed or completed under the terms of this chapter for the use thereof by any school district utilizing the facilities thereof. The board is authorized to change such rents, charges, and fees from time to time as may be needed to discharge any obligations or costs incurred or incurable pursuant to this chapter. To the extent and in the manner provided in any indenture, all rents, charges, and fees shall at all times be fixed to yield annual revenue equal to all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due.

19379. Rent, charges, and fees collected in error may be refunded by the board in accordance with regulations prescribed by the board.

19380. A county school lease-purchase fund is hereby created in the county treasury within each county for each school district project in such county.

19381. The board may from time to time authorize the State Controller to transfer such funds as the board may deem necessary from the State School Building Lease-Purchase Fund established for a given project to the corresponding county school lease-purchase fund in the county treasury.

19382. Funds may only be expended from the county school lease-purchase fund by the applicant school district upon specific authorization from the board.

19383. Interest earned on funds in the county school lease-purchase fund shall not be deposited in such fund but shall be retained by the district and used only for the purpose of reducing the amount required from district taxes necessary to offset the annual lease payments withheld by the State Controller pursuant to Section 19373

19384. The board shall require school districts to insure at their own expense for the benefit of the state, all sites, equipment and buildings which are, under Section 19377, the property of the state, against such risks and in such amounts as the board may deem necessary to protect the interests of the state. No project funds shall be used to pay the premiums on such insurance. All payments resulting from claims made against said insurance shall be made payable to and retained by the board. Funds so received shall be utilized by the board for repair or replacement of the facilities for which claim was made. In no event may the amounts expended from such funds for such repair or replacement exceed the payments received.

19385. Any property, real or personal replaced by a project approved pursuant to this chapter shall be disposed of in a manner

satisfactory to the board. The net proceeds received from any such disposition shall be expended, subject to approval by the board, either (1) for capital outlay purposes which would be eligible for a future project pursuant to this chapter; or (2) for the demolition of any facilities replaced by a project approved pursuant to this chapter, or pursuant to Chapter 10 (commencing with Section 19551), Division 14 of this code; or (3) for any other purpose approved by the board.

Article 3. Allowances

19391. No project shall be approved, the building area of which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of estimated average daily attendance in excess of that computed in accordance with Sections 19394, 19395, 19396, and 19397.

As used in Sections 19394, 19395, 19396, and 19397, "maximum area" means maximum area of school building construction and "attendance unit" means unit of estimated average daily attendance.

As used in this section and Sections 19396 and 19397, "attendance center" means a school maintained or to be maintained at a given location within a district

No estimate of average daily attendance made by an applicant district for the purpose of justifying an application for an elementary school project shall be made for a longer time than the third fiscal year beyond the fiscal year in which an application is made, or in the case of an application for a junior high school or high school project, for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. Except as otherwise provided by the board, the estimates of average daily attendance shall be based upon the number of family dwellings and mobilehome parks, as defined in Section 18214 of the Health and Safety Code, under construction or newly constructed and never occupied in the district and the number of children residing in the district. In no case shall an estimate be given effect unless approved by the board.

For the purposes of this chapter, pupils attending grades 7 and 8 in an elementary district, but residing in a high school district which maintains one or more junior high schools, shall not be considered in determining or estimating the average daily attendance of the elementary district, unless the elementary district is maintaining and has continuously maintained grades 7 and 8 since a date prior to January 1, 1975. When such pupils are so considered in determining or estimating the average daily attendance of the elementary district, such pupils shall not be considered in determining or estimating average daily attendance of the high school district for junior high school purposes.

19392. Notwithstanding Section 19391, whenever the area of adequate school construction existing in any attendance area is such

as to prevent another attendance area from receiving the maximum area of school construction for each unit of attendance as specified for the district as a whole, the allowable building area may be computed separately for each attendance area. For the purposes of this section an "attendance area" is defined as the geographical area serving an existing or proposed high school and those junior high schools and elementary schools included therein.

19393. The board, by the adoption of rules, shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction. Any building to which Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 would apply shall not be considered adequate school construction for the purpose of determining the maximum total building area per attendance unit

The board may make exceptions to the provisions of this section, or to the rules adopted pursuant thereto, if it determines that such will be for the benefit of pupils affected.

19394 (a) There shall be allowed to each district with attendance units of 300 or more in kindergarten and grades 1 to 6, inclusive, a maximum area of 55 square feet for each attendance unit of the district in kindergarten and grades 1 to 6, inclusive.

(b) The maximum total building area per attendance unit allowed to applicant districts with attendance units of less than 300 in kindergarten and grades 1 to 6, inclusive, for such attendance units shall be determined by the board, and shall be building area to provide comparable facilities to those provided by subdivision (a) of this section, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

19395. There shall be allowed to each district a maximum area of 75 square feet for each attendance unit of the district in grades 7 and 8.

19396. The maximum area allowed to a district for attendance units in junior high schools composed of grades 7 to 9, inclusive, or 7 to 10, inclusive, as the case may be, shall be determined pursuant to this section, rather than Sections 19395 and 19397. This section shall not apply to junior high schools composed of grades 7 and 8 only.

The maximum area allowed for attendance units in junior high schools shall be determined by computing, in accordance with this section, the number of square feet for the attendance units at each junior high school attendance center of the district, and totaling the number of square feet so determined for all attendance units in all such junior high school attendance centers of the district. There shall be allowed a maximum area of 75 square feet for each attendance unit of the junior high school attendance center in grades 7 and 8. For each attendance unit in grade 9, or grades 9 and 10, as the case

may be, at each junior high school attendance center, there shall be allowed a maximum area equal to the number of square feet which would be allowed under Section 19397 for each attendance unit of an attendance center having a total number of attendance units equal to the total number of attendance units in grades 7 to 9, inclusive, or 7 to 10, inclusive, as the case may be, at such junior high school attendance center. The number of square feet which would be allowed under Section 19397 for each attendance unit of an attendance center shall be computed by determining in accordance with that section the total number of square feet which would be allowed at an attendance center and dividing such total number of square feet by the total number of attendance units at such attendance center.

19397. There shall be allowed to each district a maximum area for the attendance units of the district in grades 9 to 12, inclusive, determined by computing, for the attendance units in grades 9 to 12, inclusive, at each attendance center of the district, a number of square feet for the number of attendance units in such grades at each attendance center, in accordance with the following table, and totaling the number of square feet so determined for all attendance units in such grades of all attendance centers of the district:

Attendance units of attendance center	Maximum number of square feet of building area
1– 50	18,000
51– 100	18,000 plus 162 for each attendance unit over 50
101– 200	26,100 plus 99 for each attendance unit over 100
201– 300	36,000 plus 60 for each attendance unit over 200
301– 600	42,000 plus 54 for each attendance unit over 300
601–1,800	58,200 plus 80 for each attendance unit over 600
Over 1,800	154,200 plus 85 for each attendance unit over 1,800

19397.5. The allowable new building area for the purpose of providing facilities for mentally retarded and physically handicapped pupils shall be computed in accordance with regulations adopted by the board.

19398. Whenever an existing building is to be reconstructed, rather than replaced, under an application pursuant to this chapter, there shall be allowed, for those attendance units to be housed in such reconstructed building, an additional five square feet of building area beyond the amounts set forth in Section 19394, 19395, 19396, or 19397.

19399. Whenever at least 10 percent of the allowable new

building construction contained in an application is to be utilized for relocatable structures, an additional three square feet of building area shall be allowed, for those attendance units to be housed in new buildings under such application, beyond the amounts set forth in Section 19394, 19395, 19396, or 19397.

SEC. 2. Section 19615.6 is added to the Education Code, to read:

19615.6. In any instance where a school district is subject to annual lease payments pursuant to Chapter 7.5 (commencing with Section 19350) and is also subject to an annual repayment pursuant to Chapter 8 (commencing with Section 19401), or Chapter 10 (commencing with Section 19551) of this division, the annual repayment under said Chapter 8 or said Chapter 10 is subject to deferment as provided for in Section 19615.7.

SEC. 3. Section 19615.7 is added to the Education Code, to read:

19615.7. In an instance in which a school district is subject to annual lease payments pursuant to Chapter 7.5 (commencing with Section 19350) of this division, the basic tax amount referred to in Sections 19615 and 19615.5 shall be increased by the amount of such annual lease payments. In such cases the "45-cent tax amount" or the "40-cent tax amount" referred to in such sections shall be a "60-cent tax amount" for each grade level operated by the applicant district.

SEC. 4. This act shall become operative only if a bond act to finance the program established by this act is approved by the voters of the state at the primary election held in June, 1976, or the general election held in November, 1976, in which case it shall become operative at the same time as such bond act.

CHAPTER 1010

An act to add Section 739 to the Public Utilities Code, relating to public utilities.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares as follows:

(a) Light and heat are basic human rights, and must be made available to all the people at low cost for basic minimum quantities.

(b) Present rate structures for gas and electricity serve to penalize the individual user of relatively small quantities, and at the same time encourage wastefulness by large users.

(c) In order to encourage conservation of scarce energy resources and to provide a basic necessary amount of gas and electricity for residential heating and lighting at a cost which is fair to small users, the Legislature has enacted this act.

SEC. 2. This act may be cited as the Miller-Warren Energy Lifeline Act.

SEC. 3. Section 739 is added to the Public Utilities Code, to read:

739. (a) The commission shall designate a lifeline volume of gas and a lifeline quantity of electricity which is necessary to supply the minimum energy needs of the average residential user for the following end uses: space and water heating, lighting, cooking and food refrigerating, provided that in estimating such volumes and quantities the commission shall take into account differentials in energy needs between utility customers whose residential energy needs are supplied by electricity and gas. The commission shall also take into account differentials in energy needs caused by geographic differences by differences in severity of climate, and by season.

(b) The commission shall require that every electrical and gas corporation file a schedule of rates and charges providing a lifeline rate. The lifeline rate shall be not greater than the rates in effect on January 1, 1976. The commission shall authorize no increase in the lifeline rate until the average system rate in cents per kilowatt-hour or cents per therm increased 25% or more over the January 1, 1976, level

(c) Nothing shall preclude the commission from reducing any rate established pursuant to subdivision (a) either specifically or pursuant to any general restructuring of all electrical or gas rates, charges, and classifications.

(d) As used in this section, the term "residential" means domestic human needs end use and excludes industrial, commercial, and every other category of end use other than wholesale.

(e) Wholesale electrical or gas purchases and the rates charged therefor shall be exempted from the provisions of this section.

SEC. 4. The Public Utilities Commission shall report to the Legislature, in January, 1977, on the effect of this act upon rates, and the cost to users and utilities.

CHAPTER 1011

An act to amend Section 21230 of the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21230 of the Government Code is amended to read:

21230. Notwithstanding Section 21224, the adjustments in allowances for local members provided by this article for time

commencing on and after the annual adjustment date next following January 1, 1975 shall be subject to the following limitations:

(a) No adjustment shall be made for any year for which the adjustment is less than 1 percent of the base allowance.

(b) No monthly allowance in any year may exceed an amount equal to the base allowance increased by 5 percent per year compounded for the number of years intervening between the end of the base year and the beginning of the calendar year in which the adjustment is made.

(c) No monthly allowance in any year shall be less than the base allowance.

(d) No adjustment shall be made in any year in which the actuarial interest rate is less than 5.25 percent.

Provided, however, that adjusted allowances in years following the year in which the contract of an agency subject to this section is terminated may not exceed the adjusted allowance in the year of contract termination or the amount determined in accordance with subdivision (b) of Section 21224, whichever is the greater.

This section shall not apply to any contracting agency, unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after January 1, 1975, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are, as yet, no agencies which have elected to be subject to Chapter 1390 of the Statutes of 1974. Therefore, there are no duties, obligations or responsibilities imposed on local governments by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Section 21230 was added to the Government Code by Chapter 1390 of the Statutes of 1974, became effective January 1, 1975, and permits contracting agencies of the Public Employees' Retirement System to provide greater cost-of-living adjustments than now permitted. However, another limit on such adjustment will prevent a full realization of this improvement. This bill would remove that limit. Unless the limit is removed before agencies elect to be subject to the provisions of Chapter 1390 its benefits will not be fully effective for their employees. Therefore, this act must take effect immediately.

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CHAPTER 1012

An act to amend Sections 16730, 23550, 23551, 23553, 24675, 24676, 24678, 25546.51, and 25546.53 of, and to add Section 16730.1 to, the Education Code, relating to campus child development centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to establish the existing campus child development center program as a state-local child development center program to enable low-income parents to further either their educational potential, their employment potential, or both.

This act recognizes that the lack of available campus child development centers often results in denying single parents and low-income parents access to postsecondary education. Providing child care as a supportive educational service to the student parent will aid in the development of an effective and comprehensive affirmative action plan in the State of California, insofar as it relates to postsecondary education.

It is also the intent of this act to insure the continuing availability of campus child development centers to children under two years of age, in recognition of the fact that a substantial number of the children of students are under two.

It is also the intent of this act that low-income part-time student parents be eligible for child care services on a part-time basis, in relation to their academic and employment schedule.

It is the intent of this act that operating agencies currently under contract with the State Department of Education for the operation of campus child development centers be required to maintain their local effort.

It is also the intent of the Legislature that operating agencies of campus child development centers which may subsequently be under contract with the State Department of Education be required to maintain their local effort, exclusive of capital outlay and parent-user fees and that portion of funding from student body organization funds greater than 25 percent of the total annual expenditures of the center; provided, however, that any portion of the current funding of such centers may be used for the 25-percent local effort share required under Section 16730 of the Education Code.

SEC. 2. Section 16730 of the Education Code is amended to read:

16730. Notwithstanding any provision of law to the contrary, the Regents of the University of California, the Trustees of the California

State University and Colleges, the governing boards of community college districts, and the governing bodies of any private nonprofit institution of postsecondary education may establish and maintain child development centers on or near their respective campuses.

The Department of Education may accept funds from the Regents of the University of California, the Trustees of the California State University and Colleges, the governing boards of community college districts, any other private nonprofit postsecondary institutions, student fees, parent fees, and any private funds or resources authorized by a public or private nonprofit agency as the 25-percent local share to obtain the 75-percent state matching funds. The governing board of any postsecondary education institution shall establish in its treasury a fund to be known as the "child development fund" into which shall be paid all funds received by the postsecondary institution for, or from the operation of, child development services under this division. The costs incurred in the maintenance and operation of child development services shall be paid as required pursuant to Section 16749.

The Superintendent of Public Instruction shall adopt rules and regulations to facilitate the funding and reimbursement procedures required by this division.

The Superintendent of Public Instruction, with approval by the State Board of Education, shall establish rules and regulations governing programs operated pursuant to this section which shall insure that subsidized day care provided to student families shall relate to the academic load of the child's parents. The definition of full- and part-time student shall be determined as the segment of postsecondary education defines full- and part-time student for academic purposes.

SEC. 3. Section 16730.1 is added to the Education Code, to read:

16730.1. A student family, for the purposes of this division, shall be defined as a family with a parent enrolled in an approved academic or vocational program, including one engaged in an educational work-in-training program, leading to a degree which will either further that person's educational or employment potential, or both.

A low-income student family, for purposes of this division, shall be defined as a family whose gross monthly income, less sixty dollars ($60), is equal to or less than 300 percent of the Aid for Families With Dependent Children Program's minimum basic standard of adequate care.

SEC. 4. Section 23550 of the Education Code is amended to read:

23550. The Regents of the University of California and any other public or private nonprofit agency may contract with the Department of Education to establish and maintain a child development center on or near each campus of the university pursuant to the provisions of Division 12.5 (commencing with Section 16700).

Such operating agencies may accept student fees, parent fees, and

private funds to operate campus child development centers and may be reimbursed for eligible costs pursuant to Sections 16708 and 16780.

SEC. 5. Section 23551 of the Education Code is amended to read:

23551. Nothing in this chapter shall be construed to permit the regents to expend state funds appropriated for support of the University of California for the direct operating costs of campus child development centers.

SEC. 6. Section 23553 of the Education Code is amended to read:

23553. Children of students of that particular campus shall have first priority for attendance at a campus child development center.

Each campus child development center maintained pursuant to Section 23550 shall have an advisory council composed of representatives of the parent-users and persons from fields related to the well-being of children.

Student families, as defined in Section 16730.1, whose gross monthly income falls within the fee schedule established pursuant to Section 16729 shall pay fees according to the fee schedule.

Highest priority shall be given to student families with the greatest income deficit, and lowest priority to student families with the greatest income.

For the purposes of assigning eligibility priority, applicant student families shall be grouped according to the amount of their income in one-hundred-dollar ($100) monthly increments. All student families within a particular income range shall be treated as if their incomes were the same, and priority for eligibility within each particular income range shall be assigned on the following basis:

(1) Single-parent student families.

(2) Two-parent families, where both parents are students or where one parent is a student and the other is working.

Student families who are recipients of public assistance shall be subject to the same assignment of priority as other student families whose incomes fall in the same income range.

SEC. 7. Section 24675 of the Education Code is amended to read:

24675. The Trustees of the California State University and Colleges and any other public or private nonprofit agency may contract with the Department of Education to establish and maintain a child development center on or near each state university or college campus pursuant to the provisions of Division 12.5 (commencing with Section 16700).

SEC. 8. Section 24676 of the Education Code is amended to read:

24676. The trustees and any other public or private nonprofit agency may contract with the Department of Education to establish and maintain such campus child development centers. Such operating agencies may accept student fees, parent fees, and private funds to operate child development centers and may be reimbursed for eligible costs pursuant to Sections 16708 and 16780.

SEC. 9. Section 24678 of the Education Code is amended to read:

24678. Children of students of that particular campus shall have first priority for attendance at a campus child development center.

Student families, as defined in Section 16730.1, whose gross monthly income falls within the fee schedule established pursuant to Section 16729 shall pay fees according to the fee schedule.

Highest priority shall be given to student families with the greatest income deficit, and lowest priority to student families with the greatest income.

For the purposes of assigning eligibility priority, applicant student families shall be grouped according to the amount of their income in one-hundred-dollar ($100) monthly increments. All student families with a particular income range shall be treated as if their incomes were the same, and priority for eligibility within each particular income range shall be assigned on the following basis:

(1) Single-parent student families.

(2) Two-parent families, where both parents are students or where one parent is a student and the other is working.

Student families who are recipients of public assistance shall be subject to the same assignment of priority as other student families whose incomes fall in the same income range.

SEC. 10. Section 25546.51 of the Education Code is amended to read:

25546.51. The governing board and any other public or private nonprofit agency may contract with the Department of Education to establish and maintain such campus child development centers. The governing boards of school districts maintaining community colleges may accept student fees, parent fees, and private funds to operate campus child development centers and may be reimbursed for eligible costs pursuant to Sections 16708 and 16780. Nothing in this chapter shall be construed to permit the governing board of any school district maintaining a community college to expend state funds appropriated to the district for support of the community college for the direct operating costs of a campus child development center.

SEC. 11. Section 25546.53 of the Education Code is amended to read:

25546.53. Children of students of that particular campus shall have first priority for attendance at a campus child development center.

Student families, as defined in Section 16730.1, whose gross monthly income falls within the fee schedule established pursuant to Section 16729 shall pay fees according to the fee schedule.

Highest priority shall be given to student families with the greatest income deficit, and lowest priority to student families with the greatest income.

For the purposes of assigning eligibility priority, applicant student families shall be grouped according to the amount of their income in one-hundred-dollar ($100) monthly increments. All student families within a particular income range shall be treated as if their incomes were the same, and priority for eligibility within each particular income range shall be assigned on the following basis:

(1) Single-parent student families.

(2) Two-parent families, where both parents are students or where one parent is a student and the other is working.

Student families who are recipients of public assistance shall be subject to the same assignment of priority as other student families whose incomes fall in the same income range.

SEC. 12. In addition to any other amount appropriated for such purpose, there is hereby appropriated from the General Fund in the State Treasury the sum of two hundred thousand dollars ($200,000) to the Superintendent of Public Instruction for apportionment in fiscal years 1974–75 and 1975–76 for the purposes of this act among the segments of public and private nonprofit postsecondary education in the proportions that student parent enrollment in each segment bears to the total student parent enrollment of all segments, consistent with the intent of this act within Division 12.5 (commencing with Section 16700) of the Education Code. If a segment cannot utilize its entire apportionment, the Superintendent of Public Instruction may expend unused funds at child development centers operated pursuant to this act that require funds beyond their original apportionment.

SEC. 13. Funds appropriated by this act to the Superintendent of Public Instruction for apportionment among the segments of public postsecondary education shall be allocated to the operating agencies specified in Sections 23550, 24675 and 25546.50 of the Education Code for reimbursement of 75 percent of the eligible costs pursuant to Sections 16708 and 16780 of the Education Code.

SEC. 14. Nothing in this act shall be construed to prevent campus child development centers from enrolling a mix of non-state-subsidized student families and state-subsidized families, providing the services rendered to all such families are comparable.

SEC. 15. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the insufficiency of supporting funds for campus child development centers not curtail or suspend the operation of such essential programs, it is necessary that this act take effect immediately.

CHAPTER 1013

An act to amend Section 33200 of the Health and Safety Code, relating to redevelopment agencies.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 33200 of the Health and Safety Code is amended to read:

33200. (a) As an alternative to the appointment of five members of the agency, the legislative body may, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140 of this part, or at any time thereafter by adoption of an ordinance, declare itself to be the agency; in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency, except as otherwise provided in this article, shall be vested in the legislative body of the community.

As part of the legislative body's ordinance declaring itself to be the redevelopment agency pursuant to this subdivision, the legislative body shall make findings that such action will serve the public interest and promote the public safety and welfare in an effective manner.

(b) In the event an appointive agency has been designated and has been in existence for at least three years, the legislative body shall not adopt an ordinance declaring itself to be the agency without first conducting a public hearing on the proposed ordinance.

Notice of the public hearing required by this subdivision shall be published not less than once during the 10 calendar days immediately prior to the hearing in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the legislative body. The notice of hearing shall include a general statement of the procedure and effect of the legislative body's declaring itself to be the agency. Copies of the notice shall be posted throughout the affected project area or areas at least 10 calendar days prior to the hearing. The legislative body shall also mail by first-class mail copies of the notice at least 10 calendar days prior to the hearing, to all persons who have expressed to the agency or the legislative body an interest in receiving information on redevelopment activities.

The legislative body shall cause the preparation of any report or reports or proposals, as are necessary to substantiate and explain the determination that the legislative body will declare itself the redevelopment agency, to be presented at the public hearing.

As part of the legislative body's ordinance declaring itself to be the redevelopment agency pursuant to this subdivision, the legislative body shall make findings that (1) such action will serve the public

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interest and promote the public safety and welfare in a more effective manner than the current organization, and (2) there has been full public disclosure of all reports and proposals relating to the legislative body's intent to declare itself the redevelopment agency.

CHAPTER 1014

An act relating to the state park system, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation may acquire rights-of-way for, and develop, recreational trails, as defined in subdivision (b) of Section 5052 of the Public Resources Code, in the Santa Monica Mountains regional trail corridor in Los Angeles and Ventura Counties between Will Rogers State Historic Park, Topanga State Park, the state park system unit at Saddle Peak, the state park system unit at Century Ranch, and Point Mugu State Park. Such acquisitions shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that such acquisitions shall be subject to the restrictions on the exercise of eminent domain specified in Section 5074.3 of the Public Resources Code.

SEC. 2. There is hereby reappropriated from the funds appropriated pursuant to subdivision (a) of Section 2 of Chapter 265 of the Statutes of 1974, and, if such funds are not sufficient, then, to the extent necessary, from the funds appropriated by Section 19.3 of the Budget Act of 1974 (Chapter 375, Statutes of 1974), to the Department of Parks and Recreation the sum of one million fifty thousand dollars ($1,050,000) for trail and hostel facility purposes, in accordance with the following schedule:

Schedule:

(a) Acquisition and development of recreational trail rights-of-way in Los Angeles and Ventura Counties pursuant to Section 1 of this act $1,000,000

(b) Project planning for the acquisition and development of hostel facilities in units of the state park system and for the establishment of recreational trails $50,000

provided, that an amount equal to that expended for the planning of hostel facilities shall be repaid to the Abandoned Vehicle Trust Fund in the State Treasury from hostel facilities use fees.

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SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The rights-of-way to be acquired and developed pursuant to this act are essential to the completion of a unique system of recreational trails connecting units of the state park system serving a major population center, and providing increased public access to areas of natural, scenic, and recreational importance. In order to complete such urgently needed trail system at the earliest possible time, it is necessary that this act take immediate effect.

CHAPTER 1015

An act to add Sections 18256, 18257, 18258, 18259, 18260, 18261, and 18262 to the Education Code, relating to driver instruction.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18256 is added to the Education Code, to read.

18256. Notwithstanding any other provision of law, the governing board of any school district maintaining secondary schools, may, subject to Sections 18256 to 18262, inclusive, enter into contracts with approved private driver training schools to provide to any or all of the eligible enrolled students of the district, the automobile driver training as provided pursuant to Section 18252.4. No such contract shall be valid unless approved by the Superintendent of Public Instruction. The driver training provided under contract by an approved private driver training school shall be under the exclusive control and management of the governing board of the school district and shall comply with all rules and regulations of the State Board of Education relating to driver training offered by the public schools, except that a driver training instructor of the approved private driver training school shall not be required to possess any teaching credential or certification document of any kind except as required by the Driving School Department of the Department of Motor Vehicles. Nothing in this section shall prohibit the governing board from entering into contracts with more than one approved private driver training school and apportioning students among such schools.

SEC. 2. Section 18257 is added to the Education Code, to read:

18257. As used in this article, an "approved private driver training school" is one which:

(a) Has a valid license issued by the Department of Motor

Vehicles pursuant to Chapter 1 (commencing with Section 11100) of Division 5 of the Vehicle Code.

(b) Maintains at all times limits of liability insurance established by the State Superintendent of Public Instruction equal to that required of the contracting school district.

(c) Provides, for such automobile driving instruction, dual-control automobiles approved by the Department of Motor Vehicles.

(d) Meets such other requirements as shall be established by the Superintendent of Public Instruction.

SEC. 3. Section 18258 is added to the Education Code, to read:

18258. Any contract entered into and approved in the manner provided pursuant to Section 18256 shall entitle the approved driver training school to payment by the school district of the sum of not more than the amount reimbursable to the school district as "excess cost" provided pursuant to Sections 18251 and 18251.3. In the event that a student who has commenced the driver training for which the district has contracted pursuant to Section 18256 and the student does not complete the driver training for any reason, the approved private driver training school shall be paid the amount in "excess cost," if any, received by the school district for such student.

SEC. 4. Section 18259 is added to the Education Code, to read:

18259. Upon presentment to the governing board by the approved private driver training school written verification of the name, school, dates, and times of each automobile driver training instruction lesson and such other information required by the Superintendent of Public Instruction, the approved private driver training school shall be paid the contract amount as determined pursuant to Section 18258.

SEC. 5. Section 18260 is added to the Education Code, to read:

18260. The governing board of any school district shall be entitled to reimbursement for driver training provided by approved private driver training schools pursuant to this article in the amount authorized pursuant to Section 18251, upon certifying to the Superintendent of Public Instruction the number of pupils for whom automobile driver training instruction lessons was provided pursuant to Sections 18256 to 18262, inclusive.

SEC. 6. Section 18261 is added to the Education Code, to read:

18261. Notwithstanding the provisions of Section 18252.2, a regular employee of a contracting approved private driver training school shall be a qualified instructor for automobile driver training provided that:

(a) He holds a valid driver instructor license issued by the Department of Motor Vehicles, and

(b) He has completed the driver instructor course required by the Department of Motor Vehicles.

SEC. 7. Section 18262 is added to the Education Code, to read:

18262. No approved private driver training school may enter into a contract pursuant to this article unless it has, at the time of entering into the contract, been operating in the State of California for at least

24 consecutive months.

A contracting approved private driver training school shall provide instruction pursuant to one of the plans authorized pursuant to Section 18252.4.

CHAPTER 1016

An act to amend Sections 29025 and 29027 of the Education Code, relating to medical assistant training.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 29025 of the Education Code is amended to read:

29025. Except as otherwise provided for in this code, no course of education or training leading to an educational, technological, professional or vocational objective shall be offered, and no diploma or honorary degree shall be issued or conferred, by any person, firm, association, partnership, corporation, or other entity which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction may issue a temporary approval upon submission of the complete application. A temporary approval shall be for a period of one year, subject to prior termination or conversion to annual approval basis by the Superintendent of Public Instruction. Any extension of a temporary approval on an annual basis shall require an annual fee. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses for a period of one year and shall grant subsequent approvals on an annual basis when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards; or that the course, curriculum, and instruction meet recognized accepted standards for reaching the professed or claimed objective for that particular course

(2) There is in the institution adequate space, equipment,

instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) The institution maintains adequate records to show attendance, progress, and grades.

(7) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(8) The institution is financially capable of fulfilling its commitments for its approved courses.

(9) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(10) The institution does not exceed enrollment facilities and equipment.

(11) The institution's administrator, director, owner, and instructors are of good reputation and character.

(12) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course. Such a policy shall set forth a minimum standard of refunds in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

(13) The institution designates an agent for service of process within the state.

(14) In any written contract or agreement for a course of study with an institution there shall be included on the first page of such agreement or contract, in 14-point boldface print or larger, the following statement:

"Any questions or problems concerning this school which have not been satisfactorily answered or resolved by the institution should be directed to the Director of Education, Department of Education, Sacramento, California, 95814."

In addition, such written contracts or agreements shall specify, on the same page of the contract or agreement in which the student's signature is required, the total financial obligation that the student will incur upon enrollment in the institution in numbers or letters, or both, which are of larger print than the rest of the contract or

agreement.

Upon completion of training, the institution may award a "diploma," as defined in Section 29002, to the student indicating the training and attendance completed.

The Superintendent of Public Instruction shall consult with the Department of Health prior to approving programs for training medical assistants pursuant to this section The consultation with the Department of Health shall concern the minimal standards for facilities, faculty, and curriculum for programs which train medical assistants to the extent that is found necessary to provide sufficient training and skill for graduates to perform competently as medical assistants. The Department of Education may contract with the Department of Health for such consulting services.

For purposes of this section, "medical assistant" is defined as a person employed by a licensed physician or physicians, or a medical corporation established pursuant to Article 17 (commencing with Section 2500) of Chapter 5 of Division 2 of the Business and Professions Code and who performs basic administrative, clerical, and technical supportive services for such physician, or physicians, or medical corporation.

This section shall not be construed to permit medical assistants to perform direct patient care services or other functions requiring a license pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

Sections 1292, 1293, and 1294 of the Labor Code shall not apply to work experience education programs established pursuant to this section, provided there is continuous and competent supervision by a qualified person.

SEC. 2. Section 29027 of the Education Code is amended to read:

29027. The Superintendent of Public Instruction shall charge, commencing during the 1974–75 fiscal year, the fees listed herein for the approval of private institutions operating under this division. For ensuing fiscal years, the Superintendent of Public Instruction, with the advice of the council, may annually increase such fees by an amount which reflects an increase in the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. The Superintendent of Public Instruction shall annually publish a schedule of the current fees to be charged pursuant to this section and shall make such schedule generally available to the public.

The following fee schedule shall govern the fees to be paid by private institutions operating under this division:

(a) For approval to issue degrees pursuant to paragraph 2 of subdivision (a) of Section 29023:

(1) Five hundred dollars ($500) for an original application.

(2) One hundred fifty dollars ($150) annually during the duration of the approval period renewal of such application.

(3) One hundred dollars ($100) for any of the following: approval to grant additional degrees, approval of additional major fields of study in approved degrees, for change of location, or auxiliary facilities in a new location.

(4) One hundred fifty dollars ($150) change of ownership.

(5) Eight dollars ($8) evaluation and approval of directors, administrators, and instructors subsequent to the original application.

(b) For filing an original affidavit and appraisal and a copy of the full disclosure required to issue degrees pursuant to paragraph 3 of subdivision (a) of Section 29023, the original affidavit shall be accompanied by a three-hundred-dollar ($300) fee. Each annual affidavit filed thereafter pursuant to Section 29031 shall be accompanied by a one-hundred-fifty-dollar ($150) renewal fee.

(c) For filing affidavits to meet the requirements of subdivision (d) of Section 29023, the original affidavit shall be accompanied by a one-hundred-fifty-dollar ($150) fee. Affidavits filed annually thereafter pursuant to subdivision (d) of Section 29023 shall each be accompanied by one hundred fifty dollars ($150).

(d) For approval to issue diplomas or offer courses of education or training pursuant to Section 29025:

(1) Three hundred dollars ($300) for an original application.

(2) One hundred fifty dollars ($150) for a renewal of a temporary approval or annual approval of courses.

(3) One hundred dollars ($100) for approval of any of the following: change of location, major change or revisions in curriculum of course, auxiliary facilities in a new location, or additional courses.

(4) One hundred fifty dollars ($150) for change of ownership.

(5) Eight dollars ($8) for evaluation and approval of directors, administrators, and instructors subsequent to the original application.

(e) For approval of an applicant to solicit or sell correspondence courses of study pursuant to Section 29026, the original application shall be accompanied by a twenty-dollar ($20) fee. Each applicant shall pay an annual renewal fee of fifteen dollars ($15). Application for additional sales permits shall be accompanied by a fifteen-dollar ($15) fee.

(f) For approval of an applicant to solicit or sell enrollment in courses of study at a resident school away from the instructional site of such institution pursuant to Section 29026.5, the original application shall be accompanied by a twenty-dollar ($20) fee. Each applicant shall pay an annual renewal fee of fifteen dollars ($15). Applications for additional sales permits shall be accompanied by a fifteen-dollar ($15) fee.

(g) For programs for training medical assistants, in addition to

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such other fees as may be required, a fee of not to exceed seventy-five dollars ($75) annually to support the contracted consulting services of the Department of Health authorized by Section 29025.

"Auxiliary facilities" as used in this section shall be defined pursuant to regulations adopted by the Director of Education.

CHAPTER 1017

An act relating to higher education opportunity programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund the sum of one million nine hundred six thousand seven hundred sixty-three dollars ($1,906,763) to be allocated according to the following schedule:

(a) To the Regents of the University of California for education opportunity programs and other outreach and support programs designed to increase the number of disadvantaged students in the university and assist in their retention $1,100,000

provided, that no expenditures shall be made from this appropriation unless an equal contribution from the university is made from funds not appropriated in this act; provided further, that such funds may be expended until June 30, 1977; and provided further, that such contribution made in the 1975–76 fiscal year shall be in addition to its level of expenditure for this program in the 1974–75 fiscal year from funds not appropriated in the Budget Act of 1974. In omitting similar maintenance of effort language for fiscal year 1976–77, it is not the intent of the Legislature that the university discontinue its efforts to maintain these programs at at least the 1974–75 level, but rather represents an acknowledgment that, insofar as future student enrollment and economic circumstances are uncertain, rigid formulas cannot be strictly imposed this far in advance.

(b) To the Board of Governors of the California Community Colleges, for extended opportunity programs conducted pursuant to Article 4 (commencing with Section 25524) of Chapter 3 of Division 18.5 of the Education Code, in augmentation of the appropriation made for that purpose by the Budget Act of 1975 ..... $806,763

provided, that the board of governors shall allocate funds on a priority basis and only to local programs which demonstrate their effectiveness and which have the most pressing need for financial aid for students.

SEC. 2. It is the intent of the Legislature, by passage of this act, to provide funds to better enable the university to increase the number of disadvantaged students in its programs and, in so doing, to eliminate the underrepresentation of such students in university programs as compared with the pool of graduating high school seniors.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the funds appropriated by this act to be available for the entire 1975–76 fiscal year, and so permit the orderly operation of the opportunity programs, it is necessary that this act take effect immediately.

CHAPTER 1018

An act relating to juvenile delinquency prevention services and programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund to the Department of the Youth Authority for the 1975–76 fiscal year for contracting with the Sugar Ray Youth Foundation for juvenile delinquency prevention services and programs. The appropriation made by this section is in lieu of the appropriation made by Item 297.1 of the Budget Act of 1975, and the appropriation made by Item 297 1 of the Budget Act of 1975 shall not be available for expenditure.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act, which is intended to make money available for a specified purpose for the 1975–76 fiscal year, modifies an item contained in the Budget Act of 1975, which went into effect on July 1, 1975. In order that this act may make such money available at the earliest possible time and have the intended effect on the Budget Act of 1975, it is necessary that this act take effect immediately.

CHAPTER 1019

An act relating to the state park system and making an appropriation therefor.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation may acquire rights-of-way for, and develop, riding, hiking, and bicycle trails in Santa Barbara and Ventura Counties between the following:

(a) From the United States Forest Service trail system near San Antonio Creek and State Highway Route 154 to El Capitan State Beach.

(b) From El Capitan State Beach to Refugio State Beach.

(c) From Refugio State Beach to Gaviota State Park.

(d) From Emma Wood State Beach to Ventura State Beach.

(e) From Ventura State Beach to McGrath State Beach.

Such acquisitions shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that such acquisitions shall be subject to the restrictions on the exercise of eminent domain specified in Section 5074.3 of the Public Resources Code.

SEC. 2. There is hereby reappropriated from the funds appropriated pursuant to subdivision (a) of Section 2 of Chapter 265 of the Statutes of 1974 and Section 19.3 of the Budget Act of 1974, and deposited in the Hostel Facilities and Recreational Trails Account in the General Fund, to the Department of Parks and Recreation the sum of nine hundred forty thousand dollars ($940,000) for the purposes of this act.

SEC. 3. Funds reappropriated by Section 2 of this act shall not be expended for the purchase of any real property or the acquisition of any other interest in real property until the State Public Works Board has determined both of the following:

(a) That the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) That the Department of General Services, in making its investigations and appraisals, has found no evidence that there is any person or group of persons who assert any prescriptive right or claim in the property to be acquired; or, if such prescriptive right or claim has been asserted or established, that the department has appraised the property at a price that reflects the value of such right or claim.

CHAPTER 1020

An act relating to the state park system and making an appropriation therefor.

[Approved by Governor September 23, 1975 Filed with Secretary of State September 23, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation may acquire rights-of-way for, and develop, recreational trails, as defined in subdivision (b) of Section 5052 of the Public Resources Code, in the County of Marin between Tomales Bay State Park, Samuel P. Taylor State Park, and the Larkspur Ferry Terminal of the Golden Gate Bridge, Highway and Transportation District which provides ferry access to Angel Island State Park and to bike trails in Sausalito and San Francisco. Such acquisitions shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), except that such acquisitions shall be subject to the restrictions on the exercise of eminent domain specified in Section 5074.3 of the Public Resources Code.

SEC. 2. There is hereby reappropriated from the funds appropriated pursuant to subdivision (a) of Section 2 of Chapter 265 of the Statutes of 1974 and Section 19.3 of the Budget Act of 1974, and deposited in the Hostel Facilities and Recreational Trails Account in the General Fund, to the Department of Parks and Recreation the sum of six hundred thousand dollars ($600,000) for the purposes of this act.

SEC. 3. Funds reappropriated by Section 2 of this act shall not be expended for the purchase of any real property or the acquisition of any other interest in real property until the State Public Works Board has determined both of the following:

(a) That the procedures and criteria established by the Attorney General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) That the Department of General Services, in making its investigations and appraisals, has found no evidence that there is any person or group of persons who assert any prescriptive right or claim in the property to be acquired; or, if such prescriptive right or claim has been asserted or established, that the department has appraised the property at a price that reflects the value of such right or claim.

CHAPTER 1021

An act to amend Sections 21116 and 21117 of, and to add Sections 25543.5 and 25543.6 to, the Education Code, relating to school districts.

[Approved by Governor September 23, 1975. Filed with Secretary of State September 23, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 21116 of the Education Code is amended to read:

21116. With the approval of the Superintendent of Public Instruction, the governing board of a unified school district, or district with over 10,000 average daily attendance may cause to be drawn all warrants on the county treasurer against all the funds, except debt service, of the district in the county treasury in the payment of the expenses of the district. The warrants shall be issued by a person designated as the district auditor or district disbursing officer for the school district on the county treasurer in favor of the persons entitled thereto in payment of all claims chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district auditor shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by law. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction.

Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the district.

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those districts that draw their own warrants for the cost of all fiscal services.

The person authorized by the governing board of the district to issue warrants pursuant to this section shall execute an official bond

in an amount fixed by the governing board conditioned upon the faithful performance of his duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the obligation of any contract in the bond of such officer in effect on the effective date of this section.

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction, upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn.

The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor having jurisdiction.

Each unified school district or district with over 10,000 average daily attendance which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the Superintendent of Public Instruction, a unified school district, or district with over 10,000 average daily attendance shall file a written application with the county superintendent of schools of jurisdiction on forms which the Superintendent of Public Instruction shall prescribe. Upon receipt of an application from the district, the county superintendent of schools shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant in accordance with standards prescribed by the Department of Finance. The certified public accountant or public accountant shall report his findings and recommendations to the county superintendent, county auditor, and to the applicant district. The county superintendent shall forward the district's application, together with his recommendations and the recommendations of the county auditor and the report of survey, to the Superintendent of Public Instruction who shall approve or disapprove the application. The Superintendent of Public Instruction shall approve the application only if he finds the accounting controls of the district are adequate. If the Superintendent of Public Instruction determines that such controls are inadequate, he shall disapprove the application. The county superintendent of schools shall be reimbursed from the district funds for all costs incident to the accounting controls survey made pursuant to the district's application.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of the fiscal year, provided that the approval had been made prior to the preceding first day of January. If disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he may recommend to the Superintendent of Public Instruction that the approval be revoked effective at the first of the fiscal year next following.

SEC. 2. Section 21117 of the Education Code is amended to read:

21117. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any unified school district, or district with over 10,000 average daily attendance authorized to issue warrants pursuant to Section 21116; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized to issue warrants pursuant to Section 21116, and (2) the general fund of the school district, respectively.

SEC. 2.5. Section 21117 of the Education Code is amended to read:

21117. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any unified school district, or district with over 10,000 average daily attendance authorized to issue warrants pursuant to Sections 21116 and 21116 5; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized to issue warrants pursuant to Sections 21116 and 21116.5, and (2) the general fund of the school district, respectively.

SEC. 3. Section 25543 5 is added to the Education Code, to read:

25543.5. (a) With the approval of the Board of Governors of the California Community Colleges, the governing board of any community college district may cause to be drawn all warrants on the county treasurer against all the funds of the district in the county treasury, except debt service, in payment of the expenses of the district. The warrants shall be issued on the county treasurer, by a person authorized by the governing board of the community college district, in favor of the persons entitled thereto in payment of all legal claims chargeable against the district which have been examined, allowed, and ordered paid by the governing board. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction. Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the community college

district.

(b) The person so authorized by the district governing board shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by law.

(c) Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant issued by the community college district if money is available.

(d) No county officer shall be responsible for producing reports, statements, or other data relating to or based on payments of the expenses of the community college districts. Community college districts issuing warrants as authorized by this section shall provide the county superintendent of schools, in a form approved by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the community college districts which draw their own warrants.

(e) Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those community college districts which draw their own warrants a fee as reimbursement for the cost of those fiscal services rendered to the districts.

(f) The person authorized by the governing board of the community college district to issue warrants pursuant to this section shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the obligation of any contract in the bond of such officer in effect on the effective date of this section.

(g) A listing of the warrants issued under this section by each community college district shall be forwarded to the county auditor having jurisdiction, upon his request, on the same day warrants are issued. The listing, which may be on magnetic tape, punched cards, or in any other form, shall report, among other things, the warrant number, the date of the warrant, the amount of the warrant, the name of the payee, and the fund on which drawn. The form and content of the warrant listing shall be as prescribed by the community college governing board and approved by the county auditor having jurisdiction.

Each community college district which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools, upon his request, and to the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and

unencumbered balances.

(h) In order to obtain the approval of the Board of Governors of the California Community Colleges, the governing board of a community college district shall file a written application with the board of governors on a form which the board of governors shall prescribe. Information copies of the application shall be sent to the county superintendent of schools, the county treasurer, and the county auditor of the county having jurisdiction in which the community college district is located, at the same time the application is filed with the board of governors.

(i) Upon receipt of an application from the district, the Board of Governors of the California Community Colleges shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant in accordance with standards prescribed by the Department of Finance. The certified public accountant or public accountant shall report the findings and recommendations of his survey to the Board of Governors of the California Community Colleges, the county superintendent of schools, the county auditor, the county treasurer, and the applicant district. The cost of such survey and report shall be a legal expense of the applicant district.

(j) The county superintendent of schools, the county auditor, the county treasurer, and the applicant district may forward their comments on the accountant's report of survey to the board of governors, who shall approve or disapprove the application within a reasonable period of time. The board of governors shall approve such application only if it finds the accounting controls of the district are adequate. If the board of governors determines that such controls are inadequate, it shall disapprove the application.

(k) If the district's application is approved by the board of governors, a survey of the district's accounting controls shall henceforth be included in each annual audit review of the district's records and accounts as required by Section 17206.

(*l*) When approved by the Board of Governors of the California Community Colleges, the issuance of warrants pursuant to this section shall be effective at the beginning of the next fiscal year, provided that the approval had been made prior to the preceding first day of January.

(m) If the application of the district is not approved, the Board of Governors of the California Community Colleges shall state the specific steps which must be taken by the community college district in order to receive approval. If at any time the board of governors determines, from the annual audit review required in subdivision (k), that the accounting controls of the district have become inadequate, the board of governors may revoke its approval effective at the beginning of the fiscal year next following such determination.

SEC. 4. Section 25543.6 is added to the Education Code, to read:

25543.6. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code

shall be applicable to any community college district authorized to issue warrants pursuant to Section 25543.5; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized by the community college district governing board to issue warrants pursuant to Section 25543.5, and (2) the general fund of the community college district, respectively.

SEC 5. Section 25543.6 is added to the Education Code, to read:

25543.6. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any community college district authorized to issue warrants pursuant to Section 21116.5 or 25543.5; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized by the community college district governing board to issue warrants pursuant to Section 21116.5 or 25543.5, and (2) the general fund of the community college district, respectively.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 1006 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 21117 of the Education Code, and this bill is chaptered after Assembly Bill No. 1006, that Section 21117 of the Education Code, as amended by Section 2 of Assembly Bill No. 1006, be further amended on the effective date of this act in the form set forth in Section 2.5 of this act to incorporate the changes in Section 21117 proposed by this bill. Therefore, if this bill and Assembly Bill No. 1006 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1006 is chaptered before this bill and amends Section 21117, Section 2.5 of this act shall become operative on the effective date of this act and Section 2 of this act shall not become operative.

SEC. 7. Section 5 of this act shall become operative only if Assembly Bill No. 1006 is chaptered and becomes effective on or before January 1, 1976. In such case, Section 4 of this act shall not become operative.

CHAPTER 1022

An act to amend and renumber Section 65862 and to amend Section 65854.5 of the Government Code, and to amend Section 402.2 of the Revenue and Taxation Code, relating to property taxation.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 65862 of the Government Code is amended and renumbered to read:

65863 5. Whenever the zoning covering a property is changed from one zone to another or a zoning variance or conditional use permit is granted with respect to any property, the governing body of the city or county shall, within 30 days, notify the county assessor of such action and, if the zoning change or variance or conditional use permit was requested by other than the owner of record, shall simultaneously notify the owner of such property of the fact that such notice has been sent to the assessor, of the assessor's duty under Section 402.2 of the Revenue and Taxation Code, and of the rights and process of assessment protest and equalization hearing as provided in Part 3 (commencing with Section 1601) of Division 1 of the Revenue and Taxation Code.

Notwithstanding Section 65803, this section shall apply to charter cities.

SEC. 1.5. Section 65854.5 of the Government Code, as added by Chapter 249 of the Statutes of 1975, is amended to read:

65854.5. (a) In addition to the notice required by Section 65854, a county or city planning commission shall give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed zoning change.

In the event that the proposed zoning change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the city or county planning commission shall also give mailed notice to the owner of the property as shown on the last equalized assessment roll.

(b) In the event that the number of owners to whom notice would be sent pursuant to subdivision (a) is greater than 1,000, a county or a city may, as an alternative to the notice required by subdivision (a), provide notice pursuant to this subdivision. Such notice shall be given at least 10 days prior to the hearing by either of the following procedures: (i) by placing a display advertisement of at least one-fourth page in the newspaper having the greatest circulation within the area affected by the proposed ordinance or amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or (ii) by placing an insert with any generalized mailing sent by the county or city to property owners in the area affected by the proposed ordinance or amendment, such as billings for county or city services.

Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

Any display advertisement published pursuant to this subdivision satisfies the publication requirements of Section 65854

(c) Failure to receive the notice required by this section shall not

invalidate the ordinance or amendment.

(d) This section shall not apply to a proposed zoning ordinance or to an amendment to an existing zoning ordinance which does not affect the permitted uses of real property within a county or a city.

SEC. 2. Section 402.2 of the Revenue and Taxation Code is amended to read·

402.2. If during the assessment year the assessor receives the notice required by Section 65863.5 of the Government Code, the assessor shall reassess the property as of the next succeeding lien date.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

CHAPTER 1023

An act to amend Sections 9125, 9162, and 9220 of, and to add Sections 9101.1 and 9205 to, the Business and Professions Code, and to amend Section 15459.1 of the Education Code, relating to construction inspectors.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows·

SECTION 1. Section 9101.1 is added to the Business and Professions Code, to read:

9101.1. "Inspector-in-training" means a person enrolled under this chapter with the board as a trainee. He is not a registered construction inspector.

SEC. 2. Section 9125 of the Business and Professions Code is amended to read:

9125. The board shall, consistent with the purposes of this chapter, by regulation establish the divisions of construction inspection. The board shall by regulation provide for the enrollment of inspectors-in-training in the divisions of construction inspection.

SEC. 3. Section 9162 of the Business and Professions Code is amended to read:

9162. With respect to applicants for registration as construction inspectors, the board:

(a) Shall give credit as inspection experience for time spent on the job as an inspector-in-training.

(b) May give credit as experience, not in excess of two years, for satisfactory training in a school of engineering, architecture, or

inspection training where the curriculum has been approved by the board.

(c) May give credit as experience, not in excess of two years, for construction inspection teaching.

(d) May give credit as experience, not in excess of four years, for having been a licensed general contractor.

(e) May give credit as inspection experience, not in excess of two years, for having been a contractor's superintendent in the field supervising the work of two or more subcontractors and involving three or more trades.

SEC. 4. Section 9205 is added to the Business and Professions Code, to read:

9205. Enrollment as an inspector-in-training shall expire at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew, the enrollee shall, on or before June 30 of each even-numbered year, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

SEC. 5. Section 9220 of the Business and Professions Code is amended to read:

9220. The board shall set fees as prescribed by the following schedule:

(a) The fee for filing each application for registration as a registered construction inspector shall be not less than twenty dollars ($20) nor more than forty dollars ($40) for each division or specialty within each division.

(b) The registration fee for registered construction inspector shall be not less than twenty-eight dollars ($28) for each division or specialty within each division.

(c) The duplicate certificate fee shall not be less than five dollars ($5) nor more than ten dollars ($10).

(d) The temporary registration fee for registered construction inspector shall not be less than fifty dollars ($50) nor more than one hundred dollars ($100).

(e) The renewal fee for a registered construction inspector shall be fixed by the board at not more than forty dollars ($40) nor less than twenty-eight dollars ($28) for each division of registered inspection in which registration is held.

(f) The penalty for delinquency of the renewal fee is ten dollars ($10).

(g) The fee for reinstatement of a suspended certificate is ten dollars ($10).

(h) The fee for filing for enrollment as an inspector-in-training shall be twenty-five dollars ($25).

(i) The renewal fee for enrollment as an inspector-in-training shall not be less than ten dollars ($10) nor more than twenty-five dollars ($25).

SEC. 6. Section 15459.1 of the Education Code is amended to read:

15459.1. As of January 1, 1976, the persons employed as inspectors

of record to inspect the construction, reconstruction or alteration of any school building shall be persons who are registered as construction inspectors in the divisions in which they are to be used, as defined by Section 9101 of the Business and Professions Code. Persons employed as assistants to inspectors of record shall be registered construction inspectors or shall be enrolled as inspectors-in-training in the divisions in which they are to be used, as defined by Section 9101.1 of the Business and Professions Code. This section shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing within the provisions of the law under which he is registered. This section shall not apply to an inspector approved by the Office of Architecture and Construction and employed pursuant to a particular building contract prior to January 1, 1976, during the performance of that building contract.

SEC. 7. Section 15459.1 of the Education Code is amended to read:

15459.1. As of January 1, 1976, the persons employed as inspectors of record to inspect the construction, reconstruction or alteration of any school building shall be either (a) persons who are registered as construction inspectors in the divisions in which they are to be used, as defined by Section 9101 of the Business and Professions Code or (b) persons who are regularly employed for building code enforcement by the local agency having responsibility for such inspection, and are qualified to perform such inspections under the civil service laws or regulations of such local agency.

Persons employed as assistants to inspectors of record shall be registered construction inspectors or shall be enrolled as inspectors-in-training in the divisions in which they are to be used, as defined by Section 9101.1 of the Business and Professions Code. This section shall not apply to any architect, structural engineer, civil engineer, land surveyor, mechanical engineer, engineering geologist, or electrical engineer, who holds a valid certificate of registration in this state, insofar as he is practicing within the provisions of the law under which he is registered. This section shall not apply to an inspector approved by the Office of Architecture and Construction and employed pursuant to a particular building contract prior to January 1, 1976, during the performance of that building contract.

SEC. 8. It is the intent of the Legislature, if this bill and Senate Bill No. 714 are both chaptered and become effective on or before January 1, 1976, both bills amend Section 15459.1 of the Education Code, and this bill is chaptered after Senate Bill No. 714, that Section 15459.1 of the Education Code, as amended by Section 1 of Senate Bill No. 714, be further amended on the effective date of this act in the form set forth in Section 7 of this act to incorporate the changes in Section 15459.1 proposed by this bill. Therefore, if this bill and Senate

Bill No. 714 are both chaptered and become effective on or before January 1, 1976, and Senate Bill No. 714 is chaptered before this bill and amends Section 15459.1, Section 7 of this act shall become operative on the effective date of this act and Section 6 of this act shall not become operative.

CHAPTER 1024

An act to add and repeal Sections 68520 and 70050.9 of the Government Code, relating to court reporters.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 68520 is added to the Government Code, to read:

68520. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in Colusa County. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period;

(2) The fees charged and the fees collected for such transcripts;

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts;

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

(d) This section shall remain in effect only until January 1, 1981, and as of such date is repealed.

SEC. 2. Section 70050.9 is added to the Government Code, to read:

70050.9. (a) In Colusa County, each regular official court reporter shall be paid an annual salary of eleven thousand dollars ($11,000) payable in equal monthly installments from the General Fund of the county for the following services:

(1) Reporting and taking notes in all criminal and juvenile matters in the superior court;

(2) Reporting and taking notes in the preliminary examinations

before magistrates of those accused of crimes;

(3) Reporting and taking notes in criminal proceedings before the grand jury;

(4) Reporting and taking notes at coroner's inquests when requested by the coroner;

(5) Performance of stenographic and secretarial duties for, and at the request of the judge of the superior court;

(6) Reporting and taking notes of statements in criminal investigative matters for, and at the request of the district attorney;

(7) Reporting and taking notes in all civil commitment proceedings and all contempt proceedings;

(8) Reporting and taking notes in proceedings before the board of supervisors of the County of Colusa sitting as a board of equalization or the assessment appeals board of said county if the same is created;

(9) Performing the duties of law librarian of the Colusa County Law Library.

(b) In addition to the annual salary of eleven thousand dollars ($11,000) the court reporter shall receive as part of the compensation as such regular official court reporter all those fees prescribed by law for the preparation of transcripts in criminal matters reported in the superior court, justice court, juvenile court, grand jury, coroner's inquests, and of transcripts of statements made in criminal investigative matters for, and at the request of, the district attorney. For retirement purposes, the compensation and salary paid the court reporter shall be deemed to include both the salary of eleven thousand dollars ($11,000) and all transcription fees paid by the county in all such criminal matters.

(c) For reporting matters in civil cases in the superior court the reporter shall be entitled to such fees as are prescribed by law.

(d) The court reporter shall be entitled to the same rights and privileges with respect to retirement, vacation, sick leave, health and life insurance, any annual increases, and other benefits, as are allowed to regular employees of the county.

(e) This section shall remain in effect only until January 1, 1981, and as of such date is repealed.

SEC. 3. The Legislature hereby finds and declares that, in view of its constitutionally delegated responsibility of setting salaries for court reporters, it is necessary to obtain information regarding the total compensation paid to court reporters from all sources so as to allow proper evaluation of legislative proposals relating to court reporters' salaries on an ongoing basis.

Such legislative proposals are not made on a uniform, statewide basis, but on a county-by-county basis. Therefore, it is necessary to monitor the compensation provided court reporters on an individual county basis reflecting the periodic legislative proposals which are made for specific counties. Accordingly, this legislation affecting Colusa County is necessary to permit the Legislature to carry out its constitutionally delegated responsibility of setting court reporters'

salaries in this county in view of the submitted request for an adjustment in the compensation provided to court reporters in such county.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because duties, obligations, or responsibilities imposed on local government entities or school districts by this act are such that related costs are incurred as a part of their normal operating procedures.

SEC. 7. Section 3 of this act shall become operative on January 1, 1981.

CHAPTER 1025

An act to add Sections 18327.1, 18327.2 and 18327.3 to the Welfare and Institutions Code, relating to elderly persons.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 18327.1 is added to the Welfare and Institutions Code, to read:

18327.1. Notwithstanding any other provision of law, the state plan referred to in Section 18326 and Section 18327 shall provide that not less than 10 percent nor more than 20 percent of all funds expended for nutrition services shall be available for meals to individuals in their residences, except as otherwise required by federal law.

SEC. 2. Section 18327.2 is added to the Welfare and Institutions Code, to read:

18327.2. Notwithstanding any other provision of law, not more than 20 percent of the funds administered by the state for nutrition services for the elderly pursuant to this chapter shall be expended for meals delivered to individuals in their residences. Such individuals receiving meals served in their residences shall not be required to participate in congregate feeding programs, except as otherwise required by federal law.

SEC. 3. Section 18327.3 is added to the Welfare and Institutions Code, to read:

18327.3. Notwithstanding any other provisions of law, no agency providing food services, pursuant to this chapter shall be prohibited from serving meals consistent with terms and conditions in its contract, to individuals as long as the total number of meals served by all agencies within the region, as established by the Office on Aging, does not exceed the number of meals authorized by the Office on Aging to be served for such region.

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CHAPTER 1026

An act to amend Sections 70046.2, 73691, and 73692 of the Government Code, relating to official reporters in Fresno County, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 70046.2 of the Government Code is amended to read:

70046.2. In Fresno County, each reporter shall be paid an annual salary established according to the following salary schedule:

Step 1. $15,678
Step 2. $16,458
Step 3. $17,290
Step 4. $18,148

Reporters shall initially be placed at step 1 of the salary schedule except reporters may be placed at a higher step with the approval of the county administrative officer, and shall advance one step annually upon the anniversary date of the employment. If, because of recruitment difficulties, it is necessary to appoint a court reporter at a step of the salary schedule which is above the step at which any court reporters are currently employed, all court reporters below that step will move to the higher step at the discretion of the judges of the court.

Each pro tempore reporter shall be paid seventy dollars ($70) per day for each of the days the reporter actually is on duty under order of the court.

In addition to the salary herein provided, each regularly employed reporter shall accrue and be entitled to receive sick leave benefits at the rate of 3.6924 hours of sick leave with pay for each pay period or major fraction thereof, served up to an accumulative total of 156 working days. Each such reporter shall accrue and receive vacation at the same rate as judges of such court not to exceed 21 working days a year which may be accrued not to exceed 42 days to be taken at such time as the judge to which he has been assigned consents.

In such county the fee required by Section 70053 shall be eleven dollars and fifty cents ($11.50).

SEC. 2. Section 73691 of the Government Code is amended to read:

73691. A majority of the judges may appoint seven full-time court reporters to serve at the pleasure of the judges and to be paid an annual salary established according to the following salary schedule:

Step 1. $15,678
Step 2. $16,458
Step 3. $17,290

Step 4. $18,148

Reporters shall initially be placed at step 1 of the salary schedule except reporters may be placed at a higher step with the approval of the county administrative officer, and shall be advanced one step annually upon the anniversary date of such employment. If, because of recruitment difficulties, it is necessary to appoint a court reporter at a step of the salary schedule which is above the step at which any court reporters are currently employed, all court reporters below that step will move to the higher step at the discretion of the judges of the court. Each such reporter shall accrue and be entitled to receive sick leave benefits at the rate of 3.6924 hours of sick leave with pay for each pay period or major fraction thereof, served up to an accumulative total of 156 working days. Each such reporter shall accrue and receive vacation at the same rate as judges of such court not to exceed 21 working days a year which may be accrued not to exceed 42 days to be taken at such time as the judge to which he has been assigned consents.

SEC. 3. Section 73692 of the Government Code is amended to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the section for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive seventy dollars ($70) per day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to the action, nor shall there be any appropriation made by this action because this action is in accordance with the requests of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 5. This is an urgency statute necessary for the immediate preservation of the public peace, health, or safety, within the meaning of Article 4 of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to employ and maintain sufficient numbers of competent official reporters to meet the needs of the court affected by this act, it is necessary that this act go into effect at the earliest possible time.

CHAPTER 1027

An act to amend Sections 17226 and 24372 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Became law without Governor's signature September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1 Section 17226 of the Revenue and Taxation Code is amended to read:

17226. (a) Every taxpayer at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subdivision (d)), based on a period of 60 months. Such amortization deduction shall be an amount with respect to each month of such period within the taxable year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by Section 17208. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Franchise Tax Board in such manner, in such form, and within such time, as the Franchise Tax Board may by regulations prescribe, a statement of such election.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The depreciation deduction provided under Section 17208 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect

to such pollution control facility.

(d) For purposes of this section—

(1) The term "certified pollution control facility" means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1971, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which the State Department of Health has certified as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.

(2) For purposes of paragraph (1), the term "new identifiable treatment facility" includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in Section 17208, which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1970, or

(ii) Acquired after December 31, 1970, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1976.

In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1970.

(e) The State Department of Health shall not certify any property to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) (1) For purposes of this section, the term "amortizable basis" means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) (A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) The depreciation deduction provided by Section 17208 shall, despite the provisions of subdivision (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(i) For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see Section 18211.

SEC. 2. Section 24372 of the Revenue and Taxation Code is amended to read:

24372. (a) Every taxpayer at its election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subdivision (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the income year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by Section 24349. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding income year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the income year succeeding the income year in which such facility is completed or acquired, shall be made by filing with the Franchise Tax Board in such manner, in such form, and within such time, as the Franchise Tax Board may by regulations prescribe, a statement of such election.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The depreciation deduction provided under Section 24349 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

(d) For purposes of this section—

(1) The term "certified pollution control facility" means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1971, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which the State Department of Health has certified as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.

(2) For purposes of paragraph (1), the term "new identifiable treatment facility" includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in Section 24349 which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1970, or

(ii) Acquired after December 31, 1970, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1976.

In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1970.

(e) The State Department of Health shall not certify any property to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) (1) For purposes of this section, the term "amortizable basis" means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) (A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) The depreciation deduction provided by Section 24349 shall,

despite the provisions of subdivision (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the operative effect of the provisions of this act shall be as follows:

(a) Section 1 of this act shall be applied in the computation of taxes for taxable years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of Section 1 of this act shall apply in the computation of taxes for taxable years beginning on or after the first day of the calendar year following the effective date.

(b) Section 2 of this act shall be applied in the computation of taxes for income years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of Section 2 of this act shall apply in the computation of taxes for income years beginning on or after the first day of the calendar year following the effective date.

CHAPTER 1028

An act relating to Fresno City College projects, and making an appropriation therefor.

[Became law without Governor's signature September 24, 1975. Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the money in the State Construction Program Fund derived from the proceeds of bonds sold pursuant to the Community College Construction Program Bond Act of 1972, an amount sufficient to provide for payment of Fresno City College projects to construct a business education building and a student services building for which an appropriation is available. The provisions of this section shall be applicable only under all of the following limitations:

(1) The augmentation allocation shall be calculated only on the state's share of the total project cost and on the same basis as the original appropriation.

(2) The augmentation allocation shall be granted, if otherwise justified, only on condition that the contract award is made within one year from the effective date of this appropriation, except that augmentation allocations for projects originally appropriated in the 1973 budget shall be granted, if otherwise justified on condition that the contract award is made prior to June 30, 1975.

(3) The augmentation allocation for the state's share of the project would be five thousand dollars ($5,000) or more.

Expenditures shall be pursuant to executive orders of the Director of Finance upon recommendations by the Chancellor of the California Community Colleges and approval of the State Public Works Board.

CHAPTER 1029

An act to amend Sections 21681, 21682, and 21684 of the Public Utilities Code, relating to aviation.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21681 of the Public Utilities Code is amended to read:

21681. For the purposes of this article:

(a) "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity. All leases to the public entity of property must be approved by the department. A lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means money provided by the public entity and which does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation and the University of California.

(e) "Public agency" means the various agencies of the State of California and the federal government.

(f) "Airport and aviation purposes" means expenditures of a capital improvement nature, including the repair or replacement of a capital improvement, for any of the following purposes:

(1) Land acquisition for development and improvement of general aviation aircraft landing facilities.

(2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.

(3) Construction or reconstruction of runways or taxiways.

(4) Acquisition of "runway clear zones" as defined in current regulations of the Federal Aviation Administration.

(5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.

(6) Removal of natural obstructions from runway clear zones.

(7) Original installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.

(8) Original installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.

(9) Original erection of minimum security fencing around the perimeter of an aircraft landing facility.

(10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.

(11) Construction or reconstruction of transient general aviation aircraft parking areas.

(12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.

(13) Air navigational facilities.

(14) Such other capital improvements as may from time to time be designated in rules and regulations promulgated by the department.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the department for consideration and approval.

(g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures which are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and such other items of expenditure which may be designated as "operation and maintenance" in rules and regulations promulgated by the department.

SEC. 2. Section 21682 of the Public Utilities Code is amended to read:

21682. (a) The department shall, subject to the provisions of Section 21684, pay from the fund to each public entity owning and operating an airport or airports under a valid permit issued by the department the sum of five thousand dollars ($5,000) annually for each such airport, to be expended solely for airport and aviation

purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made; provided, that the department may grant a waiver in extenuating circumstances.

(b) The department shall, subject to the provisions of Section 21684, pay from the fund to the University of California the sum of five thousand dollars ($5,000) annually for each airport used by the general public and owned and operated by the university under a valid permit issued by the department, to be expended solely for airport and aviation purposes. No payment made under this section is transferable, but shall be expended only upon the airport for which the payment is made; provided, that the department may grant a waiver in extenuating circumstances.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a) and (b), the department shall, subject to the provisions of Section 21684, pay to each such public entity an amount which is equal to the total amount of money in the fund multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which payment is required to be made pursuant to subdivisions (a) and (b) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a) and (b).

(d) No moneys paid under this section shall be expended for operation and maintenance, except that a city, county, airport district, or the University of California may use such moneys for maintenance of any capital improvement which was or could have been constructed, in whole or in part, with moneys paid under this section.

(e) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

(f) No payment shall be made under this section to any public entity or the University of California for any airport for any year in which the department allocates twenty-five thousand dollars ($25,000) or more to such entity or the university for that airport pursuant to Section 21683.

(g) The Department of Transportation may make regulations to implement the provisions of this section.

SEC. 3. Section 21684 of the Public Utilities Code is amended to read:

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity pursuant to Section 21682 or 21683 unless the public entity deposits

in its special aviation fund, for expenditures solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the board or the department pursuant to these sections.

(1) Notwithstanding the provisions of this subdivision inasmuch as they require matching funds, the department shall pay a sum of five thousand dollars ($5,000) annually to a county with a population of under 1,000, as determined by the last federal decennial census, for the purpose of constructing and maintaining an airport.

(2) Notwithstanding the provisions of this subdivision inasmuch as they require matching funds, the department shall pay the sum of five thousand dollars ($5,000) annually to each city, county, airport district, or the University of California owning and operating an airport or airports in accordance with subdivision (a) of Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21682 or 21683 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds at least equal to the amount to be paid by the board or the department pursuant to these sections, or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum at least equal to the amount to be paid by the board or the department pursuant to these sections; provided, however, that any such sums deposited by the university or paid by such city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

(c) Payments made by the department pursuant to Section 21682 and funds provided by public entities to match these payments may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the department.

CHAPTER 1030

An act to amend Section 22842 of the Elections Code, and Sections 34882, 34904 and 36502 of the Government Code, relating to residency requirements for election of municipal officers, and declaring the urgency thereof.

[Approved by Governor September 24, 1975. Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 22842 of the Elections Code is amended to read:

22842. All forms required for nomination and election to all municipal offices shall be furnished only by the city clerk. At the time of issuance of those forms the city clerk shall type in the forms the name of the candidate and the office for which he is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix his signature. At the time nomination papers are issued to a candidate the city clerk shall imprint the date. The forms shall be distributed without charge to all candidates applying for them.

SEC. 2. Section 34882 of the Government Code is amended to read:

34882. A person is not eligible to hold office as a member of a municipal legislative body unless he is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 22842 of the Elections Code.

SEC. 3. Section 34904 of the Government Code is amended to read:

34904. A person is not eligible to hold office as mayor unless he is at the time of assuming such office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 22842 of the Elections Code.

SEC. 4. Section 36502 of the Government Code is amended to read:

36502. A person is not eligible to hold office as councilman, city clerk, or city treasurer unless he is at the time of assuming such office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 22842 of the Elections Code.

If, during his term of office, he moves his place of residence outside of the city limits or ceases to be an elector of the city, his office shall immediately become vacant.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present one year residency requirement was invalidated by state courts and in order for there to be a residency requirement for municipal elections at the earliest possible time.

CHAPTER 1031

An act to amend Section 1756 of the Health and Safety Code, relating to emergency medical care committees.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1756 of the Health and Safety Code is amended to read:

1756. Every emergency medical care committee shall, at least annually, report to the Advisory Health Council, the state department, and the areawide comprehensive health planning agency for its area its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices in that county. The emergency medical care committee shall submit its observations and recommendations to the county board or boards of supervisors which it serves and shall act in an advisory capacity to the county board or boards of supervisors which it serves, and to the county department having charge of emergency medical services, on all matters relating to emergency medical services, including first aid, ambulance services, communications, medical equipment, training, personnel, facilities, and any other matters relating to emergency medical services as directed by the board or boards of supervisors.

SEC. 2. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden on local government.

CHAPTER 1032

An act to amend Section 16075 of the Education Code, relating to school property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 16075 of the Education Code is amended to read:

16075. Any school district may enter into leases and agreements relating to real property and buildings to be used jointly by the

district and any private person, firm, or corporation pursuant to this article. As used in this article, "building" includes onsite and offsite facilities, utilities and improvements which as agreed upon by the parties are appropriate for the proper operation or function of the building to be occupied jointly by the district and the private person, firm, or corporation. It also includes the permanent improvement of school grounds.

Nothing in this article shall authorize the joint occupancy or the entry into any contract for the joint occupancy, by a school district and any other contracting party, of any building utilized in whole or in part for classroom purposes or other purposes involving group participation by pupils unless such classroom use or pupil participation is in connection with a voluntary adult education program. Except in connection with a voluntary adult education program, the occupancy of a building utilized for classroom purposes or other purposes involving group participation by pupils shall be exclusively by the school district.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that a school district having a surplus building may make use of such building at the earliest possible time and begin to realize income therefrom, it is necessary that this act go into effect immediately.

CHAPTER 1033

An act to amend Sections 17062, 17063, 17064.5, and 17235 of, to add Sections 17062.1, 17062.2, 17063.1, and 17064.7 to, and to repeal Section 18220 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17062 of the Revenue and Taxation Code is amended to read:

17062. In addition to the other taxes imposed by this part, there is hereby imposed for each taxable year, with respect to the income of every taxpayer under this part except heads of household, as defined in Section 17042, taxes in the following amounts and at the following rates on the amount (if any) of the sum of the items of tax preference in excess of the amount of net business loss for the taxable year:

If the amount of tax preference income in excess of net business loss is	The tax is
Over $4,000 but not over $5,500	½ of 1% of the taxable preference income in excess of $4,000
Over $5,500 but not over $7,000	$7.50 plus 1% of the excess over $5,500
Over $7,000 but not over $8,500	$22.50 plus 1½% of the excess over $7,000
Over $8,500 but not over $10,000	$45 plus 2% of the excess over $8,500
Over $10,000 but not over $11,500	$75 plus 2½% of the excess over $10,000
Over $11,500 but not over $13,000	$112.50 plus 3% of the excess over $11,500
Over $13,000 but not over $14,500	$157.50 plus 3½% of the excess over $13,000
Over $14,500 but not over $16,000	$210 plus 4% of the excess over $14,500
Over $16,000 but not over $17,500	$270 plus 4½% of the excess over $16,000
Over $17,500 but not over $19,000	$337.50 plus 5% of the excess over $17,500
Over $19,000	$412.50 plus 5½% of the excess over $19,000

SEC. 2. Section 17062.1 is added to the Revenue and Taxation Code, to read:

17062.1. In addition to the other taxes imposed by this part, there

is hereby imposed for each taxable year, with respect to the income of every head of household, as defined in Section 17042, taxes in the following amounts and at the following rates on the amount (if any) of tax preference income in excess of the amount of net business loss for the taxable year:

If the amount of tax preference income in excess of net business loss is	The tax is
Over $8,000 but not over $10,000	½ of 1% of taxable preference income in excess of $8,000
Over $10,000 but not over $11,500	$10 plus 1% of the excess over $10,000
Over $11,500 but not over $13,000	$25 plus 1½% of the excess over $11,500
Over $13,000 but not over $14,500	$47.50 plus 2% of the excess over $13,000
Over $14,500 but not over $16,000	$77.50 plus 2½% of the excess over $14,500
Over $16,000 but not over $17,500	$115 plus 3% of the excess over $16,000
Over $17,500 but not over $19,000	$160 plus 3½% of the excess over $17,500
Over $19,000 but not over $20,500	$212.50 plus 4% of the excess over $19,000
Over $20,500 but not over $22,000	$272.50 plus 4½% of the excess over $20,500
Over $22,000 but not over $23,500	$340 plus 5% of the excess over $22,000

Over $23,500	$415 plus 5½% of the excess over $23,500

SEC. 3. Section 17062.2 is added to the Revenue and Taxation Code, to read:

17062.2. In the case of a joint return of a husband and wife under Section 18402, the tax imposed by Section 17062 shall be twice the tax which would be imposed if the tax preference income were cut in half.

SEC. 4. Section 17063 of the Revenue and Taxation Code is amended to read:

17063. For purposes of this chapter, the items of tax preference are:

(a) The amount of the excess investment interest for the taxable year as determined under Section 17064.

(b) With respect to each "Section 18212 property" (as defined in Section 18214), the amount by which the deduction allowable for the taxable year for exhaustion, wear or tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year, had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life (determined without regard to Section 17211.7) for which the taxpayer has held the property.

(c) With respect to each item of "Section 18211 property," (as defined in paragraph (3) of subdivision (a) of Section 18211) which is the subject of a net lease, the amount by which the deduction allowable for the taxable year for exhaustion, wear and tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life for which the taxpayer has held the property.

(d) With respect to the transfer of a share of stock pursuant to the exercise of a qualified stock option (as defined in subdivision (b) of Section 17532) or a restricted stock option (as defined in subdivision (b) of Section 17534), the amount by which the fair market value of the share at the time of exercise exceeds the option price.

(e) With respect to each property (as defined in Sections 17681 to 17690, inclusive), the excess of the deduction for depletion allowable under Section 17681 for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year).

(f) An amount equal to one-half of the amount by which net long-term capital gain exceeds the net short-term capital loss for the taxable year.

(g) Subdivision (a) of this section, relating to excess investment interest, shall apply only to taxable years beginning before January 1, 1972.

(h) Subdivision (f) of this section shall apply only to taxable years beginning after December 31, 1970, and ending on or before November 30, 1972. For taxable years beginning after December 31, 1971, the amount of the tax preference income with respect to capital gains shall be an amount (but not below zero) equal to the difference between (1) the taxpayer's total net capital gains and losses (determined without regard to any capital loss carryover) for the taxable year, and (2) the taxpayer's net capital gains and losses recognized by virtue of Section 18162.5 for the same taxable year.

(i) The amount of net farm loss in excess of fifteen thousand dollars ($15,000) which is deducted from nonfarm income.

SEC. 4.5. Section 17063.1 is added to the Revenue and Taxation Code, to read:

17063.1. For the purpose of Section 17063, that portion of capital gains attributable to the sale or exchange of an owner-occupied dwelling (as defined in Section 218) is not an item of tax preference.

SEC. 5. Section 17064.5 of the Revenue and Taxation Code is amended to read:

17064.5. (a) In the case of an estate or trust—

(1) The sum of the items of tax preference for any taxable year of the estate or trust shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

(2) The four thousand dollars ($4,000) amount specified in Section 17062 applicable to such estate or trust shall be reduced to an amount which bears the same ratio to four thousand dollars ($4,000) as the portion of the sum of the items of tax preference allocated to the estate or trust under paragraph (1) bears to such sum.

(b) In the case of a nonresident, the minimum tax imposed by this chapter shall apply to only the sum of the tax preference items which relate to income for the taxable year which is derived from sources within this state.

(c) The items of tax preference of a common trust fund (as defined in Section 17671) for each taxable year of the fund shall be treated as items of tax preference of the participants of such fund and shall be apportioned pro rata among such participants.

(d) If a return is made for a short period, then the four thousand dollars ($4,000) amount specified in Section 17062 (relating to minimum tax for tax preferences), modified as provided by this section, shall be reduced to the amount which bears the same ratio to such specified amount as the number of days in the short period bears to 365.

(e) (1) For purposes of this part, the term estimated tax shall not include the minimum tax imposed by this chapter.

(2) For purposes of Chapter 12 (relating to credit for taxes paid), the taxes imposed by this part do not include taxes imposed by this chapter.

(3) Except as otherwise expressly provided in this chapter, the term "taxes" includes the minimum tax imposed by this chapter.

SEC. 6 Section 17064.7 is added to the Revenue and Taxation Code, to read:

17064.7. For the purpose of this chapter, the term "farm net loss" means the amount by which the deductions allowed by this part which are directly connected with the carrying on of the trade or business of farming, exceed the gross income derived from such trade or business.

SEC. 6.5. Section 17235 of the Revenue and Taxation Code is amended to read:

17235. (a) Except as provided in subdivision (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove or other fruit or nut grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus or almond grove or other fruit or nut grove planted in one taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) Subdivision (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus or almond grove or other fruit or nut grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests or casualty, or

(2) Planted or replanted prior to the enactment of this section with respect to citrus groves, or planted or replanted prior to the effective date of the amendments to this section at the 1971 First Extraordinary Session of the Legislature with respect to almond groves, or planted or replanted prior to the effective date of the amendments to this section at the 1975–76 Regular Session of the Legislature with respect to other fruit or nut groves.

SEC. 7. Section 18220 of the Revenue and Taxation Code is repealed.

SEC. 8. Taxpayers who had an option to receive retirement benefits on a lump-sum basis subject to capital gains treatment, and who exercised such option prior to January 1, 1976, may elect to subject such capital gains preference income in excess of four thousand dollars ($4,000) to the tax on items of tax preference pursuant to Chapter 2.1 (commencing with Section 17062) of Part 10 of Division 2 of the Revenue and Taxation Code as that chapter read prior to the effective date of this act, in lieu of having such preference income taxed as provided by that chapter after the effective date of this act. Such election shall be made on the return for the taxable year in which the option was exercised.

All other preference income of any taxpayer shall be subject to the tax on items of tax preference as provided in this act.

SEC. 9. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, except for Sections 4, 6 and 7, which shall be applied in the computation of taxes for taxable years beginning on or after January 1, 1976, the provisions of this act shall be applied in the computation of taxes for taxable years beginning on or after the first day of the calendar year in which this act becomes effective provided the effective date is more than 90 days prior to the last day of the calendar year. If the effective date is 90 days or less prior to the last day of the calendar year, the provisions of this act shall apply in the computation of taxes for taxable years beginning on or after the first day of the calendar year following the effective date.

CHAPTER 1034

An act to add Section 769.5 to the Public Utilities Code, relating to railroads, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1975. Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 769.5 is added to the Public Utilities Code, to read:

769.5. No railroad corporation shall dispose of any passenger car for scrap or otherwise without the approval of the commission. The commission shall approve such disposition only when it finds that such equipment is not required by the railroad corporation in the furnishing of passenger transportation service and that the disposition thereof will not render the railroad corporation unable to provide the level of service required by the commission to be furnished with such equipment.

SEC. 2. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to prevent the irretrievable loss of necessary railroad passenger equipment to the serious detriment to the traveling and commuting public, it is necessary that this act become effectively immediately.

CHAPTER 1035

An act to amend Sections 17072 and 18415 of the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately, tax levy.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 17072 of the Revenue and Taxation Code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(d) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(e) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee

of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681.

(f) In the case of an individual who is an employee within the meaning of Section 17502.2(a), the deductions allowed by Sections 17513 to 17525, inclusive, and Section 17526(c) to the extent attributable to contributions made on behalf of such individual.

(g) The deduction allowed by Section 17266.

(h) The deductions allowed by Section 17206 for losses incurred in any transaction entered into for profit, though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit.

(i) Nothing in this section shall permit the same item to be deducted more than once.

SEC. 1.5. Section 17072 of the Revenue and Taxation Code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(d) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part, by Section 17252 (relating

to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(e) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681.

(f) In the case of an individual who is an employee within the meaning of Section 17502.2(a), the deductions allowed by Sections 17513 to 17525, inclusive, and Section 17526(c) to the extent attributable to contributions made on behalf of such individual.

(g) The deduction allowed by Section 17266.

(h) The deductions allowed by Section 17206 for losses incurred in any transaction entered into for profit, though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit.

(i) The deduction allowed by Section 17237 (relating to deduction of certain retirement savings).

(j) Nothing in this section shall permit the same item to be deducted more than once.

SEC. 2. Section 18415 of the Revenue and Taxation Code is amended to read:

18415. Except as provided in subdivision (c), for taxable years beginning on and after January 1, 1973, every individual shall make a declaration of estimated tax for the lesser of the amounts stated in subdivision (a) or (b).

(a) The tax imposed under Section 17041 or 17048 for the preceding taxable year, minus the sum of any credits against the tax provided by this part.

(b) A tax computed under Section 17041 or 17048 upon the estimated income for the taxable year minus the sum of any credits against the tax provided by this part.

(c) No declaration is required if·

(1) The tax determined under subdivision (a) or subdivision (b) is less than one hundred dollars ($100) except in the case of a separate return filed by a married person the amount shall be less than fifty dollars ($50); or

(2) Eighty percent or more of the tax imposed under Section 17041 or 17048 for the preceding taxable year minus the sum of any credits against the tax provided by this part, except the credit allowed under Section 18551.1 for tax withheld on wages pursuant to Section 18806, was paid, or 80 percent or more of the estimated tax for the current taxable year will be paid, by withholding of tax on wages as provided by Section 18806.

(d) The declaration provided by this section shall contain such pertinent information as the Franchise Tax Board may by forms or

regulations prescribe.

(e) An individual may make amendments of a declaration filed during the taxable year under regulations prescribed by the Franchise Tax Board.

(f) If on or before January 31 (or March 1, in the case of an individual referred to in paragraph (2) of subdivision (b) of Section 18435, relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Franchise Tax Board—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by subdivision (b) of this section) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subdivision (e) to be filed on or before January 15.

In the application of this subdivision, in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subdivision, the 15th or last day of the months which correspond thereto.

(g) An individual with a taxable year of less than 12 months shall make a declaration in accordance with regulations prescribed by the Franchise Tax Board.

(h) The provisions of this section shall not apply to an estate or trust.

(i) The provisions of this section shall apply to a nonresident individual.

(j) In the case of a husband and wife, a single declaration of estimated tax under Section 18414.5 or this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or the wife is a nonresident, if they are separated under a decree of divorce or of separate maintenance or a final judgment of dissolution of marriage, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

SEC. 3. It is the intent of the Legislature, if this bill and Senate Bill No. 140 are both chaptered and become effective immediately, both bills amend Section 17072 of the Revenue and Taxation Code, and this bill is chaptered after Senate Bill No. 140, that Section 17072 of the Revenue and Taxation Code, as amended by Section 2 of Senate Bill No. 140 be further amended on the operative date of this

act in the form set forth in Section 1.5 of this act to incorporate the changes in Section 17072 proposed by this bill. Therefore, Section 1.5 of this act shall become operative only if this bill and Senate Bill No. 140 are both chaptered and become effective immediately, both bills amend Section 17072, and this bill is chaptered after Senate Bill No. 140, in which case Section 1.5 of this act shall become operative on the operative date of this act and Section 1 of this act shall not become operative.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of Section 1 of this act and the provisions of subdivision (h) of Section 17072 of the Revenue and Taxation Code, as amended by Section 1.5 of this act, are declaratory of existing law and shall be applied to with respect to all open taxable years not barred by a statute of limitation; and the provisions of Section 2 shall be applied with respect to estimated tax returns required to be filed after December 31, 1973.

CHAPTER 1036

An act to amend Sections 3071 and 3073 of, and to add Section 3071.3 to, the Civil Code, and to amend Section 22705 of the Vehicle Code, relating to liens, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1975. Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 3071 of the Civil Code is amended to read:

3071. (a) If a lienholder under Section 3051 or 3068 is not paid the amount due, and for which the lien is given, within 10 days after the same becomes due, then the lienholder may proceed to sell the property, or so much thereof as may be necessary to satisfy the lien and costs of sale pursuant to Section 3072, if (1) an authorization to conduct a lien sale has been issued by the Department of Motor Vehicles pursuant to this section, (2) a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien, or (3) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by Section 3071.5.

(b) A lienholder may apply to the department for the issuance of an authorization to conduct a lien sale under Section 3072. The application shall be executed under penalty of perjury and shall include all of the following:

(1) A description of the vehicle

(2) The names and addresses of the registered and legal owners

of the vehicle, if ascertainable from registration certificates within the vehicle, and the names and addresses of any other persons who the lienholder knows or reasonably should know claim an interest in the vehicle.

(3) A statement of the amount of the lien and the facts concerning the claim which gives rise to the lien.

(4) A statement that the lienholder has no information or belief that there is a valid defense to the claim which gives rise to the lien.

(c) Upon receipt of an application which is made pursuant to subdivision (a), the department shall send a notice and a copy of the application and a preaddressed return envelope by certified mail to the registered and legal owners at their addresses of record with the department and any other persons whose names and addresses are listed in the application. The notice shall include all of the following:

(1) A statement that an application has been made with the department for the issuance of an authorization to conduct a lien sale.

(2) A statement that (i) the person has a legal right to a hearing in court, (ii) if a hearing in court is desired, the enclosed declaration under penalty of perjury must be signed and returned, and (iii) if the declaration is signed and returned, the lienholder will be allowed to sell the vehicle only if he obtains a judgment in court or obtains a release from the registered and legal owners.

(3) A statement that (i) if the declaration is signed and returned, the lienholder must file an action in court, (ii) the registered and legal owners will be notified of the lawsuit, and (iii) the registered and legal owners may then appear to contest the claim of the lienholder.

(4) A statement that the department will issue the authorization to conduct a lien sale unless the person signs and returns, within 20 days after the date on which the notice was mailed, the enclosed declaration stating that the person desires to contest the claim which gives rise to the lien.

(5) A statement that the person shall be liable for costs if the lienholder brings an action and a judgment is entered in favor of the lienholder on the claim which gives rise to the lien.

(6) A declaration which may be executed by the person under penalty of perjury stating that he desires to contest the claim which gives rise to the lien and an address at which the person may be served in any action in court arising out of the lien.

(d) If the department receives a declaration described in paragraph (3) of subdivision (c) which is mailed within 20 days after the date upon which the notice described in subdivision (c) is mailed, it shall notify the lienholder that he may not conduct a lien sale unless (1) a judgment has been entered in his favor on the claim which gives rise to the lien or (2) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by Section 3071.5 In any other case, the department shall issue an authorization to

conduct a lien sale. Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished unless the lienholder files an action in court within 20 days after the lienholder receives a notice from the department under this subdivision.

(e) Upon the filing of an application, the department shall charge a fee which shall be established by the department in an amount equal to the actual costs of the department incurred in processing the application. The fee shall be recoverable as a cost by the lienholder if a lien sale is conducted.

(f) Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished and no lien sale under Section 3072 shall be conducted unless (1) the lienholder applies for an authorization to conduct a lien sale under subdivision (b) within 10 days after the lien has arisen or (2) if no application is made under subdivision (b), an action in court is filed within 30 days after the lien has arisen. For the purposes of this subdivision, a lien shall be deemed to arise at the time a written statement of charges for completed work or services is presented to the registered owner.

(g) The form of the applications, notices, and declarations described in this section shall be prescribed by the department. The language used in the applications, notices, and declarations should be simple and nontechnical. The notice and declaration described in subdivision (c) shall be printed in both English and Spanish.

(h) The procedure described in this section shall not be applicable if the vehicle is a mobilehome which is required to be moved under a permit issued pursuant to Section 35790 of the Vehicle Code. A lien sale of the mobilehome may be conducted only if a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien or the registered and legal owners have signed, after the lien has arisen, a release of any interest in the mobilehome in the form prescribed by Section 3071.5.

SEC. 2. Section 3071.3 is added to the Civil Code, to read:

3071.3. (a) A person who holds a lien on a vehicle under Section 3051 or 3068 and who declares under penalty of perjury that the value of the vehicle does not exceed two hundred dollars ($200), and who is not paid within 10 days after the amount becomes due, may proceed to sell the property, or so much thereof as may be necessary to satisfy the lien and costs of sale pursuant to Section 3073, if (1) the registered and legal owners, and any other person having an interest in the vehicle do not sign and return to the Department of Motor Vehicles a declaration of opposition stating a desire to contest the claim, or (2) a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien, or (3) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by

Section 3071.5.

(b) A lienholder who intends to conduct a sale under Section 3073 shall send by certified mail, return receipt requested, a certificate of lien as specified in subdivision (c) and a notice that a lien sale may be conducted under Section 3073 to (1) the registered and legal owners at their addresses of record with the Department of Motor Vehicles and (2) any other person identified under paragraph (2) of subdivision (c) of this section. Copies of the certificate and notice shall be sent concurrently by certified mail to the department.

(c) The certificate shall be executed under penalty of perjury and shall include all of the following:

(1) A description of the vehicle.

(2) The names and addresses of the registered and legal owners of record, of any transferee under Section 5900 of the Vehicle Code, and of any other person who the lienholder knows or reasonably should know claims an interest in the vehicle.

(3) A statement of the amount of the lien and the facts concerning the claim which gives rise to the lien.

(4) A statement that the lienholder has no information or belief that there is a valid defense to the claim which gives rise to the lien.

(d) A lienholder shall send concurrently with the certificate and notice a form for declaring opposition and a return envelope preaddressed to the department, to the registered and legal owners and any other person identified under paragraph (2) of subdivision (c) who may have a claim of interest in the vehicle. This form shall include all of the following:

(1) A statement that (i) the person has a legal right to a hearing in court, and (ii) if a hearing in court is desired, the enclosed declaration under penalty of perjury must be signed and returned, and (iii) if the declaration is signed and returned, the lienholder will be allowed to sell the vehicle only if he obtains a judgment in court or obtains a release from the registered and legal owners.

(2) A statement that (i) if the declaration is signed and returned to the department, the lienholder must file an action in court, (ii) the person who contests the validity of the lien will be notified of the lawsuit, and (iii) such person may then appear to contest the claim of the lienholder.

(3) A statement that the lienholder will conduct a lien sale, as indicated in the notice of sale under Section 3073, unless the person signs and returns, within 20 days after the date on which the certificate and notice were mailed, the enclosed declaration stating that the person desires to contest the claim which gives rise to the lien.

(4) A statement that the person shall be liable for costs if the lienholder brings an action and a judgment is entered in favor of the lienholder on the claim which gives rise to the lien.

(5) A declaration of opposition which may be executed by the person under penalty of perjury stating that he desires to contest the claim which gives rise to the lien and an address at which the person

may be served in any action in court arising out of the lien.

(e) If the department receives a declaration of opposition described in subdivision (d) which is mailed within 20 days after the date upon which the certificate and notice were mailed, the department shall notify the lienholder, within 10 days, that he may not conduct a lien sale unless (i) a judgment has been entered in his favor on the claim which gives rise to the lien or (ii) the registered and legal owners of the vehicle have signed, after the lien has arisen, a release of any interest in the vehicle in the form prescribed by Section 3071.5. If the lienholder is not notified by the department within 36 days after mailing of the notice under subdivision (b) the lienholder may conduct a lien sale pursuant to Section 3073 and in compliance with the notice sent under subdivision (b). Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished unless the lienholder files an action in court within 20 days after the lienholder receives a notice from the department under this subdivision.

(f) The form of the notices, certificates, and declarations referred to in this section shall be prescribed by the department. The language used in the notices and declarations should be simple and nontechnical. The certificates, notices of lien sale under Section 3073 and declarations of opposition shall be printed in both English and Spanish.

(g) Any lien under this chapter or Section 3051 which arises because work or services have been performed on a vehicle with the consent of the registered owner shall be extinguished and no lien sale under Section 3072 shall be conducted unless (1) the lienholder sends notice under this section within 10 days after the lien has arisen or (2) if this section is not used, an action in court is filed within 30 days after the lien has arisen. For the purposes of this subdivision, a lien shall be deemed to arise at the time a written statement of charges for completed work or services is presented to the registered owner.

(h) The procedure described in this section shall not be applicable if the vehicle is a mobilehome which is required to be moved under a permit issued pursuant to Section 35790 of the Vehicle Code. A lien sale of the mobilehome may be conducted only if a judgment has been entered in favor of the lienholder on the claim which gives rise to the lien or the registered and legal owners have signed, after the lien has arisen, a release of any interest in the mobilehome in the form prescribed by Section 3071.5.

SEC. 3. Section 3073 of the Civil Code is amended to read:

3073. When the lienholder certifies under penalty of perjury that the value of the vehicle subject to the lien does not exceed two hundred dollars ($200), the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section and Section 3071.3. The lienholder shall notify the legal owner and the registered owner by certified mail, return receipt requested, and the

department by certified mail, or United States Post Office certificate of mailing, of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, and the business office of the lienholder giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

SEC. 4. Section 22705 of the Vehicle Code is amended to read:

22705. If the vehicle is appraised at a value not exceeding two hundred dollars ($200), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of Justice in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that:

(1) A lienholder has submitted a statement under penalty of perjury to the public agency that the registered and legal owners and other persons having an interest in the vehicle did not sign and return within 20 days to the Department of Motor Vehicles a declaration of opposition stating a desire to contest the claim which gives rise to the lien pursuant to Section 3071.3 of the Civil Code, or

(2) The registered and legal owners have signed a release under penalty of perjury disclaiming any interest, which release shall be included with the certificate, or

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

(e) A vehicle which is the subject of a certificate prepared and forwarded pursuant to this section shall not be reconstructed or made operable.

(f) Licensed dismantlers acquiring vehicles which are the subject of certificates prepared and forwarded pursuant to this section shall be excused from any fees and penalties which would otherwise be due to the Department of Motor Vehicles, provided that a copy of the certificate forwarded to the Department of Motor Vehicles pursuant to this section is retained in the licensed dismantlers' business record.

(g) A local agency may authorize by contract or franchise the removal, disposal, or removal and disposal, of such vehicles by other

than a licensed automobile dismantler if it has first requested bids for removal, disposal, or removal and disposal, of such vehicles. Such franchise or contract shall be issued to or executed with the lowest responsible bidder. The bill of sale shall then be executed and delivered pursuant to subdivision (c) with the franchisee or contractor.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Chapter 1262 of the Statutes of 1974 was enacted in response to a recent decision to the Supreme Court of California which invalidated the lien sale provisions of prior law with respect to motor vehicles. Chapter 1262 of the Statutes of 1974 was intended to restore the ability to state and local agencies to remove motor vehicles from public and private property. However, the procedure established by Chapter 1262 did not provide for sufficient expedition of this removal. In order to restore this ability to state and local agencies in a manner which does not unnecessarily delay the removal, it is necessary that this act shall go into immediate effect.

CHAPTER 1037

An act to amend Sections 2 and 4 of Chapter 173 of the Statutes of 1974, relating to a regional occupational center or program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 173 of the Statutes of 1974 is amended to read:

Sec. 2. The amounts allocated and expended pursuant to Section 4 of this act shall be fully repaid with interest to the state in such annual amounts and over such period as may be determined by the State Allocation Board, not to exceed 10 years from the date of disbursement. Interest shall be paid at a rate determined by the State Allocation Board.

Such repayment shall be made by the entity from the proceeds of a tax levied by the participating school districts in the manner and at the rate prescribed by Section 7456 of the Education Code for the purposes set forth in Section 7453 of the Education Code.

If at the time of considering the entity's application, the State Allocation Board determines that the revenue to be received from the tax permitted by Section 7456 will be insufficient to pay the

principal and interest of the loan as specified herein, the board shall approve such application and allocate the funds therefor only upon condition that an election be called by the governing board of the entity and that two-thirds of the total number of qualified electors of all of the participating school districts voting on a proposition therefor, authorize the governing board to accept, expend and repay as provided herein such allocation or apportionment. Such election shall be called, held. and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words: "Shall the Governing Board of the Salinas-Gonzales-Monterey-Pacific Grove-King City-Carmel Regional Occupational Program, for the purpose of providing permanent facilities for a regional occupational center, be authorized to accept, expend, and repay an apportionment from the State of California under and subject to the provisions of Chapter 173, Statutes of 1974, as amended, in an amount not to exceed _____ dollars ($_____) Yes ____ No ____."

SEC. 2. Section 4 of Chapter 173 of the Statutes of 1974 is amended to read:

Sec. 4. An amount not to exceed one million dollars ($1,000,000) from the proceeds of bonds issued pursuant to the State School Building Aid Bond Law of 1974 shall be allocated and expended for purposes of this act by the joint powers entity in cooperation with and under the administrative direction of the State Allocation Board, for the capital expenditures involved in the construction or purchase, and equipping of facilities for, and the establishment of, a regional occupational center or regional occupational program in Monterey County. Not to exceed fifty thousand dollars ($50,000) of such sum shall be allocated and expended for architectural and engineering services in connection with such center or program.

Sections 19551 to 19555, inclusive, and Sections 19559, 19562, 19565, and 19699.10 of the Education Code shall be applicable to the administration of this act unless the context of this act, as determined by the State Allocation Board, requires otherwise. Except to the extent and for the purposes expressly provided in this act, the provisions of Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code shall not be applicable hereto.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amount of funds originally appropriated in 1974 for establishment of vocational education facilities in Monterey County have proven to be insufficient. In order that the project may be completed as originally planned, it is essential that the additional funding provided for in this act be made available at the earliest possible time. Therefore, it is necessary that this act take effect immediately.

CHAPTER 1038

An act to add Section 1957.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1957.5 is added to the Unemployment Insurance Code, to read:

1957.5. The department shall make available without charge printed forms for the use of any individual claiming benefits to authorize a counsel or an agent to represent him in any proceedings before the appeals board or its referees or authorized representatives. If any claimant files an authorization for such representation with the appeals board or its referees, the appeals board or its referee shall, upon request by the claimant, serve copies of all notices and transcript pertinent to such proceedings on the claimant and his counsel or agent.

CHAPTER 1039

An act to amend Section 1360 of the Financial Code, relating to banks.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1360 of the Financial Code is amended to read:

1360. In bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, and the Farm Credit Act of 1971, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, and the Farm Credit Act of 1971, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in the bonds of any federal home loan bank established under said act and in stocks, bonds, debentures, participations and other obligations of or issued by the Federal National Mortgage Association, the Student Loan Marketing Association, the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation.

CHAPTER 1040

An act to amend Sections 25212.1 and 25213 of the Corporations Code, relating to securities.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25212.1 of the Corporations Code is amended to read:

25212.1. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, or suspend for a period not exceeding 12 months, or bar from any position of employment, management or control of any broker-dealer, investment adviser or commodity adviser, any officer, director, partner, employee of, or person performing similar functions for, a licensed broker-dealer, if he finds that such censure, suspension or bar is in the public interest and that such person has committed any act or omission enumerated in subdivision (a), (e) or (f) of Section 25212 or has been convicted of, or pled nolo contendere to, any offense or held liable in any civil action specified in subdivision (b) of Section 25212 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 25212 or is subject to any order specified in subdivision (d) of Section 25212.

SEC. 2. Section 25213 of the Corporations Code is amended to read:

25213. The commissioner may, after appropriate notice and opportunity for hearing, by order censure, deny a certificate to, suspend for a period not exceeding 12 months or revoke the certificate of, any agent if he finds that such censure, denial, suspension, or revocation is in the public interest and that such agent has committed or omitted any act or omission enumerated in subdivision (a), (e) or (f) of Section 25212 or has been convicted of, or pled nolo contendere to, any offense or held liable in any civil action specified in subdivision (b) of Section 25212 or is enjoined from any act, conduct or practice specified in subdivision (c) of Section 25212 or is subject to any order specified in subdivision (d) of Section 25212.

CHAPTER 1041

An act to add Sections 1805.6 and 1810.10 to the Civil Code, relating to retail sales.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1805.6 is added to the Civil Code, to read:

1805.6. (a) Notwithstanding the provision of any contract to the contrary, except as provided in subdivision (b), no retail seller shall assess any finance charge against the amount financed for goods purchased under a retail installment contract until the goods are in the buyer's possession.

(b) A finance charge may be assessed against the amount financed for such undelivered goods, as follows:

(1) From the date when such goods are available for pickup by the buyer and the buyer is notified of their availability, or

(2) From the date of purchase, when such goods are delivered or available for pickup by the buyer within 10 days of the date of purchase.

SEC. 2. Section 1810.10 is added to the Civil Code, to read:

1810.10. (a) Notwithstanding the provision of any contract to the contrary, except as provided in subdivision (b), no retail seller shall assess any finance charge against the outstanding balance for goods purchased under a retail installment account until the goods are in the buyer's possession.

(b) A finance charge may be assessed against the outstanding balance for such undelivered goods, as follows:

(1) From the date when such goods are available for pickup by the buyer and the buyer is notified of their availability, or

(2) From the date of purchase, when such goods are delivered or available for pickup by the buyer within 10 days of the date of purchase.

CHAPTER 1042

An act to add Sections 39068.6 and 39068.7 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 39068.6 is added to the Health and Safety Code, to read:

39068.6. (a) The board shall, by March 1, 1976, adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage, transport, and transfer operations, with performance standards which the board determines are reasonable and necessary to achieve or maintain any applicable ambient air quality standard.

(b) The board shall certify any gasoline vapor control system upon its determination that the system, if properly installed and maintained, will meet the requirements enumerated in subdivision (a). The board shall specify the specifications used for issuing such certification. After the board has certified such a system, if circumstances beyond the control of the board cause the system to no longer meet the specified certification specifications, the board may, as appropriate, revoke or modify its prior certification.

(c) The board may test, or contract for the testing of, gasoline vapor control systems in order to certify such systems.

(d) The board may charge a reasonable fee for certification, not to exceed the board's estimated costs therefor. Payment of such fee may be made a condition of certification.

(e) On or after July 1, 1976, no person shall install a gasoline vapor control system unless it has been certified by the board.

(f) To the extent authorized by other provisions of law, any air pollution control district may adopt stricter procedures and performance standards than those adopted by the board pursuant to subdivision (a).

SEC. 2. Section 39068.7 is added to the Health and Safety Code, to read:

39068.7. (a) The board shall, by March 1, 1976, adopt specifications for the fill pipes and openings of motor vehicle fuel tanks to ensure that the size, design, and location of the fill pipe and opening permit adequate access to and interfacing with gasoline-dispensing nozzles for the purpose of vapor control.

(b) No new 1977 or later model year gasoline-powered motor vehicle may be sold, offered for sale, or registered in this state unless such vehicle is in compliance with the specifications adopted by the board pursuant to subdivision (a).

The board may exempt from such specifications those classifications of motor vehicles for which the board determines the specifications are technologically infeasible.

The board also may waive the provisions of this subdivision for any 1977 model year gasoline-powered motor vehicle, provided that the board makes a finding, based upon evidence presented by the manufacturer of such vehicle, that inadequate lead time exists for any required vehicle redesign. The board may make such waiver applicable only to specified body styles of such a vehicle.

SEC. 3. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1043

An act to add Section 432.7 to, and to repeal Section 432.7 of, the Labor Code, relating to employment practices.

[Approved by Governor September 24, 1975. Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 432.7 of the Labor Code is repealed.

SEC. 2. Section 432.7 is added to the Labor Code, to read:

432.7. (a) No employer whether a public agency or private individual or corporation shall ask an applicant for employment to disclose, through any written form or verbally, information concerning an arrest which did not result in conviction, nor shall any employer seek from any source whatsoever, or utilize, as a factor in determining any condition of employment including hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment, any record of arrest which did not result in conviction. As used in this section, a conviction shall include a plea, verdict, or finding of guilt regardless of whether sentence is imposed by the court. Nothing in this section shall prevent an employer from asking an employee or applicant for employment about an arrest for which the employee or applicant is out on bail or on his or her own recognizance pending trial.

(b) In any case where a person violates any provision of this section, or Article 6 (commencing with Section 11140) of Chapter 1 of Title 1 of Part 4 of the Penal Code, the applicant may bring an action to recover from such person actual damages or two hundred dollars ($200), whichever is greater, plus costs, and reasonable attorney's fees. An intentional violation of this section shall entitle the applicant to treble actual damages, or five hundred dollars ($500), whichever is greater, plus costs, and reasonable attorney's fees. An intentional violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(c) The remedies under this section shall be in addition to and not in derogation of all other rights and remedies which an applicant may have under any other law.

(d) Persons seeking employment as peace officers or for positions in law enforcement agencies with access to criminal offender record information or for positions with the Division of Law Enforcement of the Department of Justice are not covered by this section.

(e) Nothing in this section shall prohibit an employer at a health facility, as defined in Section 1250 of the Health and Safety Code, from asking an applicant for employment either of the following:

(1) With regard to an applicant for a position with regular access to patients, to disclose an arrest under any section specified in Section 290 of the Penal Code.

(2) With regard to an applicant for a position with access to drugs and medication, to disclose an arrest under any section specified in Section 11590 of the Health and Safety Code.

(f) (1) No peace officer or employee of a law enforcement agency with access to criminal offender record information maintained by a local law enforcement criminal justice agency shall knowingly disclose, with intent to affect a person's employment, any information contained therein pertaining to an arrest or other proceeding which did not result in a conviction to any person not authorized by law to receive such information.

(2) No other person authorized by law to receive criminal offender record information maintained by a local law enforcement criminal justice agency shall knowingly disclose any information received therefrom pertaining to an arrest or other proceeding which did not result in a conviction to any person not authorized by law to receive such information.

(3) No person, except those specifically referred to in Section 1070 of the Evidence Code, who knowing he is not authorized by law to receive or possess criminal justice records information maintained by a local law enforcement criminal justice agency, pertaining to an arrest or other proceeding which did not result in a conviction, shall receive or possess such information.

(g) "A person authorized by law to receive such information", for purposes of this section, means any person or public agency authorized by a court, statute, or decisional law to receive information contained in criminal offender records maintained by a local law enforcement criminal justice agency, and includes, but is not limited to, those persons set forth in Section 11105 of the Penal Code, and any person employed by a law enforcement criminal justice agency who is required by such employment to receive, analyze, or process criminal offender record information.

(h) Nothing in this section shall require the Department of Justice to remove entries relating to an arrest not resulting in conviction from summary criminal history records forwarded to an employer pursuant to law.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1044

An act to amend Section 53112 of the Government Code, relating to telephones.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 53112 of the Government Code is amended to read:

53112. All systems shall be designed to meet the specific requirements of each community and public agency served by the system. Every system, whether basic or sophisticated, shall be designed to have the capability of utilizing at least three of the methods specified in Sections 53103 to 53106, inclusive, in response to emergency calls. The Legislature finds and declares that the most critical aspect of the design of any system is the procedure established for handling a telephone request for emergency services.

In addition, to maximize efficiency and utilization of the system, all pay telephones within each system shall, by December 31, 1982, enable a caller to dial "911" for emergency services, and to reach an operator by dialing "0", without the necessity of inserting a coin. In those counties where 5 percent or more of the population, in accordance with the latest United States census information, speak a specific primary language other than English, operators who speak each such other language, in addition to English, shall be on duty at all times for "911" emergency services.

SEC. 2. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 1045

An act to amend Sections 18602 and 18603 of, and to add Sections 64, 17101, and 18601.5 to, the Elections Code, relating to write-in candidates.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 18602 of the Elections Code is amended to read:

18602. The declaration required by Section 18601 and sponsors' certificates when required by Section 18601.5 shall be filed no later

than the 14th day prior to the election to which it applies for candidates who require certification by the office of the Secretary of State or the eighth day prior to the election to which it applies for all candidates not required to be certified by the office of the Secretary of State. They shall be filed with the clerks, registrar of voters, or district secretary responsible for the conduct of the election in which the candidate desires to have write-in votes of his name counted.

SEC. 2. Section 18603 of the Elections Code is amended to read:

18603. No name written upon a ballot in any state, county, city, city and county, or district election shall be counted for an office or nomination unless:

(a) A declaration has been filed pursuant to Sections 18601 and 18602 declaring a write-in candidacy for that particular person for that particular office or nomination.

(b) The number of sponsors' certificates required by Section 18601.5, if any, are included with the declaration and filed pursuant to Section 18602.

SEC. 3. Section 18601.5 is added to the Elections Code, to read:

18601.5. Every write-in candidate for nomination or election to a particular office shall include with his declaration of candidacy required by Section 18601 the number of sponsors' certificates, if any, required by Section 6495 for that office.

SEC. 4. Section 64 is added to the Elections Code, to read:

64. Every person who desires to have his name as written on the ballots of an election counted for a particular office shall file: (1) a declaration stating that he is a write-in candidate for the nomination for or election to the particular office and giving the title of that office, and (2) the number of sponsors' certificates, if any, required by Section 6495 for that office. The declaration and the sponsors' certificates, if any, shall be filed with the clerk, registrar of voters, or district secretary responsible for the conduct of the election no later than the 14th day prior to the election for candidates who require certification by the Secretary of State or the eighth day prior to the election for all candidates not required to be certified by the Secretary of State.

SEC. 5. Section 17101 is added to the Elections Code, to read:

17101. No name written upon a ballot in any election shall be counted for an office or nomination unless, pursuant to Section 64, there has been filed a declaration, and the number of sponsors' certificates required, if any.

SEC. 6. It is the intent of the Legislature, if this bill and Assembly Bill No. 1599 are both chaptered and both bills become effective on or before January 1, 1976, and this bill is chaptered after Assembly Bill No. 1599, that the amendments to Section 18602 of, and the addition of Section 18601.5 to, the Elections Code, as set forth in Sections 1 and 3, respectively, of this act, shall not become operative, and in which case, Section 4 of this act, adding Section 64 to the Elections Code, shall become operative. Therefore, Section 4 of this act shall become

operative only if this bill and Assembly Bill No. 1599 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1599 is chaptered before this bill, in which case Sections 1 and 3 of this act shall not become operative.

SEC. 7. It is the intent of the Legislature, if this bill and Assembly Bill No. 1599 are both chaptered and become effective on or before January 1, 1976, and this bill is chaptered after Assembly Bill No. 1599 that the amendments to Section 18603 of the Elections Code, as set forth in Section 2 of this act, shall not become operative; and in which case Section 5 of this act, adding Section 17101 to the Elections Code, shall become operative. Therefore, Section 5 of this act shall become operative only if this bill and Assembly Bill No. 1599 are both chaptered and become effective on or before January 1, 1976, and Assembly Bill No. 1599 is chaptered before this bill, in which case Section 2 of this act shall not become operative.

SEC. 8. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency or school district for any costs that may be incurred by them in carrying on any program or performing any service required to be carried on or performed by them by this act.

CHAPTER 1046

An act to amend Sections 6504 and 6509 of, and to add Section 6509.1 to, the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 6504 of the Streets and Highways Code is amended to read:

6504. The notice of sale shall be in substantially (filling in all blanks) the following form:

"Notice of Sale of Property Delinquent for Nonpayment of Bond No._____, Series No._____, Issued for the Improvement of _____

"Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the Treasurer of the City (or County) of _____ proceed to advertise and sell the lot or parcel of land mentioned in said bond. Now, therefore, I give notice that I

will on the _____ day of _____, 19__, at the hour of _____ o'clock ____m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, to wit: Parcel Number _____ (or the legal description of the property in said bond) located at _____, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city (or county)) unless the amount due on said bond and the accrued interest thereon together with the costs set forth in the third paragraph of this notice are paid; and that I will so sell the same to the person who will pay the highest price for the entire lot or parcel of land hereinafter described, but not less than the full amount of unpaid principal, interest, and penalties on said bond, together with all costs. In the event there is no bidder for the total amount due on said bond, together with the accrued interest, penalties, and costs of sale, I shall deem said lot or parcel of land sold to the holder of said bond, as provided in Section 6509 of the Streets and Highways Code. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, _____dollars ($_____); due on account of interest _____ dollars ($_____) (here set forth the interest calculated and compounded semiannually up to the date on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties _____ dollars ($_____). Total amount due on said bond (here set forth the total of the foregoing items).

"In order to avoid this sale, payment of the total amount above named will be required together with the additional interest accruing up to the date of payment and the following costs: (a) the cost of recording pendency of foreclosure as provided in Section 3121 of the Streets and Highways Code; (b) if incurred, costs of obtaining an abstract of title or title search; (c) treasurer's costs for mailing and posting notice of sale and issuance of certificate of sale as provided in Section 6505.1 of the Streets and Highways Code, except fee for issuance of certificate of sale; and (d) reinstatement of bond may be made by payment of amounts due, interest, penalties and costs, in the manner provided by law.

"In the event of sale, such sale will include interest in addition to the above total amount due accruing up to date of sale and the costs provided in Section 6505.1 of the Streets and Highways Code. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated_____

_____

Treasurer of the City (or County) of _____"

SEC. 1.5. Section 6504 of the Streets and Highways Code is

amended to read:

6504. The notice of sale shall be in substantially (filling in all blanks) the following form:

"Notice of Sale of Property Delinquent for Nonpayment of Bond No. _____, Series No. _____, Issued for the Improvement of _____

"Default having been made in the payment of the following named coupons (here fill in date and amounts of the coupon or coupons which have not been paid) and the holder of said bond having demanded in writing that the Treasurer of the City (or County) of _____ proceed to advertise and sell the lot or parcel of land mentioned in said bond. Now, therefore, I give notice that I will on the _____ day of _____, 19__, at the hour of _____ o'clock __m., of said day, sell at public auction the lot or parcel of land mentioned in said bond, to wit: Parcel Number _____ (or the legal description of the property in said bond) located at _____, or so much thereof as may be necessary at (here state the place of sale, which shall be at the office of said treasurer or at some public place in said city (or county)) unless the amount due on said bond and the accrued interest thereon together with the costs set forth in the third paragraph of this notice are paid; and that I will so sell the same to the person who will pay the highest price for the entire lot or parcel of land hereinafter described, but not less than the full amount of unpaid principal, interest, and penalties on said bond, together with all costs. In the event there is no bidder for the total amount due on said bond, together with the accrued interest, penalties, and costs of sale, I shall deem said lot or parcel of land sold to the holder of said bond, as provided in Section 6509 of the Streets and Highways Code. The lot or parcel of land mentioned in said bond and to be sold, is more particularly described, to wit: (here set forth the description of the lot or parcel of land as contained in the bond). The amount due on said bond up to the date of this notice is as follows: Due on the principal thereof, _____ dollars ($_____); due on account of interest _____ dollars ($_____) (here set forth the interest calculated and compounded semiannually up to the date on which the notice is dated at the interest rate named in said bond upon the unpaid principal for the full period for which no interest has been paid) due on account of penalties _____ dollars ($_____). Total amount due on said bond (here set forth the total of the foregoing items).

"In order to avoid this sale, payment of the total amount above named will be required together with the additional interest accruing up to the date of payment and the following costs: (a) the cost of recording pendency of foreclosure as provided in Section 3121 of the Streets and Highways Code; (b) if incurred, costs of obtaining an abstract of title or title search; (c) the cost of publication of the notice of sale incurred before such payment; and (d) the sum of

three dollars ($3) for ascertainment by the treasurer of the name and address of the property owner, as shown on the last equalized roll for taxes, and any person whose name appears as owner on the records of the county assessor's office which the county will use to prepare the next assessor's roll. The bond may be reinstated and the sale avoided upon payment of the amounts due, interest, penalties, and costs in the manner provided in Sections 3121 and 6631 of the Streets and Highways Code.

" In the event of sale, such sale will include interest in addition to the above total amount due accruing up to the date of sale, the costs provided in Section 6506.1 of the Streets and Highways Code, and the fee for recording the certificate of sale. The _____ (here name newspaper) is designated as the newspaper in which this notice shall be published.

Dated _____

_____

Treasurer of the City
(or County) of _____"

SEC. 2. Section 6509 of the Streets and Highways Code is amended to read:

6509. If such payment is not made, the sale shall be made as advertised, and the lot or parcel described in the bond shall be sold to the purchaser who will pay the highest price for the entire lot or parcel of land to be sold, but not less than the amount due on the bond, together with accrued interest, penalties, and costs of sale, as specified in Sections 6504 and 6505.1. In the event there are no bidders, a certificate of sale for the entire lot or parcel of land described in the bond shall be issued to the bondholder after surrender of the bond, including all unpaid principal and interest coupons, to the treasurer; and the costs of the sale, previously paid to the treasurer pursuant to Section 6505.1 shall become forfeited. In the event the bondholder refuses to accept the certificate of sale for the entire lot or parcel under the terms and conditions required by this section, the sale shall be canceled, and the costs and fees deposited by the bondholder shall become forfeited.

SEC. 2.5. Section 6509 of the Streets and Highways Code is amended to read:

6509. If such payment is not made, the sale shall be made as advertised, and the lot or parcel described in the bond shall be sold to the purchaser who will pay the highest price for the entire lot or parcel of land to be sold, but not less than the amount due on the bond, together with accrued interest, penalties, and all of the sums specified in the notice of sale that are due in the event of sale. In the event there are no bidders, a certificate of sale shall be issued to the bondholder after surrender of the bond, including all unpaid principal and interest coupons, to the treasurer and after payment to the treasurer of the fee of the recorder for recording such certificate, and, if incurred, and if no deposit was made pursuant to

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Section 6500, the cost of an abstract of title or title search of the real property sold under foreclosure; and also at that time the costs of the sale and other fees, previously paid to the treasurer pursuant to Section 6505.1, shall become forfeited. In the event the bondholder refuses to accept the certificate of sale for the entire lot or parcel under the terms and conditions required by this section, the sale shall be canceled, and such costs and fees deposited by the bondholder shall become forfeited.

SEC. 3. Section 6509.1 is added to the Streets and Highways Code, to read:

6509.1. If there is surplus money remaining from the sale after payment of the amount due on the bond, plus interest, penalties, and costs of sale, the treasurer shall hold the surplus money in trust during the period of redemption or until the amount due is paid by a redemptioner. In the event of redemption, the treasurer shall pay to the holder of the certificate of sale the amount of principal, interest, and penalties due on the bond, costs paid by the holder, and any surplus money held in trust. In the event that there is no redemption of the bond during the redemption period, the treasurer shall pay the surplus money to the person who was the owner of record prior to the issuance of the treasurer's deed, if he can be found.

SEC. 4. It is the intent of the Legislature, if this bill and Assembly Bill No. 2170 are both chaptered and become effective January 1, 1976, both bills amend Section 6504 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 2170, that the amendments to Section 6504 proposed by both bills be given effect and incorporated in Section 6504 in the form set forth in Section 1.5 of this act. Therefore, Section 1.5 of this act shall become operative only if this bill and Assembly Bill No. 2170 are both chaptered and become effective January 1, 1976, both amend Section 6504, and this bill is chaptered after Assembly Bill No. 2170, in which case Section 1 of this act shall not become operative.

SEC. 5. It is the intent of the Legislature, if this bill and Assembly Bill No. 2170 are both chaptered and become effective January 1, 1976, both bills amend Section 6509 of the Streets and Highways Code, and this bill is chaptered after Assembly Bill No. 2170, that the amendments to Section 6509 proposed by both bills be given effect and incorporated in Section 6509 in the form set forth in Section 2.5 of this act. Therefore, Section 2.5 of this act shall become operative only if this bill and Assembly Bill No. 2170 are both chaptered and become effective January 1, 1976, both amend Section 6509, and this bill is chaptered after Assembly Bill No. 2170, in which case Section 2 of this act shall not become operative.

SEC. 6. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section, nor shall there be any appropriation made by this act, because the duties, obligations, or responsibilities imposed on local government by this act are minor in nature and will not cause any

financial burden to local government.

CHAPTER 1047

An act to amend Sections 800 and 1473 of the Penal Code, relating to criminal law.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 800 of the Penal Code is amended to read:

800. An indictment for any felony, except murder, voluntary manslaughter, involuntary manslaughter, the embezzlement of public money, the acceptance of a bribe by a public official or a public employee, grand theft, forgery, the falsification of public records, a violation of Section 72, 118, 118a, 132, 134, or 209 of the Penal Code, or Section 1090 or 27443 of the Government Code, shall be found, an information filed, or case certified to the superior court within three years after its commission. An indictment for the acceptance of a bribe by a public official or a public employee, a felony, shall be found, an information filed, or case certified to the superior court within six years after its commission. An indictment for grand theft, forgery, voluntary manslaughter, or involuntary manslaughter, a violation of Section 72, 118, 118a, 132 or 134, of the Penal Code, or Section 1090 or 27443 of the Government Code, shall be found, an information filed, or case certified to the superior court within three years after its discovery.

SEC. 2. Section 1473 of the Penal Code is amended to read:

1473. (a) Every person unlawfully imprisoned or restrained of his liberty, under any pretense whatever, may prosecute a writ of habeas corpus, to inquire into the cause of such imprisonment or restraint.

(b) A writ of habeas corpus may be prosecuted for, but not limited to, the following reasons:

(1) False evidence that is substantially material or probative on the issue of guilt or punishment was introduced against a person at any hearing or trial relating to his incarceration; or

(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to subdivision (b).

(d) Nothing in this section shall be construed as limiting the

grounds for which a writ of habeas corpus may be prosecuted or as precluding the use of any other remedies.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because the Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local government entities and school districts which, in the aggregate, do not result in significant identifiable cost changes.

CHAPTER 1048

An act to repeal and add Chapter 1 (commencing with Section 6000) of Division 5 of the Elections Code, relating to the presidential primary

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1 (commencing with Section 6000) of Division 5 of the Elections Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 6000) is added to Division 5 of the Elections Code, to read:

CHAPTER 1. PRESIDENTIAL PRIMARY

Article 1. General Provisions

6000. The provisions of this chapter shall be applicable only to the presidential primary ballot of the Republican Party, and qualified parties for which no other provisions apply.

6001. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

Article 2. Number and Certification of Delegates

6005. The chairman of the state central committee shall notify the Secretary of State on or before the first day of February immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his party.

6006. The notification of the number of delegates shall be in substantially the following form:

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STATEMENT OF NUMBER OF DELEGATES TO THE REPUBLICAN PARTY NATIONAL CONVENTION

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the Republican Party is _____.

Dated this _____ day of _____, 19__

_____

Chairman of the State Central Committee
of the Republican Party.

6007. If the chairman of the state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6008. The Secretary of State shall, on or before the 10th day of February of the year of the presidential primary, certify to the county clerk of each county the number of delegates to be elected by the Republican Party

6009. The certification to the county clerk of the number of delegates shall be in substantially the following form:

CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER OF DELEGATES TO THE REPUBLICAN PARTY NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the Republican Party is qualified to participate in the presidential primary to be held in this state on the _____ day of _____, 19__, and the number of delegates to be elected by the Republican Party to represent the State of California in its next national convention is _____.

Dated at Sacramento, California, this _____ day of February, 19__.

_____

(SEAL) Secretary of State

Article 3. Selection of Candidates by the Secretary of State

6010. The Secretary of State shall place the name of a candidate upon the Republican presidential primary ballot when the Secretary of State shall have determined that such a candidate is generally recognized throughout the United States or California as a candidate for the nomination of the Republican Party for President of the United States.

On or before February 1 immediately preceding a presidential

primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list.

6011. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6010, he shall notify the candidate that his name will appear on the ballot of this state in the presidential primary election.

The secretary shall also notify the candidate that he may withdraw his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6012 no later than the 64th day before that election.

6012. If a selected candidate or a nonselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that he is not now a candidate for the office of President of the United States at the forthcoming presidential primary election, his name shall be omitted from the list of names certified by the Secretary of State to the county clerks for the ballot and his name shall not appear on the presidential primary ballot.

6013. Any unselected candidate desiring to have his name placed on the presidential primary ballot shall have nomination papers circulated in his behalf. In order to qualify his name for placement on the presidential primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the Republican Party equal in number to not less than 1 percent of the number of persons registered as members of the Republican Party, as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

Article 4. Nomination Papers

6021. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 74 days prior to the presidential primary.

6024. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the candidate for nomination, add his place of residence, and give his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence.

6025. Any nomination paper may be presented in sections. Each section shall contain the names of the candidate. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign.

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6026. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer oaths.

6027. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6028. The nomination paper for a candidate shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF CANDIDATE

Section _____ Page _____

County of _____. Nomination paper for _____ as presidential nominee of the Republican Party.

State of California
County of _____ } ss.

Signer's Statement

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Republican Party. I have not signed the nomination paper of any other candidates for the same office, and further declare that I intend to support the nomination of the candidate named herein at the Republican Party presidential primary to be held on the _____ day of _____, 19__.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
etc.				

Verification Deputy's Affidavit

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the candidate named in the signer's statement above as candidate for nomination by the Republican Party at its presidential primary election; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
Notary Public (or other official)

Article 5. Verification Deputies

6030 The candidate or his designee may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the candidate. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the candidate in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6031. The verification deputies may be appointed by the candidate or his designee on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY CANDIDATE OR HIS DESIGNEE

I, the undersigned candidate or designee, do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers for _____ as a candidate in the Republican Party presidential primary, to be held the _____ day of _____, 19__.

Verification Deputies

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

Candidate or His Designee

(Signed)

Name	Residence
_____	_____

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____, County Clerk

By _____, Deputy

6032. Verification deputies may obtain signatures to the nomination paper of a candidate for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6033. The verification of signatures to nomination papers shall not be made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Article 6 Arrangement and Examination of Nomination Papers

6040. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the candidate or his designee by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the candidate or his designee and he shall arrange and leave the sections with the county clerk for examination.

6041. Prior to filing, the sections of a nomination paper for a candidate shall be numbered in order.

6042. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6043. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the Republican Party.

6044. Within five days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6045. The county clerk's certificate to nomination papers of a candidate shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF A CANDIDATE

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the candidate for the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The candidate named in the nomination papers is _____.

Dated this _____ day of _____, 19__.

_____, County Clerk

By _____, Deputy

6046. No filing fee is required from any person to be voted for at a presidential primary.

Article 7. Certified List of Candidates, Notice of Election

6050. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES
SECRETARY OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19__, as nominee of the Republican Party.

List of Candidates
Republican Party

	Name	Address
1	_____	_____
2	_____	_____
3	_____	_____
etc.		etc.

Dated at Sacramento, California, this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

6051. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6052. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code, and by causing a copy thereof to be posted at the courthouse door and at such other places in the county as are designated by ordinance for the posting of public notices.

The cities or town of residence of the candidates shall be included in the presidential primary notice.

6053. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES

Notice is hereby given that a Republican presidential primary election is to be held in the County of _____ on the _____ day of _____, 19__, and that there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as nominee of that party for President.

List of Candidates
Republican Party

	Name	Address
1	_____	_____
2	_____	_____
3	_____	_____
etc.		etc.

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 8 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19__.

_____, County Clerk

Article 8. Canvass of Returns. Certificate of Election

6055. The Secretary of State shall, not later than the 24th day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each candidate the total of the votes received and the votes received in each county.

6056. The Secretary of State shall, not later than the 24th day after the election, issue a certificate of election to the candidate who received the largest vote cast of that party, such person thereby being the party's presidential nominee candidate from California.

6057. The Secretary of State shall, not later than the 24th day after the election, issue a certification to delegate to each person selected as a delegate.

Article 9. Write-In Candidates

6060. Notwithstanding any other provisions of law, a space shall be provided on the presidential primary ballot for an elector to write in the name of a candidate for President of the United States.

6061. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file his endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

6062. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the national convention of his political party with the Secretary of State in the manner prescribed in Section 6071.

6063. If the candidate fails to file a list of delegates, the state central committee of the party in whose primary the candidate received the plurality vote shall, within 10 days of the end of the 10-day period required in Section 6062, file a list of delegates with the

Secretary of State. The delegation shall go to the convention unpledged to any candidate.

Article 10. Selection of Delegates

6070. Every candidate whether selected pursuant to Section 6010, or unselected as defined in Section 6013, who wishes to have a delegation of electors pledged to his candidacy in accordance with the result of the presidential preference primary or who wishes to have an official California delegation at the Republican National Convention shall form a delegation in compliance with Section 6071 of this code.

6071. (a) The delegation of each candidate shall be composed as follows:

(1) Seventy-eight percent of the delegation, or the nearest whole number thereto which provides for a total number of district delegates equal to at least three times the number of congressional districts within the state, shall be composed of three delegates selected for each congressional district.

(2) The remainder of the delegation shall be composed of delegates selected at large from throughout the state.

The names of the persons chosen as delegates shall be submitted to the Secretary of State, by the candidate or his designee, no later than 30 days before the presidential primary election for certification.

(b) There shall be no more than one alternate per delegate. Alternates shall be appointed by the candidate or his designee and shall be appointed by congressional districts, the number per congressional district to be no less than three. Such alternates shall be submitted to the Secretary of State within thirty (30) days after the primary for certification.

(c) Each delegate to the Republican National Convention shall use his best efforts at the convention for the party's presidential nominee candidate from California to whom the delegate has pledged support until such person is nominated for the office of President of the United States by such convention, receives less than 10 percent of the votes for nomination by such convention, releases the delegate from his obligation, or until two convention nominating ballots have been taken. Thereafter, each delegate shall be free to vote as he chooses, and no rule may be adopted by a delegation requiring the delegation to vote as a body or causing the vote of any delegate to go uncounted or unreported.

Article 11. Republican Presidential Primary Ballot

6080. The format of the presidential portion of the Republican primary ballot shall be governed by the provisions of Chapter 2 (commencing with Section 10200) of Division 7, with the following exceptions:

(a) Instructions to voters shall exclude any reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(b) In place of the heading: "FOR DELEGATES TO NATIONAL CONVENTION. Vote for One Group Only." shall appear the heading: "PRESIDENTIAL PREFERENCE. Vote for One."

(c) Candidates for President shall be listed on the ballot in the same order provided for in Chapter 2 (commencing with Section 10200) of Division 7 for statewide candidates.

(d) Only the names of selected and unselected presidential candidates shall appear on the ballot in the spaces provided. No reference shall be made to their being preferred by candidates for delegates to the national convention.

CHAPTER 1049

An act to amend Sections 3108, 3109, 3110, 3111, 3226, 3319, 3343, 3417, 3418, 3719, 3724, and 3776 of, to repeal Sections 3338, 3339, 3340, 3340.5, and 3411 of, and to repeal and add Section 3337 of, the Public Resources Code, relating to oil and gas.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3108 of the Public Resources Code is amended to read:

3108. On or before the first day of October of each year the supervisor shall make public, for the benefit of all interested persons, a report in writing showing:

(a) The total amounts of oil and gas produced in each county in the state during the previous calendar year.

(b) The total cost of the division for the previous fiscal year.

(c) The total amount delinquent and uncollected from any assessments or charges levied pursuant to this chapter.

The report shall also include such other information as the supervisor deems advisable.

SEC. 2. Section 3109 of the Public Resources Code is amended to read:

3109. The supervisor may publish any publications, reports, maps, or other printed matter relating to oil and gas, for which there may be public demand. If these publications, reports, maps, or other printed matter are sold, they shall be sold at cost, and the proceeds shall be deposited to the credit of the General Fund.

SEC. 3. Section 3110 of the Public Resources Code is amended to read:

3110. All money paid to the State Treasurer pursuant to Article 7 (commencing at Sec. 3400) of this chapter shall be deposited to the credit of the General Fund.

The Petroleum and Gas Fund and the Subsidence Abatement Fund are hereby abolished. Whenever any reference is made in any law to the Petroleum and Gas Fund or to any account in such fund, or to the Subsidence Abatement Fund, it shall be deemed to be a reference to, and to mean, the General Fund. All money presently deposited in the Subsidence Abatement Fund as of June 30, 1976, shall be transferred to the credit of the General Fund.

SEC. 4. Section 3111 of the Public Resources Code is amended to read:

3111. All money received in repayment of repair work done as provided in this chapter, shall be returned and credited to the General Fund.

SEC. 5. Section 3226 of the Public Resources Code is amended to read:

3226. Within 30 days after service of an order, pursuant to Sections 3224 and 3225, or Section 3237, or if there has been an appeal from the order to the director, within 30 days after service of the decision of the director, or if a review has been taken of the order of the director, within 10 days after affirmance of the order, the owner shall commence in good faith the work ordered and continue it until completion. If the work has not been commenced and continued to completion, the supervisor shall appoint necessary agents who shall enter the premises and perform the work. An accurate account of the expenditures shall be kept. Any amount so expended shall constitute a lien against the property upon which the work is done.

Notwithstanding any other provisions of Section 3224, 3225, or 3237, if the supervisor determines that an emergency exists, he may order or undertake such actions as he deems necessary to protect life, health, property, or natural resources.

SEC. 6. Section 3319 of the Public Resources Code is amended to read:

3319. The supervisor upon his own motion may, or shall upon the application of any city, county, city and county, any part of which is in a subsidence area, or any contractor or lessee for the production of oil or gas therefor, or any person having a working interest therein, who has submitted therewith an engineering report and plan for fieldwide repressuring operations in the pool or pools in a field in order to arrest or ameliorate subsidence therein, prepared by a petroleum engineer licensed by the state, hold a public hearing to consider the need for repressuring operations in all of such pool or pools in order to arrest or ameliorate subsidence. Applications relating to the same field may be ordered consolidated by the supervisor for such public hearing thereon.

Before any such application shall be considered, each applicant shall pay to the supervisor for deposit in the General Fund a sum of

money estimated by the supervisor to be equivalent to the amount of costs necessary to publish and mail notices, to employ stenographic reporters, to prepare a daily transcript of such hearing for use by the supervisor, to pay such rental as may be necessary to provide quarters for such hearing and to reimburse the Department of Conservation for any charges imposed upon it for the services of a hearing officer or members of the Attorney General's staff in conjunction with such hearing. If more than one application is filed, such costs shall be equally charged and assessed to and paid by the respective applicants. Such costs, when finally determined, if in excess of the amount theretofore deposited shall be paid equally by the applicant or applicants. Any money remaining on deposit after final determination and payment of costs shall be refunded to the applicant or applicants equally. If, after a public hearing and from the evidence adduced therefrom, and from such engineering studies as he may have ordered made and which have been presented and considered at such hearing, the supervisor finds that repressuring operations of the pool or pools will tend to arrest or ameliorate subsidence, he shall by order adopt a fieldwide repressuring plan and specifications of the work to be done thereunder, if in his judgment such fieldwide plan and specifications are necessary, and will not substantially reduce the maximum economic quantity of oil or gas ultimately recoverable from such pool or pools under prudent and proper operations.

Any such fieldwide repressuring plan and general specifications shall be based upon a competent engineering study of all the pools in the field and shall provide for repressuring operations designed to most effectively arrest or ameliorate subsidence with respect to those land areas overlying or immediately adjacent to a producing pool or pools. Such plan and specifications may provide that they may be carried out by one or more units made up of such pool, groups of pools, or portions thereof, or by individual persons, or by cooperative agreements between two or more persons or by any combinations of the foregoing which in the judgment of the supervisor shall be feasible. Such study may be reviewed from time to time by the supervisor, and if it be determined, from an analysis of the collected data, that consideration should be given to the alteration or modification of such plan and specifications, the supervisor shall order the holding of the requisite hearing for the purpose of determining whether such change should be incorporated into said plan and specifications by an amended order. The supervisor may amend a fieldwide repressuring plan and general specifications of the work to be done in the same manner as herein provided for the initial adoption of said plan and specifications.

SEC. 7. Section 3337 of the Public Resources Code is repealed.

SEC. 8. Section 3337 is added to the Public Resources Code, to read:

3337. The division shall exercise surveillance over all repressuring operations in the state.

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SEC. 9. Section 3338 of the Public Resources Code is repealed.

SEC. 10. Section 3339 of the Public Resources Code is repealed.

SEC. 11. Section 3340 of the Public Resources Code is repealed.

SEC. 12. Section 3340.5 of the Public Resources Code is repealed.

SEC. 13. Section 3343 of the Public Resources Code is amended to read.

3343. (a) Any person who willfully violates any provision of this article or any rule, regulation or order of the supervisor, shall be subject to a penalty of one thousand dollars ($1,000) for each act of violation and for each day that such violation continues.

(b) The penalty provided in this section shall be recoverable by suit filed by the Attorney General in the name and on behalf of the supervisor in the superior court of the State of California for the county in which the defendant resides, or in which any defendant resides, if there be more than one defendant, or in the superior court of any county in which the violation occurred. The payment of any such penalty shall not operate to relieve a person on whom the penalty is imposed from liability to any other person for damages arising out of such violation. Such penalty, when recovered, shall be paid to the State Treasurer and shall be deposited to the credit of the General Fund.

(c) Any person knowingly aiding or abetting any other person in the violation of any provision of this article, or any rule, regulation or order of the supervisor shall be subject to the same penalty as that prescribed by this section for the violation by such other person.

SEC. 14. Section 3411 of the Public Resources Code is repealed.

SEC. 15. Section 3417 of the Public Resources Code is amended to read:

3417. The notice shall state:

(a) That the assessment of property and levy of charges under this article has been completed.

(b) That the records of assessments containing the charges due will be delivered to the State Controller on the first Monday in July.

(c) That if any person is dissatisfied with the assessment made or charge fixed by the department he may, at any time before the first Monday in July, apply to the Controller to have the assessment or charge corrected in any particular.

The omission to publish notice shall not affect the validity of any assessment levied pursuant to this article.

SEC. 16. Section 3418 of the Public Resources Code is amended to read:

3418. The department shall prepare each year a record called the "Record of Assessments and Charges" in which shall be entered each assessment and levy or charge made by it upon the property assessed and charged under this article, describing the property assessed. The assessments may be classified and entered in such separate parts of the record as the department may prescribe. If such charges and assessments become delinquent as provided in Section 3420 of this code, in addition to the information contained in the "Record of

Assessments and Charges" as herein provided, the department shall furnish to the State Controller upon his request the name and address of any owner of property assessed as such name and address last appears in the office of the tax assesssor for county in which such land or a major portion thereof is situate.

SEC. 17. Section 3719 of the Public Resources Code is amended to read:

3719. The supervisor shall publish any publications, reports, maps, statistical data or other printed matter relating to geothermal resources, for which there may be public demand. If these publications, reports, maps, statistical data or other printed matter are sold, they shall be sold at cost, and the proceeds shall be deposited in the General Fund.

SEC. 18. Section 3724 of the Public Resources Code is amended to read:

3724. The owner or operator of any well, before commencing the original drilling of a well or the redrilling of an abandoned well, shall file with the supervisor or the district deputy a written notice of intention to commence drilling, accompanied by the fee prescribed by this section. Drilling shall not commence until approval is given by the supervisor or the district deputy. If the supervisor or the district deputy fails to give the owner or operator written response to the notice within 10 working days, such failure shall be considered as an approval of the notice and the notice shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor. The notice shall contain the following:

(a) The location and elevation of the floor of the proposed derrick.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the supervisor may require on the printed forms to be supplied by the Division of Oil and Gas, or on forms acceptable to the supervisor.

After the completion of any well the provisions of this section, other than the requirement of the payment of the fee, shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining a written consent of the supervisor.

The fee required to be filed for the drilling of a new well or the redrilling of an abandoned well, shall be twenty-five dollars ($25), two hundred dollars ($200), five hundred dollars ($500), or one thousand dollars ($1,000), to be determined by the supervisor with the concurrence of the Geothermal Resources Board based on the

estimated cost of supervising geothermal resources operations.

All moneys received under this chapter shall be deposited in the General Fund.

SEC. 19. Section 3776 of the Public Resources Code is amended to read:

3776. Payment of the penalties and charges, or the amount of the judgment recovered in the action, shall be made to the State Treasurer, and shall be returned and credited to the General Fund.

SEC. 20. This act shall become operative on July 1, 1976.

CHAPTER 1050

An act to amend Section 8352.6 of the Revenue and Taxation Code, and to amend Sections 38010 and 38012 of, and to add Sections 38014, 38022, 38088, and 38232 to, the Vehicle Code, relating to off-highway vehicles, and making an appropriation therefor.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. Subject to the provisions of Sections 8352 and 8352.1, there shall be transferred from money deposited in the Motor Vehicle Fuel Account to the Off-Highway Vehicle Fund created by Section 38225 of the Vehicle Code the following amounts:

(a) Prior to October 1, 1973, the amount of the estimate contained in the report prepared pursuant to this section for the 1972–1973 fiscal year, less the amount of any refunds reimbursed and repaid pursuant to Section 8101, which is attributable to fuel for vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(b) Prior to October 1, 1974, and prior to the first day of October of each year thereafter, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(c) The amounts described in subdivisions (a) and (b) represent the portion of receipts in the Motor Vehicle Fuel Account attributable to taxes imposed upon distributions of motor vehicle fuel used in off-highway operation of vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed. Payments made pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(d) On or before August 15, 1973, and every two years thereafter, the Department of Public Works shall prepare, or cause to be prepared, in cooperation with the Department of Parks and

Recreation, a report setting forth the current estimate of the amount of money credited to the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used in the off-highway operation of vehicles subject to identification under Division 16.5 (commencing with Section 38000) of the Vehicle Code for which a refund has not been claimed; and shall submit a copy of such report to the Legislature.

SEC. 2. Section 38010 of the Vehicle Code is amended to read:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle specified in Section 38012, which is not registered under this code because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the department.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Sections 4006, 4010, 4011, 4012, 4013, 4015, 4018, and 4019.

(2) Implements of husbandry.

(3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.

(4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.

(5) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.

(6) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purposes of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.

(7) Commercial vehicles.

(8) Any motorcycle manufactured in the year 1942 or prior thereto.

(9) Four-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course when such events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

SEC. 3. Section 38012 of the Vehicle Code is amended to read:

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) As used in this division, "off-highway motor vehicle" includes, but is not limited to, the following:

(1) Any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation

identification device issued pursuant to Section 38088.

(2) Any snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.

(3) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.

(4) Any motor vehicle commonly referred to as a jeep.

SEC. 4. Section 38014 is added to the Vehicle Code, to read:

38014. As used in this division, "closed course" includes, but is not limited to, a speedway, racetrack, or a prescribed and defined route of travel on or off a highway that is closed to all motor vehicles other than those of participants. A closed course is one which is not available at any time for vehicular access by the general public.

SEC. 5. Section 38022 is added to the Vehicle Code, to read:

38022. Notwithstanding the provisions of Section 4000, motorcycles issued a special transportation identification device pursuant to Section 38088 may be transported upon a highway to and from a closed course.

SEC. 6. Section 38088 is added to the Vehicle Code, to read:

38088. (a) Upon payment of the fee specified in Section 38232, the department shall issue to the owner of a motorcycle, which the owner has certified as being used exclusively in racing events on a closed course, a special transportation identification device for the purpose of identifying the motorcycle while it is being transported upon a highway to and from racing events on a closed course. Such device may be either a plate or a sticker, whichever is determined by the department to be the most appropriate.

(b) Such device is nonrenewable, nontransferrable, and becomes invalid when the vehicle for which it was issued is sold or dismantled.

(c) A certificate of ownership may not be issued in conjunction with a special transportation identification device.

SEC. 7. Section 38232 is added to the Vehicle Code, to read:

38232. A special fee of three dollars ($3) shall be paid to the department for the issuance of a special transportation identification device issued pursuant to Section 38088 and shall be deposited in the Motor Vehicle Account in the Transportation Tax Fund. Such fee is in lieu of the fees provided in Section 38225.

SEC. 8. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

SEC. 9. The sum of eighty-one thousand three hundred dollars ($81,300) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for expenditure without regard to fiscal year for the purposes of this act.

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CHAPTER 1051

An act to amend Sections 3074 and 3078 of the Labor Code, relating to apprenticeship.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3074 of the Labor Code is amended to read:

3074. The preparation of trade analyses and development of curriculum for instruction, and the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of, and shall be provided by, state and local boards responsible for vocational education upon agreement with the local joint apprenticeship committee or other program sponsor. Such responsibility shall not preclude the establishment of off-campus related and supplemental instruction when approved, developed, and operated in cooperation with state and local school boards responsible for vocational education, and when such instruction meets all other requirements of this chapter. It is the intent of this chapter that such instruction shall be made available to apprentices through classroom instruction, correspondence courses, self-study or other means of instruction approved by state and local public education agencies authorized to provide vocational education.

Pursuant to this chapter all excess costs incurred by local public education agencies exceeding state apportionments and local revenue earned by the attendance of apprentices shall be payable by the local apprenticeship program sponsor, upon joint agreement between such sponsor and the local education agency. The State Board of Education and the Board of Governors of the California Community Colleges, and the Division of Apprenticeship Standards shall jointly issue regulations regarding calculation and payment provisions of excess costs to be borne by the local apprenticeship program sponsors. All funds accrued by local education agencies from attendance in apprenticeship classes authorized by this section shall be expended or allocated for all such classes offered by the local education agency before excess costs may be claimed.

The Department of Education and the Board of Governors of the California Community Colleges may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class

of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

Interested parties may file a complaint in accordance with Section 201 of Title 8 of the Administrative Code, when a community college or secondary education district is unable to reach agreement with program sponsors in providing related and supplemental instruction. In the process of securing an amicable adjustment, the administrator shall meet with the parties involved, including, but not limited to, the chancellor or his representative, or the Superintendent of Public Instruction, or his representative.

Community colleges, and other public school districts, shall refuse to provide related and supplemental instruction to an apprenticeship program when it is determined by the Administrator of Apprenticeship that the apprenticeship program sponsor has been found to be in noncompliance with the State of California Plan for Equal Opportunity in Apprenticeship.

SEC. 2. Section 3078 of the Labor Code is amended to read:

3078. Every apprentice agreement entered into under this chapter shall contain:

(a) The names of the contracting parties.

(b) The date of birth of the apprentice.

(c) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.

(d) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year, except as otherwise provided by those responsible under Section 3074 for related and supplemental instruction. Such exceptions shall be subject to the appeal procedures established in Sections 3081, 3082, 3083 and 3084. In no case shall the combined weekly hours of work and required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age and sex of the apprentice.

(e) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process.

(f) A statement of the graduated scale of wages to be paid the apprentice and whether the required schooltime shall be compensated.

(g) A statement providing for a period of probation of not more than 1,000 hours of employment and not more than 72 hours of related instruction, during which time the apprentice agreement may be terminated by the local joint apprenticeship committee at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated

by the administrator by mutual agreement of all parties thereto, or canceled by the administrator for good and sufficient reason.

(h) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally, or which are not covered by collective-bargaining agreement, shall be submitted to the administrator for determination as provided for in Section 3081.

(i) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with approval of the administrator transfer such contract to any other employer, if the apprentice consents and such other employer agrees to assume the obligation of said apprentice agreement.

(j) Such additional terms and conditions as may be prescribed or approved by the California Apprenticeship Council, not inconsistent with the provisions of this chapter.

(k) A clause providing that there shall be no liability on the part of the other contracting party for an injury sustained by an apprentice engaged in schoolwork at a time when the employment of the apprentice has been temporarily or permanently terminated.

SEC. 3. There are no state-mandated local costs in this act that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no duties, obligations, or responsibilities imposed on local government by this act.

CHAPTER 1052

An act to amend Sections 21005, 21012, 21204, 21206, 21252, 21405, 21655, 21660, 21666, 21668, and 21674 of, to amend the headings of Chapter 2 (commencing with Section 21201) and Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of, to add Section 21668.2 to, and to repeal Sections 21205 and 21207 of, the Public Utilities Code, relating to aviation.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 21005 of the Public Utilities Code is amended to read:

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

SEC. 2. Section 21012 of the Public Utilities Code is amended to read.

21012. "Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air requiring certification and registration as prescribed by federal statute or regulation.

Notwithstanding the foregoing provisions of this section, manned lighter-than-air balloons shall not be considered to be aircraft for purposes of this part.

SEC. 3. The heading of Chapter 2 (commencing with Section 21201) of Part 1 of Division 9 of the Public Utilities Code is amended to read:

CHAPTER 2. DEPARTMENT OF TRANSPORTATION AND STATE AERONAUTICS BOARD

SEC. 4. The heading of Article 1 (commencing with Section 21201) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code is amended to read:

Article 1. Department of Transportation

SEC. 5. Section 21204 of the Public Utilities Code is amended to read:

21204. The department may adopt, administer, and enforce rules and regulations for the administration of this part.

SEC. 6. Section 21205 of the Public Utilities Code is repealed.

SEC. 7. Section 21206 of the Public Utilities Code is amended to read:

21206. The board shall prepare a statement of all estimated revenues of the Aeronautics Account in the State Transportation Fund and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The said statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains, it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Department of Transportation under the provisions of this section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be by vote of the board, approved by the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated by the board for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated by the board to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering said budget, the Director of Finance shall not

limit expenditures or incurrence of obligations thereunder to quarterly, semiannual or other periods of the fiscal year.

SEC. 8. Section 21207 of the Public Utilities Code is repealed.

SEC. 10. Section 21252 of the Public Utilities Code is amended to read:

21252. (a) The department, its members, the director, officers and employees of the department, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances, may enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this state relating to aeronautics. In the enforcement of such rules, orders, and laws, the director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such rules, orders, or laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

SEC. 11. Section 21405 of the Public Utilities Code is amended to read:

21405. The liability of the owner of one aircraft to the owner of another aircraft, or to operators or passengers on either aircraft, for damage caused by collision on land or in the air, is determined by the rules of law applicable to torts on land.

SEC. 12. Section 21655 of the Public Utilities Code is amended to read:

21655. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring

title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 25 days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

SEC. 15. Section 21660 of the Public Utilities Code is amended to read:

21660. The department may refuse issuance of a permit under Section 21659 if it determines that the construction of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued.

SEC. 16. Section 21666 of the Public Utilities Code is amended to read:

21666. The department shall issue a permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit if it is satisfied that the airport will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

(e) The advantages to the public in selection of the site of a proposed new airport outweigh the disadvantages to the environment or, in the case of an amended permit, the advantages to the public of the proposed airport expansion outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport or airport expansion, including but not limited to, surface traffic and expense.

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The standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each permit issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to issue a permit under this article if it determines that the requirements of this section have not been met. Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether the permit should be issued.

SEC. 17. Section 21668 of the Public Utilities Code is amended to read:

21668. The department may revoke any airport permit if it determines that any of the following conditions are present:

(a) There has been an abandonment of a site or an airport.

(b) There has been a failure within the time prescribed to develop the site as an airport or to comply with the conditions of the approval as set forth in the permit.

(c) The airport or site no longer conforms to the minimum airport standards prescribed by the department, or no longer complies with the conditions imposed in the airport permit or site approval.

(d) The owner or operator of a permitted airport has failed to comply with any rule or regulation of the department.

(e) The site may no longer be safely used by the general public because of a change in physical or legal conditions either on or off the airport site.

The department shall not revoke a permit under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary revocation. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the revocation shall remain in effect.

SEC. 18. Section 21668.2 is added to the Public Utilities Code, to read:

21668.2. In lieu of revoking an airport permit pursuant to Section 21668, the department may suspend any airport permit, or may require suspension of operations of a portion of an airport, and such suspension shall remain in effect until the department determines that the conditions requiring the suspension no longer exist.

The department shall not order a suspension under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary suspension. In this event, any person aggrieved by the action of the department shall, upon request, be granted a

hearing by the department to determine whether the suspension shall remain in effect.

SEC. 19. Section 21674 of the Public Utilities Code is amended to read:

21674. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;

(2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.

(3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.

(4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings which shall conform as nearly as possible to the provisions applicable to hearings conducted by local agency formation commissions.

(5) To achieve by zoning compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of such airports is not already devoted to incompatible uses, and to this end the commissions shall require that all new construction in such areas shall conform to such standards as the department may from time to time adopt.

The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

CHAPTER 1053

An act to amend Sections 3718, 3719, and 3805 of, and to add Sections 3653.1, 3693.1, and 3704.5 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 24, 1975. Filed with Secretary of State September 24, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 3653.1 is added to the Revenue and Taxation Code, to read:

3653.1. Any personal property left at the location of any tax-deeded property is done so at the risk of the owner. Neither the state nor the Controller, nor any person designated by the Controller, is liable for damages sustained by reason of its damage or loss.

SEC. 2. Section 3693.1 is added to the Revenue and Taxation Code, to read:

3693.1. Notwithstanding Section 3693, if the high bid is in excess

of five thousand dollars ($5,000), the tax collector may make the sale a cash or credit transaction. In the event the successful purchaser elects to treat the sale as a credit transaction, five thousand dollars ($5,000) or 10 percent of the purchase price, whichever is greater, shall be deposited with the tax collector and the balance of the purchase price shall be paid in cash not more than 60 days from the date of the auction as a condition precedent to the transfer of title to such successful purchaser. Failure on the part of the successful bidder to consummate the sale within the period allowed shall result in the forfeiture of the deposit and all rights he may have with respect to such property. Any forfeiture of deposit shall be distributed as taxes. This section may be held applicable in any tax auction sale in the county at the discretion of the tax collector.

SEC. 3. Section 3704.5 is added to the Revenue and Taxation Code, to read:

3704.5. In addition to the published notice required by Section 3702, the tax collector may advertise the intended sale by any means authorized by the board of supervisors.

SEC. 4. Section 3718 of the Revenue and Taxation Code is amended to read:

3718. The tax collector shall deposit the money received from the sale like tax collections and shall immediately transmit a report of sale to the county treasurer and a duplicate of the report to the county auditor. The report shall show:

(a) The cost of advertising the sale, including but not limited to the published notice required by Section 3702.

(b) The sums received for individual parcels.

(c) Identification of the parcels by year, page and number of the delinquent and current roll.

(d) The cost of recording the deeds.

SEC. 5. Section 3719 of the Revenue and Taxation Code is amended to read:

3719. The amount of the cost of advertising the sale, including but not limited to the published notice required by Section 3702, shall be deposited in the county general fund and the balance, excepting the recorder's fee, shall be deposited in the delinquent tax sale trust fund.

SEC. 6. Section 3805 of the Revenue and Taxation Code is amended to read:

3805. (a) In addition to the usual provisions of a deed conveying real property, the deed shall specify:

(1) That the real property was duly sold and conveyed to the state for nonpayment of taxes which has been legally levied and were a lien on the property.

(2) The name of the purchaser.

(b) The deed may further specify any condition deemed necessary to effect compliance with the agreement, including but not limited to, a condition that the real property be used by the taxing agency for the public use specified in the agreement.

CHAPTER 1054

An act to amend Section 69101 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975.]

I am deleting the $214,000 appropriation contained in Section 2 of Senate Bill No 663

The funds necessary to achieve the purposes of this bill have already been appropriated

With this deletion, I approve Senate Bill No 663

Sincerely,

EDMUND G BROWN JR , Governor

The people of the State of California do enact as follows:

SECTION 1. Section 69101 of the Government Code is amended to read:

69101. The Court of Appeal for the First Appellate District consists of four divisions having four judges each and shall hold its regular sessions at San Francisco.

SEC. 2. The sum of two hundred fourteen thousand dollars ($214,000) is hereby appropriated from the General Fund to the Judicial Council in augmentation of Item 16 of the Budget Act of 1975.

CHAPTER 1055

An act to amend Sections 69100 and 69105 of the Government Code, relating to courts, and making an appropriation therefor.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 24, 1975]

I am reducing the appropriation contained in Section 4 of Senate Bill No 717 from $94,230 to $81,517.

The reduced appropriation is adequate to cover potential first-year costs.

With this reduction, I approve Senate Bill No 717

EDMUND G BROWN JR., Governor

The people of the State of California do enact as follows:

SECTION 1. Section 69100 of the Government Code is amended to read:

69100. The state is divided into five court of appeal districts designated and constituted as follows:

(a) The Counties of San Francisco, Marin, Sonoma, Napa, Solano, Lake, Mendocino, Humboldt, Del Norte, Contra Costa, Alameda, San

Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito shall constitute the First Appellate District.

(b) The Counties of Santa Barbara, Ventura, and Los Angeles shall constitute the Second Appellate District.

(c) The Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Yolo, Placer, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Alpine, and Mono shall constitute the Third Appellate District.

(d) The Counties of Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial shall constitute the Fourth Appellate District.

(e) The Counties of San Luis Obispo, Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare, and Kern shall constitute the Fifth Appellate District.

SEC. 2. Section 69105 of the Government Code is amended to read:

69105. The Court of Appeal for the Fifth Appellate District consists of one division having four judges and shall hold its regular sessions at Fresno.

SEC. 3. Section 1 of this act shall become operative January 1, 1978.

SEC. 4. The sum of ninety-four thousand two hundred thirty dollars ($94,230) is hereby appropriated from the General Fund to the Judicial Council in augmentation of Item 16 of the Budget Act of 1975.

CHAPTER 1056

An act to amend and renumber the headings of Chapter 1.5 (commencing with Section 6300), Chapter 2 (commencing with Section 6400), Chapter 3 (commencing with Section 6800), Chapter 4 (commencing with Section 7100), and Chapter 5 (commencing with Section 7200) of Division 5 of, to add Chapter 1 (commencing with Section 6000) and Chapter 3 (commencing with Section 6200) to Division 5 of, to add Chapter 3 (commencing with Section 8200) to Part 1 of Division 6 of, to add Part 5 (commencing with Section 9750) to Division 6 of, and to repeal Chapter 1 (commencing with Section 6000) of Division 5 of, the Elections Code, relating to elections.

[Became law without Governor's signature September 25, 1975. Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1 (commencing with Section 6000) of Division 5 of the Elections Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 6000) is added to Division 5 of the Elections Code, to read:

CHAPTER 1. PRESIDENTIAL PRIMARY

Article 1. General Provisions

6000. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

6001. This chapter applies both to the nomination of a slate of delegates pledged to the candidacy of a particular candidate and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6002. This chapter shall apply to the Republican Party and to any other qualified political party for which presidential primary provisions are not expressly provided for by this code.

Article 2. Number and Certification of Delegates

6005. The chairman of the state central committee of each of the political parties qualified to participate in the presidential primary shall notify the Secretary of State on or before the first day of March immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his party.

6006. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO
PARTY NATIONAL CONVENTION

To the Secretary of State,
Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the _____ Party is _____.

Dated this _____ day of _____, 19__.

_____
Chairman of the State Central
Committee of the _____ Party.

6007. If a chairman of a state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6008. The Secretary of State shall, on or before the 10th day of March of the year of the presidential primary, certify to the county

clerk of each county the number of delegates to be elected by each of the political parties qualified to participate in the election.

6009. The certification to the county clerk of the number of delegates shall be in substantially the following form:

CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER OF DELEGATES TO EACH PARTY NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the political parties qualified to participate in the presidential primary to be held in this state on the _____ day of _____, 19__, and the number of delegates to be elected by each political party to represent the State of California in its next national convention is as follows:

Parties	Number of delegates
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dated at Sacramento, California, this _____ day of March, 19__.

_____

(SEAL) Secretary of State

Article 3. Selection of Candidates

6010. Any three or more voters of the state who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6011. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6012. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

6013. The names of the grouped candidates shall be so selected that the smallest number of candidates who reside in any one

congressional district shall not be less than the integer of the quotient obtained by dividing the number of the names of candidates appearing upon the same nomination paper by the total number of congressional districts of the state, and that the largest number of candidates who reside in any one congressional district shall not be greater than twice that integer. In any county in which are located two or more entire congressional districts the delegates may be selected from the county at large. If the names are not so selected, the names shall not be certified by the county clerk to the Secretary of State.

6014. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed in Section 6013.

6015. Each group of candidates for delegates, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee.

6016. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6017. Each candidate for delegate to his national party convention shall file with the Secretary of State, before the circulation of the nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate if elected.

(g) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

(h) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular candidate the following statement: "I express no preference for a particular candidate. The chairman of my group is _____."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed by

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each candidate for delegate of the group supporting the candidate.

6018. The affidavit of a candidate for delegate shall be in substantially the following form:

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California } ss.
County of _____ }

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ Assembly District and I reside and am a voter therein, my post office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19__, for delegate to the next national convention of the _____ Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

(SEAL) Notary Public (or other official)

Article 4. Nomination Papers

6020. As used in this article, "basis of percentage" means:

(a) If a party's candidate for Governor was the candidate of the party alone, the vote polled for the party's candidate for Governor at the last preceding general election at which a Governor was elected.

(b) If a party's candidate for Governor was not the candidate of that party alone, the vote polled at the last preceding general election by that one of the party's candidates voted on throughout the state who received the greatest number of votes of all of the party's candidates who were the candidates of that party alone.

(c) If a party had no candidate voted on throughout the state who

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was the candidate of that party alone, the vote polled at the last preceding general election by that one of the party's candidates voted on throughout the state who received the greatest number of votes of all the party's candidates who were the candidates of the party in conjunction with one or more other parties.

6021. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 74 days prior to the presidential primary. Upon the filing of nomination papers pursuant to this chapter, the persons named in such papers shall be voted upon as delegates to the respective national conventions of the several political parties, but their names shall not be printed upon the ballots of their respective parties.

6022. Nomination papers for candidates for delegates of any party shall be signed by not less than one-half of 1 percent and not more than 2 percent of the vote constituting the basis of percentage.

6023. Upon receipt of a sufficient number of signatures for the nomination of a group of candidates, the Secretary of State shall notify the chairman of the committee of that fact and advise him that no more signatures will be received.

6024. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the group of candidates for nomination, add his place of residence, and give his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence.

6025. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign.

6026. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer oaths.

6027. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6028. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required.) etc., as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19__. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
etc.				

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

(SEAL) Notary Public (or other official)

Article 5. Verification Deputies

6030. The committee organized to form a group of candidates for delegates, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the group of candidates. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the group of candidates in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the group of candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were

appointed.

6031. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next national convention of the _____ Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed)

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____, County Clerk

By _____, Deputy

6032. Verification deputies may obtain signatures to the nomination paper of the group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6033. The verification of signatures to nomination papers shall not be made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where

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registration of electors is being conducted.

Article 6 Arrangement and Examination of Nomination Papers

6040. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the committee, or to its duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county clerk for examination.

6041. Prior to filing, the sections of a nomination paper for any group of candidates shall be numbered in order.

6042. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6043. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the political party named in the nomination papers

6044. Within five days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6045. The county clerk's certificate to nomination papers of a group of candidates shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF GROUP OF CANDIDATES

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the group of candidates for election as delegates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The group of candidates named in the nomination papers comprise the following (state names of candidates):

_____	_____	_____
_____	_____	_____
_____	_____	_____

etc.	etc.	etc.

Dated this _____ day of _____, 19__.
(SEAL) _____, County Clerk
By_____, Deputy

6046. No filing fee is required from any person to be voted for at a presidential primary.

Article 7. Certified List of Candidates, Notice of Election

6050. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE
DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19__, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6017, and who may be voted for as one of a group.

LIST OF CANDIDATES

_____ Party

Candidates preferring _____	Candidates preferring _____	No preference (Name of chairman) _____
Name Address Top of group	Name Address Top of group	Name Address Top of group
1_____	1_____	1_____
2_____	2_____	2_____
3_____	3_____	3_____
etc.	etc.	etc.

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_____ Party

(etc., as above with each political party)

Dated at Sacramento, California, this _____ day of _____, 19__.

(SEAL) Secretary of State

6051. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6052. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code, and by causing a copy thereof to be posted at the courthouse door and at such other places in the county as are designated by ordinance for the posting of public notices.

The cities or town of residence of the delegates and alternates shall be included in the presidential primary notice.

6053. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19__, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of that party under which his name appears; and that under the name of each party, and under the name of the person for whom a preference as nominee of that party for President has been expressed or under the name of the chairman of the group if the group has no preference for a particular candidate, there is stated the name of each of those candidates for delegate who has filed a statement pursuant to Section 6017, and who may be voted for as one of a group:

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LIST OF CANDIDATES

_____ Party

Candidates preferring _____	Candidates preferring _____	No preference (Name of chairman) _____
Name Address Top of group	Name Address Top of group	Name Address Top of group
1_____	1_____	1_____
2_____	2_____	2_____
3_____	3_____	3_____
etc. _____	etc. _____	etc. _____

_____ Party

(etc., as above with each political party)

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19__.

_____, County Clerk

Article 8. Canvass of Returns. Certificate of Election

6055. The Secretary of State shall, not later than the 21st day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each group the total of the votes received, the votes received in each county, and the names of the candidates comprising that group.

6056. Immediately after he has compiled the returns of the votes for delegates, the Secretary of State shall issue a certificate of election, as to each party, to each person who is a member of the group which received the largest vote cast for any group of that party, such person thereby being elected as delegate to his national party convention.

6057. The certification issued to delegates shall be in substantially the following form:

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CERTIFICATION ISSUED TO DELEGATE

OFFICE OF SECRETARY OF STATE
SACRAMENTO, CALIFORNIA

I, _____, Secretary of State of the State of California, do hereby certify that in accordance with applicable state laws and the results of the presidential preference primary election held in this state on the _____ day of _____, 19__, _____ is hereby certified a delegate by the _____ Party to represent the State of California in that party's next national convention.

Witness my hand and official seal this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

Article 9. Substitute and Alternate Delegates

6080. The delegates to each national party convention elected at the presidential primary shall, before leaving the state to attend the convention, meet together and select a chairman of the delegation.

6081. If a vacancy exists in the office of delegate or alternate, the chairman of the delegation shall designate a person to fill that vacancy.

6082. The alternate of any delegate who is unable to attend the convention shall attend the convention in his place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he represents when the delegate is occupying his seat at the convention.

Article 10. Write-In Candidates

6090. Notwithstanding any other provisions of law, a space shall be provided on the presidential primary ballot for an elector to write in the name of a candidate for President of the United States.

6091. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than eight days before the primary election, file his endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

6092. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the national convention of his political party with the Secretary of State in the manner prescribed in Sections 6013 and 6014.

6093. If the candidate fails to file a list of delegates, the state central committee of the party in whose primary the candidate received the plurality vote shall within 10 days of the end of the 10-day period required in Section 6092, file a list of delegates with the

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Secretary of State. The delegation shall go to the convention unpledged to any candidate.

SEC. 3. Chapter 3 (commencing with Section 6200) is added to Division 5 of the Elections Code, to read:

CHAPTER 3. PEACE AND FREEDOM PARTY PRESIDENTIAL PRIMARY

Article 1. General Provisions

6200 The provisions of this chapter shall be applicable to the primary ballot of the Peace and Freedom Party only.

6201. The provisions of this code relating to the direct primary apply to the Peace and Freedom Party presidential primary insofar as the former do not conflict with the latter.

6202. The Peace and Freedom Party presidential primary ballot shall be divided into a presidential preference portion and a national convention delegate selection portion.

6203. No filing fee is required from any person to be voted for at any Peace and Freedom Party presidential primary.

Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot

6210. The Secretary of State shall place the name of a candidate upon the Peace and Freedom Party presidential preference ballot when the Secretary of State shall have determined that such a candidate is generally advocated for or recognized throughout the United States or California as actively seeking the presidential nomination of the Peace and Freedom Party or the national party with which the Peace and Freedom Party is affiliated.

6210.5. On or before January 7 of each presidential election year, the Secretary of State shall send a letter by first-class mail to the chairpeople of record of the Peace and Freedom Party state and county central committees, informing them that, while a response is not required, any information they wish to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Peace and Freedom Party presidential preference primary ballot pursuant to Section 6210.

6211. On or before February 1 immediately preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates she or he intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add to her or his selection, but she or he may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions thereto to the chairpeople of the Peace and Freedom Party State and County Central Committees.

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6212. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Sections 6210 and 6211, the Secretary of State shall notify the candidate that her or his name will appear on the Peace and Freedom Party presidential preference primary ballot of this state, but that a committee must be formed, delegates certified, and a petition filed pursuant to this chapter in order to have her or his name appear on the delegate selection portion of the presidential primary ballot.

The Secretary of State shall also notify the candidate that she or he may withdraw her or his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6213, no later than the 64th day before that election.

6213. If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that she or he is not a candidate for the office of President of the United States at the forthcoming presidential primary election, that candidate's name shall be omitted from the list of names certified by the Secretary of State to the county clerks for the ballot and that candidate's name shall not appear on the presidential preference portion of the primary ballot.

6214. Any unselected candidate desiring to have her or his name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated in her or his behalf. In order to qualify such a candidate's name for placement on the presidential preference primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the Peace and Freedom Party equal in number to not less than 1 percent of the number of persons registered as members of the Peace and Freedom Party as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

6215. Whenever a group of candidates for delegates pledged to a particular presidential candidate qualifies by petition for the national convention delegate selection portion of the presidential primary ballot, the name of the presidential candidate to whom the group is pledged shall automatically be placed on the presidential preference portion of the ballot, without the filing of a separate petition for the presidential preference portion of the ballot.

Article 3. Determination of Number of Delegates to National Convention

6220. The chairperson of the Peace and Freedom Party State Central Committee shall notify the Secretary of State on or before the 1st of February immediately preceding the presidential primary as to:

(a) The name of that national party with which the Peace and Freedom Party has affiliated, by vote of its state central committee,

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and the address and telephone number of that national party's principal office, and

(b) The number of delegates to represent the Peace and Freedom Party of California at the next national convention of that national party.

6221. The notification of national affiliation and number of national convention delegates shall be in substantially the following form:

STATEMENT OF NATIONAL AFFILIATION AND NUMBER OF NATIONAL CONVENTION DELEGATES FOR THE PEACE AND FREEDOM PARTY OF CALIFORNIA

To the Secretary of State
Sacramento, California

You are hereby notified that the Peace and Freedom Party of California, by vote of its state central committee, has affiliated on the national level with the _____ Party. The address of the _____ Party's principal office is _____, and its telephone number is _____.

You are further notified that the number of delegates to represent the Peace and Freedom Party of California in the next national convention of the _____ Party is _____.

Dated this _____ day of _____, 19__.

_____
Chairperson of the State Central Committee of the Peace and Freedom Party of California

6222. If the chairperson of the Peace and Freedom Party State Central Committee fails to file the notice required by Section 6221 by the first day of February immediately preceding the presidential primary, the Secretary of State shall ascertain the party's national affiliation and the number of delegates from the chairperson or any other officer of record of the party state central committee or from the national party with which the Peace and Freedom Party was affiliated as indicated by the most recent statement of such affiliation on file by the chairperson of the party state central committee.

6223. On or before the 10th of February before the presidential primary, the Secretary of State shall certify the following to the county clerk of each county:

(a) The name of that national party with which the Peace and Freedom Party is presently affiliated and the address and telephone number of that national party's principal office.

(b) The number of delegates to represent the Peace and Freedom Party of California in the next national convention of that national party.

(c) The number of delegate candidates to be selected from each territory pursuant to Sections 6224 and 6225 by each committee

proposing a group of national convention delegates.

6224. For the purposes of this chapter, the boundary between the northern and southern territories of the state shall be that latitudinal line coinciding with the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

6225. The number of delegate candidates to be selected from each territory by each group shall be, to the nearest whole number, proportional to that portion of the state's registered Peace and Freedom Party voters residing in each territory as reflected in statements of voters and political affiliation transmitted to the Secretary of State on the 135th day before the presidential primary election.

6226. The Secretary of State's certification to the county clerks pursuant to Section 6223 shall be in substantially the following form:

CERTIFICATE OF THE SECRETARY OF STATE AS TO THE PEACE AND FREEDOM PARTY'S NATIONAL AFFILIATION AND NUMBER OF NATIONAL CONVENTION DELEGATES

To the County Clerk of _____ County:

I hereby certify to you that the Peace and Freedom Party of California is presently affiliated on the national level with the _____ Party. The address of the _____ Party's principal office is _____, and its telephone number is _____.

I further certify to you that the Peace and Freedom Party is qualified to participate in the presidential primary to be held in this state on the _____ day of June, 19__, and that the number of delegates to be elected by the Peace and Freedom Party of California to represent that party in the next national convention of the _____ Party is _____.

I further certify to you that the number of delegate candidates to be selected from each territory by each committee proposing a group of candidates for national convention delegates are as follows:

	Number of candidates for delegate
Northern territory of California	_____
Southern territory of California	_____

Dated at Sacramento, California, this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

Article 4. Qualification of Groups of Candidates for National Convention Delegate Portion of Primary Ballot

6230. Any five or more voters of the state who are registered as affiliated with the Peace and Freedom Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairperson of the committee, appoint verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6231. The committee, on or before the 104th day before the presidential primary election, shall file with the Secretary of State a statement containing the name of the committee and the names, residence addresses and telephone numbers of at least five of its members, and its officers.

6232. The number of candidates for delegate grouped on a nomination paper shall be equal to the total number of delegates to be elected by the Peace and Freedom Party.

6233. The names of the grouped candidates shall be so selected that the portion of such candidates for national convention delegates residing in the northern and southern territories shall be proportional, to the nearest whole number, to the portion of the state's Peace and Freedom Party registered voters residing in each territory as computed and certified by the Secretary of State pursuant to Section 6223. If the names are not so selected, the names shall not be certified by the Secretary of State.

6234. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed by Section 6233.

6235. Each group of candidates for delegate, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of her or his candidacy as presidential nominee.

6236. Any candidate for delegate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6237. Each candidate for Peace and Freedom Party delegate to the national convention shall file with the Secretary of State, before the circulation of nomination papers of the group of candidates of which she or he is a member, a declaration which shall state the

following:

(a) Her or his residence, with street and number, if any.

(b) That she or he is a voter registered as affiliated with the Peace and Freedom Party at her or his residence address.

(c) That she or he is a candidate for office of delegate.

(d) That she or he will not withdraw as a candidate before the presidential primary.

(e) That she or he will qualify as a delegate if elected.

(f) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as the nominee of the Peace and Freedom Party for President of the United States, and hereby declare to the voters of the Peace and Freedom Party in the State of California that if elected as delegate to the national convention, I shall to the best of my judgment and ability, support _____ as the nominee of the Peace and Freedom Party for President of the United States."

(g) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular presidential candidate the following statement: "I express no preference for a particular presidential candidate. The chairperson of my group is _____."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this declaration has been properly filed by each candidate for delegate of the group supporting the candidate.

6238. The declaration of a candidate for delegate shall be in substantially the following form:

DECLARATION OF CANDIDATE FOR DELEGATE

State of California
County of _____ } ss.

I, _____, reside and am a registered voter at _____ (street address), in the _____ (city or town) of _____, in the County of _____, State of California.

I desire to be a candidate, at the presidential primary to be held on the _____ day of June, 19__, for delegate to the next national convention of the _____ Party with which the Peace and Freedom Party of California is affiliated on the national level and I will qualify as a delegate if elected.

I personally prefer _____ as the nominee of the Peace and Freedom Party for President of the United States, and hereby declare to the voters of the Peace and Freedom Party in the State of California that if elected as delegate to the national party convention, I shall to the best of my judgment and ability, support _____ as the nominee of the Peace and Freedom Party for

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President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular presidential candidate.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 19__.

(Signed) _____

6239. Nomination papers for candidates for delegates shall be signed by voters registered as affiliated with the Peace and Freedom Party equal in number to not less than 1 percent of the number of persons registered as members of the Peace and Freedom Party as reflected in the reports of registration transmitted to the Secretary of State on the 135th day before the presidential primary.

Article 5. Preparation, Circulation and Filing of Nominating Papers

6240. This article applies to the nomination of a candidate for the presidential preference portion of the primary ballot, to the nomination of a slate of delegates pledged to the candidacy of a particular candidate, and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6241. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated at least 74 days prior to the presidential primary.

6242. Each signer of a nomination paper for the presidential primary ballot may sign only one such paper. The signer shall add to her or his signature the date of signing, the signer's printed name and place of residence indicating city and giving the street and number if such exists. A space for the election precinct shall also be provided on the section of the petition after each signer's residence.

6243. Any nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate, or the names of the candidates for delegates comprising the group, and, if such is the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as affiliated with the Peace and Freedom Party are competent to sign.

6244. Each section shall be prepared with the lines for signatures numbered, and shall have attached the declaration of the verification deputy who obtained signatures to it, stating, under penalty of perjury, that she or he is a voter registered as affiliated with the Peace and Freedom Party, that all the signatures to the attached section were made in her or his presence, and that to the best of her or his knowledge and belief each signature to the section is the

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genuine signature of the person whose name it purports to be. No other declaration is required.

6245. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters registered as affiliated with the Peace and Freedom Party until it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6246. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____ Page _____
County of _____.

Nomination paper of a presidential preference candidate for the Peace and Freedom Party presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate _____ for the presidential preference portion of the Peace and Freedom Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of June, 19__. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level.

Number	Signature	Printed name	Residence street address /city	Date	Precinct number
1.					
2.					
3.					
etc.					

VERIFICATION DEPUTY'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the Peace and Freedom Party, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 19__.

(Signed) _____
Verification Deputy

(Printed name) _____

6247. The nomination paper for a group of candidates for delegates to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION

Section _____ Page _____
County of _____.

Nomination paper of group of candidates for election as delegates by the Peace and Freedom Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			
etc.			

(to such number as may be required) as candidates for delegate to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the _____ day of June, 19__. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.

Number	Signature	Printed name	Residence street address /city	Date	Precinct number
1.					
2.					
3.					
etc.					

VERIFICATION DEPUTY'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in _____ County, that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Peace and Freedom Party as delegates to represent the Peace and Freedom Party of California in the _____ Party's next national convention, that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 19__.

(Signed) _____
Verification Deputy

(Printed name) _____

6248. Either a candidate or the candidate's duly authorized representative, or a committee organized to form a group of candidates for delegates, or its duly authorized representatives, may appoint verification deputies to serve in any county of the state in securing signatures to the nomination paper of the candidate or group of candidates. The form on which the verification deputies are appointed shall be filed with the county clerk of each county in which the verification deputies secure signatures, at or before the time the nomination paper of the candidate or group of candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6249. The verification deputies may be appointed by the candidate or the candidate's authorized representative on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY CANDIDATE OR BY CANDIDATE'S DULY AUTHORIZED REPRESENTATIVE

I, the undersigned candidate for the presidential preference primary of the Peace and Freedom Party (or duly authorized representative of _____), do hereby appoint the following voters registered as affiliated with the Peace and Freedom Party, as verification deputies to obtain signatures to nomination papers placing _____ in nomination for the presidential preference primary

VERIFICATION DEPUTIES

Name	Residence	County
_____	_____	_____
_____	_____	_____
_____	_____	_____
etc.	etc.	etc.

CANDIDATE OR DULY AUTHORIZED REPRESENTATIVE

(Signed) _____ _____
Name Residence

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____
County Clerk

By _____
Deputy

6250. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters registered as affiliated with the Peace and Freedom Party as verification deputies to obtain signatures to nomination papers for that group of candidates for election as delegates organized by us (or by the committee of which we are duly authorized representatives) to represent the Peace and Freedom Party of California in the _____ Party's next national convention:

VERIFICATION DEPUTIES

Name	Residence	County
_____	_____	_____
_____	_____	_____
_____	_____	_____
etc.	etc.	etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed) _____ _____
Name Residence
(Signed) _____ _____
Name Residence
(Signed) _____ _____
Name Residence
etc etc

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____
County Clerk
By _____
Deputy

6251. Verification deputies may obtain signatures to the nomination paper of the candidate or group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6252. Each section of a nomination paper, after being verified,

shall be returned by the verification deputy who circulated it to the candidate, committee, or duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the candidate, committee, or duly authorized representatives, who shall arrange and leave the sections with the county clerk for examination.

6253. Prior to filing, the sections of a nomination paper for any candidate or group of candidates shall be numbered in order.

6254. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6255. The county clerk shall examine all nomination papers left with her or him for examination and shall disregard and mark "not sufficient" the name of any voter of that county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. The county clerk shall also disregard and mark "not sufficient" the name of any voter of the county who is not registered as affiliated with the Peace and Freedom Party.

6256. Within five days after any nomination papers are left with the county clerk for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that she or he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6257. The county clerk's certificate to nomination papers of a candidate or group of candidates shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF CANDIDATE OR GROUP OF CANDIDATES

To the Secretary of State:

I, county clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the presidential candidate or group of candidates for delegates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

_____	_____	_____
_____	_____	_____
_____	_____	_____
etc.	etc.	etc.

Dated this _____ day of _____, 19__.

(SEAL) _____ County Clerk

By _____

Deputy

6258. (a) Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the candidate or the candidate's duly authorized representative of that fact.

(b) Upon receipt of a sufficient number of signatures for the nomination of a group of candidates for delegates, the Secretary of State shall notify the chairperson of the committee of that fact.

(c) In each case, the Secretary of State shall advise the person receiving such notification that no more signatures will be received.

Article 6. Certification and Publication of Names of Presidential Preference Candidates and Candidates for National Convention Delegate

6260. At least 59 days before the presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names of the candidates to appear on the Peace and Freedom Party presidential preference primary ballot and the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

6261. The certified list required by Section 6260 shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR PRESIDENTIAL PREFERENCE PRIMARY AND CANDIDATES FOR NATIONAL CONVENTION DELEGATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the names of the candidates to appear on the June _____, 19__, Peace and Freedom Party presidential preference primary ballot, in the order which they are to appear, are:

_____	_____
_____	_____
etc.	etc.

I further certify that the following list contains the name and post office address of each person who is entitled to be voted for at the June _____, 19__, Peace and Freedom Party presidential primary election as a candidate for delegate to the next national convention of the _____ Party with which the Peace and Freedom Party of California is affiliated on the national level. I further certify that the groups of candidates for delegate each appear under the name of the person for whom the group has expressed a preference as nominee of the Peace and Freedom Party for President, or under the name

of the group chairperson in case of a group not expressing a preference, and that the groups are listed in the order in which they are to appear on the national convention delegate portion of the Peace and Freedom Party presidential primary ballot.

LIST OF CANDIDATES FOR NATIONAL
CONVENTION DELEGATE
PEACE AND FREEDOM PARTY

Candidates preferring _____

	Name	Address
	Top of group	
1	_____	_____
2	_____	_____
3	_____	_____
	etc.	etc.

Candidates expressing no preference
(Name of chairperson) _____

	Name	Address
	Top of group	
1	_____	_____
2	_____	_____
3	_____	_____
	etc.	etc.

Dated at Sacramento, California, this _____ day of _____, 19__.

(SEAL) _____ Secretary of State

6262. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, the county clerk shall publish it in a Peace and Freedom Party presidential primary notice. The notice shall also contain the date of the election and the hours during which the polls will be open.

6263. The publication of the presidential primary notice shall be

made in the county pursuant to Section 6061 of the Government Code.

6264. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PEACE AND FREEDOM PARTY PRESIDENTIAL PRIMARY ELECTION AND NAMES OF CANDIDATES

Notice is hereby given that a Peace and Freedom Party presidential primary election is to be held in the County of _____ on the _____ day of June, 19__, and that the names of the candidates, in the order of their appearance on the Peace and Freedom Party presidential preference primary ballots, are:

_____	_____
_____	_____
etc.	etc.

and that the following list contains the name and address of each person who is entitled to be voted for at the June _____, 19__, Peace and Freedom Party presidential primary election as a candidate for delegate to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, and that the groups of candidates for delegate, each appear under the name of the person for whom the group has expressed a preference as nominee of the Peace and Freedom Party for President or under the name of the group chairperson in the case of a group expressing no preference for a particular candidate. and that the groups appear in the order in which they are to appear on the national convention delegate portion of the Peace and Freedom Party presidential primary ballot:

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LIST OF CANDIDATES FOR NATIONAL CONVENTION DELEGATE
PEACE AND FREEDOM PARTY

Candidates
preferring

Name	Address
Top of group	
1.	
2.	
3.	
etc.	etc.

Candidates expressing
no preference
(Name of chairperson)

Name	Address
Top of group	
1.	
2.	
3.	
etc.	etc.

Notice is also given that at the presidential primary the polls will be open from 7 a.m. to 8 p.m. on the day thereof.

Dated this _____ day of _____, 19__.

County Clerk

Article 7. Peace and Freedom Party Presidential Primary Ballot

6270. Upon the filing of nomination papers, the presidential preference primary candidate or slate of delegate candidates shall be voted upon, but the names of candidates for delegates to the national convention shall not be printed upon the ballot.

6271. For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by the provisions of Chapter 2 (commencing with Section 10200) of Division 7 of this code, with the following exceptions:

(a) In place of the heading "Delegates to National Convention,

vote for one group only" shall appear the heading "Presidential Preference, vote for one."

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a). The order of their names shall be as follows: The Secretary of State shall arrange the names in alphabetical order for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the preceding Assembly district shall be placed last, the order of the other names remaining unchanged. A space shall be provided following the names of these candidates for a write-in candidate.

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading "Delegates to National Convention, vote for one group".

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c) in the same manner provided for in subdivision (b).

(e) The instructions to voters shall be the same as provided for in Chapter 2 of Division 7 of this code except that they shall begin with the words, "To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate. Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.

6272. Any person who believes his or her name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file an endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for that write-in candidate.

Article 8. Certification of National Convention Delegates Elected and Postelection Proceedings

6285. The number of delegates to be certified as elected from each group of delegate candidates shall be the whole number nearest the product obtained by multiplying the total number of delegates to be elected by the ratio which that group's vote bears to the total of votes cast for all such groups of delegates, with the following to apply in order to adjust the total number of delegates certified to the total number to which the state is entitled:

(a) If this procedure would result in a total number of delegates being elected greater than the number to which the state is entitled, the calculation outlined above shall be repeated using a total vote cast for all groups of delegates which is sufficiently larger than the actual total vote so as to give a total number of delegates elected equal to the number to which the state is entitled.

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(b) If this procedure would result in a total number of delegates being elected smaller than the number to which the state is entitled, the calculation outlined above shall be repeated using a total vote cast for all groups of delegates which is sufficiently smaller than the actual total vote so as to give a total number of delegates elected equal to the number to which the state is entitled.

(c) If, due to a tie which renders unworkable the procedure for adjusting to the proper delegate total outlined in subdivisions (a) and (b), those delegate candidates so tied shall be certified as elected with a fractional vote proportional to their group's total vote so that the total number of delegates certified, including the fractional-vote delegates, equals the number to which the state is entitled.

6286. The Secretary of State shall send, not more than three business days after the presidential primary, to the chairperson of each committee qualifying a group of candidates for national convention delegates for the Peace and Freedom Party presidential primary ballot a copy of the semiofficial canvass of the vote for each such group of delegates showing the vote for each group in each county, the total statewide vote for each group, and the tentative number of delegates which each group will be entitled to have declared elected.

6287. Each group of candidates for delegate shall meet or confer after the presidential primary and by majority vote shall determine the order in which members of the group shall be certified as elected by the Secretary of State. The order so determined shall commence with a resident of either the northern or the southern territories, and the names thereafter shall alternate between residents of the northern and southern territories until such alternation is no longer possible. The order so determined shall be certified to the Secretary of State by the chairperson of the committee forming the group not later than the 21st day after the election.

6288. The Secretary of State shall, not later than the 21st day after the election, file in her or his office a statement of the canvassed returns for the Peace and Freedom Party presidential preferential primary and the national convention delegate selection election, compiled from the returns filed with the Secretary of State by the county clerks. The compiled statement shall show, for each candidate or group, the total of the votes received, the votes received in each county, and, in the case of a group, the names of the candidates comprising that group.

6289. The Secretary of State shall, not later than the 24th day after the election, issue a certificate of election to as many persons in each group as are entitled to be declared elected from that group pursuant to Section 6285. The names certified from each group shall be certified in the order in which they were specified by the group pursuant to Section 6287. If no such order was specified, the Secretary of State shall certify as many persons from the group as are entitled to be elected from the order in which the candidates' names appeared on the group's nomination paper, with the additional

requirement that an equal number of names be selected of persons residing in the northern and the southern territories, or, if the number to be selected is odd, that one more person residing in the territory with the greater portion of the state's registered Peace and Freedom Party voters shall be certified than the number of persons certified residing in the other territory. Certification of any delegates to which a write-in candidate is entitled shall be made within three business days of the receipt of the names of such delegates pursuant to Sections 6291 and 6292.

6290. Any person who receives, by write-in vote, a sufficient number of votes in the national convention delegate selection portion of the Peace and Freedom Party presidential primary to be entitled to one or more convention delegates pursuant to Section 6285, shall, within 31 days after the primary election, file a list of as many delegates as the person is entitled to with the Secretary of State. The delegates thus selected shall meet the residence distribution requirement specified in Section 6233 and shall be voters registered as affiliated with the Peace and Freedom Party in California.

6291. If a write-in candidate fails to file the list of delegates pursuant to Section 6290, the state central committee of the party shall, within 10 days of the end of the 31-day period specified in Section 6290, file a list of such delegates with the Secretary of State. Any delegates so certified by the state central committee shall go to the convention unpledged to any candidate.

6292. The elected delegates may, if they desire, meet or confer prior to attending the convention to select a chairperson of the delegation and to fill any vacancies in the office of delegate or alternate.

6293. The alternate of any delegate who is unable to attend the convention shall attend the convention in the delegate's place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in the place of the delegate whom the alternate represents when the delegate is occupying her or his seat at the convention.

6294. The Secretary of State shall, as soon as practicable, certify to the chairperson of the state central committee and to the chairperson of each party county central committee of record, the final list of national convention delegates.

SEC. 4. The heading of Chapter 1.5 (commencing with Section 6300) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 4. DEMOCRATIC PRESIDENTIAL PRIMARY

SEC. 5. The heading of Chapter 2 (commencing with Section 6400) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 5. DIRECT PRIMARY

SEC. 6. The heading of Chapter 3 (commencing with Section 6800) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 6. INDEPENDENT NOMINATIONS

SEC. 7. The heading of Chapter 4 (commencing with Section 7100) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 7. NOMINATION PAPERS, GENERALLY

SEC. 8. The heading of Chapter 5 (commencing with Section 7200) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 8. NOMINATION OF CANDIDATES FOR LEGISLATIVE AND CONGRESSIONAL OFFICES AT SPECIAL ELECTIONS

SEC. 9. Chapter 3 (commencing with Section 8200) is added to Part 1 of Division 6 of the Elections Code, to read:

CHAPTER 3. DUTIES FOR CONVENTION MEETING OF THE STATE CENTRAL COMMITTEE OF THE PEACE AND FREEDOM PARTY

8200. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list by county of all elected Peace and Freedom Party members of central committees. The Secretary of State shall no later than the 20th day of July following the direct primary election send a notice by mail to each of the elected members of central committees which shall inform the member of the following:

(a) That she or he has been elected as a member of the central committees.

(b) The date, time and location of the convention meeting of the state central committee.

The Secretary of State shall send with this notice a copy of the certified list of all elected Peace and Freedom Party members of central committees and their addresses, arranged by county, and their primary election ballot designations.

8201. The Secretary of State shall also send copies of the certified list of all elected Peace and Freedom Party members of central committees, arranged by county, and their addresses, to the registrars of voters of Los Angeles and San Francisco Counties on or before the 20th day of July following the direct primary election. This list shall be maintained for public inspection by said registrars of voters until a subsequent such list is received.

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8202. The Secretary of State, within 10 days after the convention meeting of the state central committee, shall ascertain who is the newly elected chairperson of the state central committee and shall mail a certificate to that effect, including the chairperson's address and telephone number, to the county clerk of each county.

8204. (a) Whenever the state central committee of the Peace and Freedom Party submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of her or his nomination by the state central committee.

(b) The Secretary of State shall cause the names of the candidates for President and Vice President of the Peace and Freedom Party to be placed upon the ballot for the ensuing general election.

SEC. 10. Part 5 (commencing with Section 9750) is added to Division 6 of the Elections Code, to read:

PART 5. PEACE AND FREEDOM PARTY

CHAPTER 1. GENERAL PROVISIONS

9750. The provisions of this part shall apply to the organization, operation, and functions of that political party known as the Peace and Freedom Party of California.

CHAPTER 2. MEMBERS OF CENTRAL COMMITTEES

Article 1. Members

9760. At each direct primary election, members of central committees shall be elected in each county.

9761. For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the county clerks to the Secretary of State on the 135th day prior to the next direct primary election.

9762. The number of members of central committees to be elected in a county shall be the greater of:

(a) The number seven; or

(b) The integer nearest the resulting quotient obtained by dividing 400 times the number of Peace and Freedom Party registered voters in the county by the number of Peace and Freedom Party registered voters in the state.

However, the number of members of central committees to be elected in a county shall be five if the number of Peace and Freedom Party registered voters in the county is less than 150.

9763. In each county where the number of members of central committees to be elected is 12 or less, the members shall be elected in a countywide, at large district. In each county where the number to be elected is 13 or greater, the members shall be elected by supervisorial district, except in Los Angeles County and in the City

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and County of San Francisco, wherein the members shall be elected by Assembly district.

9764. The number to be elected from each supervisorial or Assembly district shall be the greater of:

(a) The number one; or

(b) The integer nearest the resulting quotient obtained by dividing the number of members to be elected in that county times the number of Peace and Freedom Party registered voters in the district by the number of Peace and Freedom Party registered voters in the county.

If the procedure outlined above would result in less members being elected in a county than the number to which the county is entitled under Section 9762, the calculation in subdivision (b) shall be repeated using a number of Peace and Freedom Party registered voters in the county sufficiently smaller than the actual number in the county so as to give a total number of members of central committees to be elected equal to or the nearest amount which is greater than the number to which the county is entitled.

9765. Each person receiving a Peace and Freedom Party nomination for any partisan public office at the preceding direct primary election or at any special election subsequent thereto shall be declared elected as a member of central committees. Any members elected pursuant to this section shall be in addition to the number a county is entitled to elect pursuant to Section 9762.

Article 2. Election

9770. The Secretary of State, no later than the 125th day before the direct primary election, shall compute the number of members of central committees to be elected in each county and shall mail a certificate to that effect to the county clerk of each county, to the chairperson of the Peace and Freedom Party State Central Committee, and to the chairperson of record of each Peace and Freedom Party County Central Committee.

9771. The county clerk, no later than the 115th day before the direct primary election, shall compute the number of members of central committees to be elected in each supervisorial or Assembly district if the election of said members is to be by supervisorial or Assembly district pursuant to this chapter.

9772. In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has:

(a) Filed a nomination paper pursuant to Division 5 (commencing with Section 6000) of this code, signed in the candidate's behalf by the voters of the central committee election district in which she or he is a candidate; or

(b) Has qualified to have her or his name printed on the direct primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

9773. In counties where members of central committees are to be

elected by supervisorial or Assembly district, a person seeking election as a member of central committees may seek election only in the supervisorial or Assembly district in which he or she resides.

9774. A person qualifying as a candidate for member of central committees by virtue of qualification to have her or his name appear on the primary ballot for a partisan public office shall have her or his name listed on the ballot for member of central committees only in the central committee election district of her or his residence.

9775. Notwithstanding any other provision of this code, a person may obtain and circulate nomination papers both for nomination to a public office and for election as a member of central committees.

9776. Notwithstanding any other provision of this code, the number of sponsors which shall be required of a person to be a candidate for member of central committees shall be the lesser of:

(a) Not less than 20 nor more than 30, or

(b) Not less than 2 percent of the number of voters registered as affiliated with the Peace and Freedom Party in the central committee election district.

9777. Notwithstanding any other provision of this code, up to three candidates for member of central committees in a single central committee election district may have their names listed on a single sponsor's certificate, and the signatures thereon shall be counted toward the sponsor requirement of each and every candidate whose name is listed on the certificate. However, in no case shall the number of candidates having their names on a sponsor's certificate exceed the number of members of central committees to be elected in the district.

9779. The county clerk of each county shall include the office of member of central committees and the candidates therefor in a place and manner similar to the office of county central committee and the candidates therefor on various official lists published pursuant to Sections 6464, 6465, 6585 and 6587.

9780. The order of appearance of the names of the candidates for member of central committees on the ballot shall be determined by a public drawing held at the time, place and manner prescribed for determining the order of names of county central committee members pursuant to Chapter 2 (commencing with Section 10200) of Division 7 of this code.

9781. The office of member of central committees shall be placed on the direct primary ballot under the heading "Party Central Committees" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 10200) of Division 7 of this code. The subheading printed under party central committees on the direct primary ballot shall be in substantially the following form:

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Member of Peace and Freedom Party
Central Committees, 55th Assembly District
or
Member of Peace and Freedom Party
Central Committees, Alpine County

9782. A party nominee for partisan office qualifying to be declared elected as a member of central committees pursuant to Section 9765 shall not be additionally declared directly elected as a member of central committees pursuant to Section 9783 and shall not possess a multiple membership on either the state central committee or on a county central committee.

9783. In each county the number of candidates for member of central committees to be elected in each central committee election district who receive the highest number of votes shall be declared elected. The names and votes of all nominees for partisan public office qualified for central committees membership pursuant to Section 9765 shall be excluded from the list of candidates for member of central committees and disregarded in the determination of the candidates with the highest number of votes.

No write-in candidate for member of central committees shall be declared elected, however, unless that candidate has received a number of votes equal to or greater than 2 percent of the number of party members voting in the central committee election district at the direct primary, or 20 votes, whichever is less.

9784. A certificate of election shall be issued to each elected member of central committees by the officers charged with that duty of issuing certificates of election to members of county central committees under Section 6617.

9785. The votes cast for each candidate for member of central committees shall be included in the canvass and statement of results in a manner similar to the vote for each candidate for county central committee pursuant to Division 10 (commencing with Section 17000) of this code.

9786. The final total of votes cast for each candidate for member of central committees, including the name, address and ballot designation of each such candidate, and a specification as to which candidates were declared elected shall be certified to the Secretary of State forthwith upon completion of the official canvass. The county clerk shall simultaneously send one copy of this final certification to the chairperson of the Peace and Freedom State Central Committee.

CHAPTER 3. STATE CENTRAL COMMITTEE

Article 1. Members

9790. At the convention meeting of the state central committee, the state central committee shall consist initially of only those members of central committees elected at the most recent direct primary election.

9791. At its convention and subsequent meetings the state central committee, in its sole discretion, may appoint such additional members to the state central committee as it may desire.

9792. The state central committee may require a balance of elected and appointed members so that 50 percent of the state central committee members from each county are women and 50 percent are men.

9793. No person shall be appointed to membership on the state central committee unless she or he is registered as a voter affiliated with the Peace and Freedom Party or would register as a voter affiliated with this party if not legally prohibited from doing so.

9794. This committee may remove any elected or appointed member who during the term of membership affiliates with or registers as a member of another political party, publicly advocates that the voters should not vote for the nominee of the party for any office, publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party, or has violated the bylaws or constitution of the state central committee.

Article 2. Meetings

9800. The state central committee shall hold its convention meeting biennially beginning at 10 a.m. on a Saturday and ending the following Sunday in August next following the direct primary election, as designated by the officers of the committee. The city in which such convention meeting is to be held shall be selected by the officers of the state central committee. The chairperson of the state central committee shall notify the Secretary of State no later than the first day of July next following the direct primary election of the date and location selected by the officers for the convention meeting of the state central committee.

9801. The state central committee shall hold meetings not less than once during each year.

Article 3. General Business

9810. The state central committee's convention meeting shall be called to order by the chairperson of the committee at 10 a.m. on the Saturday on which it is to be held. It shall at once proceed to the election of temporary chairpeople, 50 percent of whom shall be

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women and 50 percent of whom shall be men. This committee may hold such election by alphabetical rollcall by county if a majority of its members vote to do so. The state central committee shall elect such other temporary officers as it may determine.

9811. The temporary chairpeople shall appoint such committees as the state central committee may direct.

9812. The convention meeting of the state central committee shall elect the officers of the state central committee and adopt the party's platform, which shall be made public upon its adoption.

9813. The vote on any issue at the convention meeting of the state central committee may be by alphabetical rollcall by county if a majority of its members vote to do so, or such other method as may be prescribed by this committee.

9814. The proceedings at the convention meeting of the state central committee shall be governed by any manual of parliamentary procedure designated by this committee.

9815. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties. If this committee grants any portion of its powers to an executive committee, it shall provide for the election to its executive committee of any number of persons it shall determine, 50 percent of whom shall be women and 50 percent of whom shall be men. All officers of the state central committee shall be members of any executive committee so selected.

9816. The chairperson of the state central committee shall serve a two-year term but shall not succeed herself or himself, and the chairperson shall alternate each biennium between the northern and southern territories. The boundary between the northern and southern territories of the state shall be that latitudinal line coinciding with the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties.

9817. All officers elected at the convention meeting of the state central committee shall serve for two-year terms, unless a shorter term is specified by the committee. Any officer of the state central committee may be removed by a majority vote of the state central committee.

9818. This committee may prescribe dues to be paid by its members in the manner and by the time prescribed by vote of the majority of the members of the state central committee. The dues charged shall not exceed twenty-four dollars ($24) per year. Any member of this committee who fails to pay the dues prescribed by the committee may, upon one month's advance notice to that member, be removed from the state central committee.

9819. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

9820. The state central committee shall have power to appoint

interim county central committees in the following counties:

(a) Counties in which the voters have not elected one or more members of central committees in the direct primary election preceding the organization of this committee.

(b) Counties in which all members of a county central committee are removed from office or cease to be registered as affiliated with the Peace and Freedom Party.

Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required of appointees to membership on the county central committees. Notice of any appointments pursuant to this section shall be filed by the state central committee with the county clerk of the county for which such interim county central committee is appointed and with the Secretary of State. Interim county central committees appointed pursuant to this section shall have all the powers and privileges afforded county central committees by this part.

9821. A quorum of this committee is 10 percent of the entire membership, represented in person. However, the committee may make rules and regulations establishing a different quorum requirement, and any provisions so made shall supersede the provisions of this section.

9822. The state central committee shall designate by resolution the national political party with which the Peace and Freedom Party is affiliated, and shall file a copy of such resolution signed by the chairperson and one other officer of this committee with the Secretary of State. In the event of controversy over the national affiliation of the party, the most recent resolution filed shall be determinative.

9823. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention meeting of the state central committee shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, 50 percent of whom shall be women and 50 percent men, unless an odd number of electors is to be chosen, in which case the difference between the number of women and men shall be not more than one. The chairperson of the state central committee shall certify the name of each elector nominated, and the elector's residence address to the Secretary of State.

CHAPTER 4. COUNTY CENTRAL COMMITTEE

Article 1. Members

9830. In each county a county central committee shall be formed. At its first meeting on the second Tuesday in July following the direct primary election, a county central committee shall consist initially of those members of central committees who were elected at the most recent direct primary election and who reside in the county.

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9831. At its first meeting on the second Tuesday in July following the direct primary election and at subsequent meetings, a county central committee, in its sole discretion, may appoint such additional members to the county central committee as it may desire.

9832. A county central committee may require a balance of elected and appointed committee members to create a total membership division of 50 percent women and 50 percent men.

9833. No person shall be appointed to membership on a county central committee unless she or he is registered as a voter affiliated with the Peace and Freedom Party in the county, or is a resident of the county who would register as a voter affiliated with this party if not legally prohibited from doing so.

9834. Any member of a committee who misses more than three consecutive regularly scheduled meetings may be removed by a vote of the committee concerned, unless the member's absence is caused by illness or temporary absence from the county on the date of the meeting.

9835. The removal of residence by an elected or appointed member of a county central committee from the county from which the member was elected shall constitute the member's automatic resignation from the committee.

9836. A committee may remove any elected or appointed member who during the term of membership affiliates with or registers as a member of another political party, publicly advocates that the voters should not vote for the nominee of the party for any office, publicly gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party, or has violated the bylaws or constitution of the committee.

9837. Whenever any person is appointed to a committee, the chairperson of the committee shall file notices of the appointment with the county clerk and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and shall indicate the date of the appointment.

9838. If no members of central committees have been elected in a county at the preceding direct primary election or, if for any reason all the members of a county central committee are removed from office or cease to be registered as affiliated as members of the Peace and Freedom Party, then an interim county central committee with full powers may be appointed by the state central committee under the procedures specified in Section 9820.

Article 2. Meetings

9840. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county. The quarters shall be arranged or provided for by the county clerk of the county, on the second Tuesday in July following the

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direct primary election.

9841. Notwithstanding the provisions of Section 9840, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

9842. The Department of General Services shall permit any committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

Article 3. General Business

9850. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

9851. A committee may make rules and regulations providing for the following:

(a) How officers of the committee may be removed.

(b) How meetings may be called, and any provisions so made shall supersede anything in this chapter to the contrary.

(c) Whether or not proxies may be used and the conditions under which they may be used.

9852. The committees shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the members of the new committees take office after the succeeding direct primary election.

9853. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

9854. In each county the county clerk, within 10 days after a committee meets as provided for in Section 9840, shall ascertain who is the newly elected chairperson of the committee and shall mail a certificate to that effect to the Secretary of State.

9855. Each committee may establish annual dues not to exceed twenty-four dollars ($24) per year for members. The committee may remove members for nonpayment of dues.

SEC. 11. Sections 1 and 2 of this act shall not become operative if Assembly Bill No. 427 of the 1975–76 Regular Session of the Legislature becomes operative on or before January 1, 1976.

SEC. 12. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

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CHAPTER 1057

An act to amend Sections 4200 and 4203 of, to add Section 4202.5 to, and to repeal Section 4202.5 of, the Welfare and Institutions Code, relating to mental health.

[Became law without Governor's signature September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4200 of the Welfare and Institutions Code is amended to read:

4200. Each state hospital under the jurisdiction of the State Department of Health shall have a hospital advisory board of seven members appointed by the Governor from a list of nominations submitted to him by the boards of supervisors of counties within each hospital's designated service area. If a state hospital provides services for both the mentally disordered and the developmentally disabled, there shall be a separate advisory board for the program provided the mentally disordered and a separate board for the program provided the developmentally disabled. To the extent feasible, an advisory board serving a hospital for the mentally disordered shall consist of two relatives of mentally disordered persons who, at the time of the appointment, are patients in that hospital, three representatives of professional disciplines who are not employees of the state hospital system, but who are serving the mentally disordered, and two representatives of the general public who have demonstrated an interest in services to the mentally disordered. To the extent feasible, an advisory board serving a hospital for the developmentally disabled shall consist of two relatives of developmentally disabled persons who are patients in that hospital, three representatives of professional disciplines who are not employees of the state hospital system, but who are serving the developmentally disabled, and two representatives of the general public who have demonstrated an interest in services to the developmentally disabled.

Of the members first appointed after the operative date of the amendments made to this section during the 1975–76 legislative session, one shall be appointed for a term of two years, and one for three years. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. No person shall be appointed to serve more than a maximum of two terms as a member of the board.

Notwithstanding any provision of this section, members serving on the hospital advisory board on the operative date of the amendments made to this section during the 1975–76 legislative session, may continue to serve on the board until the expiration of their term. The Legislature intends that changes in the composition of the board

required by such amendments apply to future vacancies on the board.

SEC. 2. Section 4202.5 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 4202.5 is added to the Welfare and Institutions Code, to read:

4202.5. (a) The chairman of a hospital advisory board advising a hospital for the mentally disordered shall meet annually with the hospital clinical director, the community mental health directors, and the chairmen of the mental health advisory boards representing counties within the hospital's designated service area.

(b) The chairman of a hospital advisory board advising a hospital for the developmentally disabled shall meet annually with the hospital clinical director, the regional center directors, and the area board chairmen representing areas within the hospital's service area, as defined in Division 25 (commencing with Section 38000) of the Health and Safety Code.

(c) The chairmen shall be allowed necessary expenses incurred in attending such meetings.

(d) It is the intent of the Legislature that the department assist the development of annual regional meetings required by this section.

SEC. 4. Section 4203 of the Welfare and Institutions Code is amended to read:

4203. The Atascadero State Hospital shall have an advisory board of seven persons appointed by the Governor, each of whom holds office for the term of three years. To the extent feasible the composition of board membership shall consist of two persons, who at the time of their appointment are relatives of the patient population, three representatives of professional disciplines serving the patient population, and two representatives of the general public. The board shall advise and consult with the department with respect to the conduct of the hospital. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings.

CHAPTER 1058

An act to amend Sections 73483, 73484, 73485, 73486, 73487, 73488, 73490, 73707, 73708, 73709, 73710, 73711, 73712, 73713, 73714, 73716, 74803, 74804, 74806, 74807, 74808, 74809, 74818, 74819, 74820, 74821, 74822, 74823, and 74824, of the Government Code, relating to courts.

[Became law without Governor's signature September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows.

SECTION 1. Section 73483 of the Government Code is amended to read:

73483. The clerk may appoint:

(a) Three deputy clerks III.

(b) Three deputy clerks II.

(c) Five deputy clerks I.

SEC. 2. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive the biweekly salary specified in range 46.5 as set forth in the biweekly salary schedule contained in Section 73486.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the said class of lieutenant.

SEC. 2.5. Section 73485 of the Government Code is amended to read:

73485. The marshal may appoint:

(a) Three deputy marshals.

(b) Two clerk-typists II.

SEC. 3. Section 73486 of the Government Code is amended to read:

73486. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary	Steps				
range number	A	B	C	D	E
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80

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50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20
55	967.20	1,015.20	1,065.60	1,119.20	1,175.20

SEC. 4. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I ..... Range 28.5
(b) Deputy clerk II ..... Range 30.5
(c) Deputy clerk III ..... Range 32.5
(d) Clerk ..... Range 40.75
(e) Clerk-typist II ..... Range 28.5
(f) Deputy marshal ..... Range 39.5

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 73488 of the Government Code is amended to read:

73488. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by a percentage which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but such adjustments shall be effective only until January 1, 1978.

SEC. 6. Section 73490 of the Government Code is amended to read:

73490. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and

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employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for the deputy marshals and clerical employees who regularly perform matron duties in the marshal's office, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of the County of San Joaquin, or the civil service ordinance of the county, for employees of the county.

SEC. 7. Section 73707 of the Government Code is amended to read:

73707. The clerk of the eastern division may appoint:

(a) Two deputy clerks III.

(b) Four deputy clerks II.

(c) Two deputy clerks I.

SEC. 8. Section 73708 of the Government Code is amended to read:

73708. The clerk of the western division may appoint:

(a) Two deputy clerks III.

(b) Three deputy clerks II.

(c) Two deputy clerks I.

SEC. 9. Section 73709 of the Government Code is amended to read:

73709. There shall be one marshal in each division who shall be a resident eligible to vote in the division in which he is elected or appointed. The marshal of the eastern division shall receive the biweekly salary specified in range 46.5 as set forth in the biweekly salary schedule contained in Section 73712 and the marshal of the western division shall receive the biweekly salary specified in range 44.5 of the salary schedule as set forth in Section 73712.

SEC. 9.5. Section 73710 of the Government Code is amended to read:

73710. The marshal of the eastern division may appoint:

(a) Three deputy marshals.

(b) Two clerk-typists II.

SEC. 9.6. Section 73711 of the Government Code is amended to read:

73711 The marshal of the western division may appoint:

(a) Two deputy marshal.

(b) One clerk-typist II.

SEC. 10. Section 73712 of the Government Code is amended to read:

73712. The following biweekly salary schedule shall apply to persons employed in each division of the municipal court established in said judicial district:

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Salary range number	Steps A	B	C	D	E
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20
55	967.20	1,015.20	1,065.60	1,119.20	1,175.20

SEC. 11. Section 73713 of the Government Code is amended to read:

73713. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73712, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I ..... Range 28.5
(b) Deputy clerk II ..... Range 30.5
(c) Deputy clerk III ..... Range 32.5
(d) Clerk (eastern division) ..... Range 40.75
(e) Clerk (western division) ..... Range 40.75
(f) Clerk-typist II ..... Range 28.5
(g) Deputy marshal ..... Range 39.5

Subject to the provisions of the salary ordinance of the County of

San Joaquin, each person employed in the clerk's office or marshal's office, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 12. Section 73714 of the Government Code is amended to read:

73714. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the related classes of court positions shall be adjusted by a percentage which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but such adjustments shall be effective only until January 1, 1978.

SEC. 13. Section 73716 of the Government Code is amended to read:

73716. Notwithstanding any other provision of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal, in the same manner and to the extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, and other employee benefits, including uniform allowances for deputy marshals and clerical employees who regularly perform matron duties in the marshal's office, as are now, or may hereafter be, provided for the employees of the county, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors.

SEC. 14. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Ten deputy clerks IV.

(c) Six deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Two deputy clerks II (stenographer).

(f) Seven deputy clerks II.

(g) Twenty deputy clerks I.

SEC. 15. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly salary specified in range 49.5 as set forth in the biweekly salary

schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of such class of lieutenant.

SEC. 16. Section 74806 of the Government Code is amended to read:

74806. The following biweekly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary	Steps				
range number	A	B	C	D	E
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20
55	967.20	1,015.20	1,065.60	1,119.20	1,175.20

SEC. 17. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the biweekly salary schedule contained in Section 74806, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in

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the salary ordinance of the County of San Joaquin:

(a) Deputy clerk I	Range 28.5
(b) Deputy clerk II (stenographer)	Range 30
(c) Deputy clerk II	Range 30.5
(d) Deputy clerk III	Range 32.5
(e) Deputy clerk III (stenographer)	Range 33
(f) Deputy clerk IV	Range 35.75
(g) Chief deputy clerk	Range 40
(h) Clerk	Range 48.75
(i) Clerk-typist II	Range 28.5
(j) Deputy marshal	Range 39.5
(k) Senior deputy marshal	Range 41.75

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 18. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by a percentage which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for the related classes in said classified service are made effective by action of the board of supervisors but such adjustments shall be effective only until January 1, 1978.

(a) The class of deputy clerk I in the clerk's office is equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II and deputy clerk III shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk-stenographer III in the service of San Joaquin County. Whenever the class of clerk-stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

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(d) The class of deputy clerk II (stenographer) is equivalent in job and salary level to the class of clerk-stenographer II in the service of San Joaquin County. Whenever the class of clerk-stenographer II is adjusted, the class of deputy clerk II (stenographer) shall be adjusted an equal number of ranges on the salary schedule.

(e) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal and senior deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 19. Section 74809 of the Government Code is amended to read:

74809. Notwithstanding any other provisions of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for the deputy marshals and clerical employees who regularly perform matron duties in the marshal's office, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for employees of the county.

SEC. 20. Section 74818 of the Government Code is amended to read:

74818. The clerk may appoint:

(a) Two deputy clerks III.

(b) Four deputy clerks II.

(c) Two deputy clerks I.

SEC. 21. Section 74819 of the Government Code is amended to read:

74819. There shall be one marshal who shall receive the biweekly salary specified in range 46.5 as set forth in the biweekly salary schedule contained in Section 74821.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of the class of lieutenant.

SEC. 21.5. Section 74820 of the Government Code is amended to read:

74820. The marshal may appoint:

(a) Three deputy marshals.

(b) Two clerk-typists II.

SEC. 22. Section 74821 of the Government Code is amended to read:

74821. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

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Salary range number	Steps A	B	C	D	E
28	257.60	270.40	284.00	298 40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.40
36	382.40	401.60	421.60	442.40	464.80
37	401.60	421.60	442.40	464.80	488.00
38	421.60	442.40	464.80	488.00	512.80
39	442.40	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593 60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795 20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1,015.20
53	876.80	920.80	967.20	1,015.20	1,065.60
54	920.80	967.20	1,015.20	1,065.60	1,119.20
55	967.20	1,015.20	1,065.60	1,119.20	1,175.20

SEC. 23. Section 74822 of the Government Code is amended to read:

74822. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74821, except that if the range shown opposite the title of the position includes a fraction then the person employed in such position shall be paid a salary equal to that shown opposite said fractional range in the salary ordinance of the County of San Joaquin, as amended by Ordinance No. 1686, passed and adopted May 28, 1970:

(a) Deputy clerk I ..... Range 28.5
(b) Deputy clerk II ..... Range 30.5
(c) Deputy clerk III ..... Range 32.5
(d) Clerk ..... Range 40.75
(e) Clerk-typist II ..... Range 28.5
(f) Deputy marshal ..... Range 39.5

Subject to the provisions of the San Joaquin County salary

ordinance, each person employed in the clerk's office or marshal's office, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 24. Section 74823 of the Government Code is amended to read:

74823. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted by a percentage which is equivalent to the increase or decrease in the salary of the comparable classification in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until January 1, 1978.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) Whenever the salary of the class of superior court clerk is adjusted, the salary of the clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 25. Section 74824 of the Government Code is amended to read:

74824. Notwithstanding any other provisions of law, the provisions of the county ordinance relating to civil service and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all employees, except the marshal, in the same manner and to the same extent as applicable generally to officers and employees of San Joaquin County.

Such employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, including uniform allowances for deputy marshals and clerical employees who perform matron duties in the marshal's office, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of San Joaquin County, or the civil service ordinance of the county, for other employees of the county.

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SEC. 26. Section 7 to 13, inclusive, of this act shall not become operative if Assembly Bill No. 2298 is chaptered and becomes effective on or before January 1, 1976, regardless of whether Assembly Bill No. 2298 is chaptered prior or subsequent to this act.

SEC. 27. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

CHAPTER 1059

An act to repeal Section 1780 of, and to add Sections 1780, 1781 and 61204.1 to, the Government Code, to amend Section 6483 of the Health and Safety Code, to add Sections 5781.12 and 9178 5 to the Public Resources Code, to amend Section 16003 of the Public Utilities Code, to amend Sections 21561, 30504, 40500, 50604, 60144, 70072, 71254, 74204, and 75835 of, to add Sections 21265.5 and 34707.5 to, the Water Code, to amend Section 17 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), and to amend Section 12 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to districts.

[Became law without Governor's signature September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 1780 of the Government Code is repealed.

SEC. 1.3. Section 1780 is added to the Government Code, to read:

1780. (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled as provided in this section. The remaining district board members may fill the vacancy by appointment until the next district general election that is scheduled 90 or more days after the effective date of the vacancy, provided the appointment is made within a period of 60 days immediately subsequent to the effective date of such vacancy and provided a notice of the vacancy is posted in three or more conspicuous places in the district at least 15 days before the appointment is made. In lieu of making an appointment the remaining members of the board may within 60 days of the vacancy call an election to fill the vacancy. The election shall be held on the next available election date provided by Section 2504 of the Elections Code that is 90 or more days after the vacancy occurs.

(b) If the vacancy is not filled by the district board as specified,

or if the board has not called for an election within 60 days of the vacancy, the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy within 90 days of the vacancy, or the city council or county supervisors may order the district to call an election to fill the vacancy. The election shall be held on the next available election date provided by Section 2504 of the Elections Code that is 90 or more days after the vacancy occurs.

(c) If within 90 days of the vacancy the remaining members of the board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, the district shall call an election to fill the vacancy. The election shall be held on the next available election date provided by Section 2504 of the Elections Code that is 90 or more days after the vacancy occurs.

(d) Persons appointed to fill a vacancy shall hold office until the next district general election, but persons elected to fill a vacancy shall hold office for the balance of the term of office.

SEC. 1.5. Section 1781 is added to the Government Code, to read:

1781. The provisions of Section 1780 shall not apply to a school district, a district organized pursuant to Division 6 (commencing with Section 11501) of the Public Utilities Code, or a district subject to the provisions of Chapter 5 (commencing with Section 22825) of Part 5 of Division 11 of the Water Code.

SEC. 1.8. Section 61204.1 is added to the Government Code, to read:

61204.1. Notwithstanding any other provision of law, a vacancy occurring in the office of a director who has been elected pursuant to Section 61102.5, shall be filled pursuant to Section 1780.

SEC. 2. Section 6483 of the Health and Safety Code is amended to read:

6483. Vacancies in the membership of the board shall be filled pursuant to Section 1780 of the Government Code.

SEC. 3. Section 5781.12 is added to the Public Resources Code, to read:

5781.12. Notwithstanding any other provision of law, a vacancy in the office of an elected member of the district board shall be filled pursuant to Section 1780 of the Government Code.

SEC. 4. Section 9178.5 is added to the Public Resources Code, to read:

9178.5. Notwithstanding any other provision of law, a vacancy in the office of a director who has been elected shall be filled pursuant to Section 1780 of the Government Code.

SEC. 5. Section 16003 of the Public Utilities Code is amended to read:

16003. A vacancy in the office of director shall be filled pursuant to Section 1780 of the Government Code.

SEC. 6. Section 21265.5 is added to the Water Code, to read:

21265.5. Notwithstanding any other provision of law, all vacancies on the board of directors elected pursuant to Section 21551 shall be filled pursuant to Section 1780 of the Government Code.

SEC. 7. Section 21561 of the Water Code is amended to read:

21561. Notwithstanding Sections 21550 and 21551, or any other provision of law to the contrary, directors of the Jackson Valley Irrigation District shall be nominated and elected at large.

All vacancies in the offices of directors of the Jackson Valley Irrigation District shall be filled pursuant to Section 1780 of the Government Code.

SEC. 8. Section 30504 of the Water Code is amended to read:

30504. All vacancies occurring in the office of director shall be filled pursuant to Section 1780 of the Government Code.

SEC. 9. Section 34707.5 is added to the Water Code, to read:

34707.5. Notwithstanding any other provision of law, a vacancy in the office of board member who was elected to office shall be filled pursuant to Section 1780 of the Government Code.

SEC. 10. Section 40500 of the Water Code is amended to read:

40500. A vacancy in the office of director shall be filled pursuant to Section 1780 of the Government Code.

SEC. 11. Section 50604 of the Water Code is amended to read:

50604. Vacancies in the board shall be filled pursuant to Section 1780 of the Government Code.

SEC. 12. Section 60144 of the Water Code is amended to read:

60144. Any vacancy in the board shall be filled pursuant to Section 1780 of the Government Code. The person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur.

SEC. 13. Section 70072 of the Water Code is amended to read:

70072. Any vacancies in the offices of the directors shall be filled pursuant to Section 1780 of the Government Code.

SEC. 14. Section 71254 of the Water Code is amended to read:

71254. Whenever a vacancy occurs in the office of director it shall be filled pursuant to Section 1780 of the Government Code, by a qualified person, who shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred.

SEC. 15. Section 74204 of the Water Code is amended to read:

74204. Vacancies occurring in the board, by reason of death, resignation, or otherwise, shall be filled pursuant to Section 1780 of the Government Code.

SEC. 16. Section 75835 of the Water Code is amended to read:

75835. If the land excluded from any district embraces the greater portion of any division or divisions of such district, the office of director for such division or divisions shall become and be vacant at the expiration of 10 days from the final order of the board excluding such lands. Such vacancy or vacancies shall be filled pursuant to Section 1780 of the Government Code.

SEC. 17. Section 17 of the Drainage District Act of 1903 (Chapter

238 of the Statutes of 1903) is amended to read:

Sec. 17. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in that month. A director shall be an elector of the district, if the directors are elected at large, and shall be an elector of the division which the director shall be elected to represent, if directors are elected by divisions.

If voting in the district is by resident registered voters the provisions of Section 7.5 shall apply but no one shall be entitled to vote for a director for a division who is not a resident registered voter of the division.

If voting in the district is by landowner voting based on assessed value the provisions of Section 7 shall apply. In such a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who is not the owner of real property situate in such division, or some improvement thereon, or some interest therein or in such improvement, as provided in Section 7. All owners of such property shall be entitled to vote at such election. The number of votes which any such property owner, in any such division, shall be entitled to vote, shall be determined according to the assessed valuation of the property of such voter situated in such division, in the manner provided in Section 7.

If the directors are elected at large in a landowner voting district, each qualified elector of the district may vote, for each director to be elected, as many votes as he may be entitled to vote in accordance with the assessed valuation of his property in the district, as hereinbefore provided.

Prior to the last Friday of November following the general district election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars ($1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by law for public officers, and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled pursuant to Section 1780 of the Government Code. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment.

SEC. 18. Section 12 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is amended to read:

Sec. 12. Biennial Election of Directors. Official Bonds. Vacancies, How Filled. Office Board. In each district organized as provided herein, and except as provided in Section 14, an election shall be held on the first Tuesday in February of each odd-numbered year, after the organization of the district, at which directors for the district, as provided in Section 5 of this act, shall be

elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this act. Vacancies in the offices of directors appointed pursuant to subdivision (b) of Section 14 occurring in the board of directors, by reason of death, resignation or otherwise, shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall hold such office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. Within 10 days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars ($1,000) which shall be approved by the judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. Vacancies occurring in the offices of directors who are elected to the board of directors, by reason of death, resignation or otherwise, shall be filled pursuant to Section 1780 of the Government Code.

SEC. 19. Notwithstanding any other provision of law, a person who is appointed prior to January 1, 1976 to fill a vacancy in the elective office on the governing board of a special district pursuant to Section 1780 of the Government Code, and who has not been elected to hold such office prior to that date, shall hold office until the next district general election.

CHAPTER 1060

An act to amend and renumber the headings of Chapter 1.5 (commencing with Section 6300), Chapter 2 (commencing with Section 6400), Chapter 3 (commencing with Section 6800), Chapter 4 (commencing with Section 7100), and Chapter 5 (commencing with Section 7200) of Division 5 of, to add Chapter 1 (commencing with Section 6000) and Chapter 2 (commencing with Section 6100) to Division 5 of, and to add Part 4 (commencing with Section 9600) to, to repeal Chapter 1 (commencing with Section 6000) of Division 5 of, and to repeal Part 4 (commencing with Section 9600) of Division 6 of, the Elections Code, relating to elections.

[Became law without Governor's signature September 25, 1975. Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1 (commencing with Section 6000) of Division 5 of the Elections Code is repealed.

SEC. 2. Chapter 1 (commencing with Section 6000) is added to Division 5 of the Elections Code, to read:

CHAPTER 1. PRESIDENTIAL PRIMARY

Article 1. General Provisions

6000. The provisions of this code relating to the direct primary apply to the presidential primary insofar as the former do not conflict with the latter.

6001. This chapter applies both to the nomination of a slate of delegates pledged to the candidacy of a particular candidate and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6002. This chapter shall apply to the Republican Party and to any other qualified political party for which presidential primary provisions are not expressly provided for by this code.

Article 2. Number and Certification of Delegates

6005. The chairman of the state central committee of each of the political parties qualified to participate in the presidential primary shall notify the Secretary of State on or before the first day of March immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his party.

6006. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO
PARTY NATIONAL CONVENTION

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the _____ Party is _____.

Dated this _____ day of _____, 19__.

_____
Chairman of the State Central
Committee of the _____ Party.

6007. If a chairman of a state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6008. The Secretary of State shall, on or before the 10th day of

March of the year of the presidential primary, certify to the county clerk of each county the number of delegates to be elected by each of the political parties qualified to participate in the election.

6009. The certification to the county clerk of the number of delegates shall be in substantially the following form:

CERTIFICATE OF SECRETARY OF STATE AS TO
NUMBER OF DELEGATES TO EACH PARTY
NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the political parties qualified to participate in the presidential primary to be held in this state on the _____ day of _____, 19__, and the number of delegates to be elected by each political party to represent the State of California in its next national convention is as follows:

Parties	Number of delegates

Dated at Sacramento, California, this _____ day of March, 19__.

(SEAL) Secretary of State

Article 3. Selection of Candidates

6010. Any three or more voters of the state who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6011. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6012. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

6013. The names of the grouped candidates shall be so selected

that the smallest number of candidates who reside in any one congressional district shall not be less than the integer of the quotient obtained by dividing the number of the names of candidates appearing upon the same nomination paper by the total number of congressional districts of the state, and that the largest number of candidates who reside in any one congressional district shall not be greater than twice that integer. In any county in which are located two or more entire congressional districts the delegates may be selected from the county at large. If the names are not so selected, the names shall not be certified by the county clerk to the Secretary of State.

6014. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed in Section 6013.

6015. Each group of candidates for delegates, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee.

6016. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6017. Each candidate for delegate to his national party convention shall file with the Secretary of State, before the circulation of the nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate if elected.

(g) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

(h) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular candidate the following statement: "I express no preference for a particular candidate. The chairman of my group is _____."

The name of a candidate for presidential nominee shall not be

placed on the ballot unless this affidavit has been properly filed by each candidate for delegate of the group supporting the candidate.

6018. The affidavit of a candidate for delegate shall be in substantially the following form:

Affidavit of Candidate for Delegate

State of California }
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ Assembly District and I reside and am a voter therein, my post office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19__, for delegate to the next national convention of the _____ Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19__.

_____

(SEAL) Notary Public (or other official)

Article 4. Nomination Papers

6020. As used in this article, "basis of percentage" means:

(a) If a party's candidate for Governor was the candidate of the party alone, the vote polled for the party's candidate for governor at the last preceding general election at which a Governor was elected.

(b) If a party's candidate for Governor was not the candidate of that party alone, the vote polled at the last preceding general election by that one of the party's candidates voted on throughout the state who received the greatest number of votes of all of the party's candidates who were the candidates of that party alone.

(c) If a party had no candidate voted on throughout the state who was the candidate of that party alone, the vote polled at the last

preceding general election by that one of the party's candidates voted on throughout the state who received the greatest number of votes of all the party's candidates who were the candidates of the party in conjunction with one or more other parties.

6021. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 74 days prior to the presidential primary. Upon the filing of nomination papers pursuant to this chapter, the persons named in such papers shall be voted upon as delegates to the respective national conventions of the several political parties, but their names shall not be printed upon the ballots of their respective parties.

6022. Nomination papers for candidates for delegates of any party shall be signed by not less than one-half of 1 percent and not more than 2 percent of the vote constituting the basis of percentage.

6023. Upon receipt of a sufficient number of signatures for the nomination of a group of candidates, the Secretary of State shall notify the chairman of the committee of that fact and advise him that no more signatures will be received.

6024. Each signer of a nomination paper may sign only one paper. He shall declare his intention to support the group of candidates for nomination, add his place of residence, and give his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence.

6025. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign.

6026. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required. The affidavit of any verification deputy shall be verified free of charge by any officer authorized to administer oaths.

6027. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6028. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required.) etc., as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19__. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
etc.				

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of

California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
(SEAL) Notary Public (or other official)

Article 5. Verification Deputies

6030. The committee organized to form a group of candidates for delegates, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the group of candidates. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the group of candidates in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the group of candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6031. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next national convention of the _____ Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed)

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____, County Clerk

By _____, Deputy

6032. Verification deputies may obtain signatures to the nomination paper of the group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6033. The verification of signatures to nomination papers shall not be made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

Article 6. Arrangement and Examination of Nomination Papers

6040. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the committee, or to its duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the committee, or its duly authorized representatives, and they shall arrange and leave the sections with the county clerk for examination.

6041. Prior to filing, the sections of a nomination paper for any group of candidates shall be numbered in order.

6042. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6043. The county clerk shall examine all nomination papers left with him for examination and shall disregard and mark "not

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sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the political party named in the nomination papers.

6044. Within five days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6045. The county clerk's certificate to nomination papers of a group of candidates shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF GROUP OF CANDIDATES

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the group of candidates for election as delegates at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The group of candidates named in the nomination papers comprise the following (state names of candidates):

_____	_____	_____
_____	_____	_____
_____	_____	_____
etc.	etc.	etc.

Dated this _____ day of _____, 19__.

(SEAL) _____, County Clerk

By _____, Deputy

6046. No filing fee is required from any person to be voted for at a presidential primary.

Article 7. Certified List of Candidates, Notice of Election

6050. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19__, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6017, and who may be voted for as one of a group.

LIST OF CANDIDATES

_____ Party

Candidates preferring _____	Candidates preferring _____	No preference (Name of chairman) _____
Name Address Top of group	Name Address Top of group	Name Address Top of group
1_____	1_____	1_____
2_____	2_____	2_____
3_____	3_____	3_____
etc.	etc.	etc.

_____ Party

(etc., as above with each political party)

Dated at Sacramento, California, this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

6051. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6052. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code, and by causing a copy thereof to be posted at the courthouse door and at such other places in the county as are designated by ordinance for the posting of public notices.

The cities or town of residence of the delegates and alternates shall be included in the presidential primary notice.

6053. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF PRESIDENTIAL PRIMARY ELECTION, POLITICAL PARTIES ENTITLED TO PARTICIPATE THEREIN, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19__, and that hereinafter under the designation of each of the political parties entitled to participate therein there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of that party under which his name appears; and that under the name of each party, and under the name of the person for whom a preference as nominee of that party for President has been expressed or under the name of the chairman of the group if the group has no preference for a particular candidate, there is stated the name of each of those candidates for delegate who has filed a statement pursuant to Section 6017, and who may be voted for as one of a group:

LIST OF CANDIDATES

_____ Party

Candidates preferring _____	Candidates preferring _____	No preference (Name of chairman) _____
Name Address Top of group	Name Address Top of group	Name Address Top of group
1_____	1_____	1_____
2_____	2_____	2_____
3_____	3_____	3_____
etc. _____	etc. _____	etc. _____

_____ Party

(etc., as above with each political party)

Notice is also hereby given that at the presidential primary the polls will be open from the hour of 7 o'clock a.m. to the hour of 7 o'clock p.m. on the day thereof.

Dated this _____ day of _____, 19__.

_____, County Clerk

Article 8. Canvass of Returns. Certificate of Election

6055. The Secretary of State shall, not later than the 21st day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each group the total of the votes received, the votes received in each county, and the names of the candidates comprising that group.

6056. Immediately after he has compiled the returns of the votes for delegates, the Secretary of State shall issue a certificate of election, as to each party, to each person who is a member of the group which received the largest vote cast for any group of that party, such person thereby being elected as delegate to his national party convention.

6057. The certification issued to delegates shall be in substantially the following form:

CERTIFICATION ISSUED TO DELEGATE

OFFICE OF SECRETARY OF STATE
SACRAMENTO, CALIFORNIA

I, _____, Secretary of State of the State of California, do hereby certify that in accordance with applicable state laws and the results of the presidential preference primary election held in this state on the _____ day of _____, 19____, _____ is hereby certified as a delegate by the _____ Party to represent the State of California in that party's next national convention, .

Witness my hand and official seal this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

Article 9. Substitute and Alternate Delegates

6080. The delegates to each national party convention elected at the presidential primary shall, before leaving the state to attend the convention, meet together and select a chairman of the delegation.

6081. If a vacancy exists in the office of delegate or alternate, the

chairman of the delegation shall designate a person to fill that vacancy.

6082. The alternate of any delegate who is unable to attend the convention shall attend the convention in his place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he represents when the delegate is occupying his seat at the convention.

Article 10. Write-In Candidates

6090. Notwithstanding any other provisions of law, a space shall be provided on the presidential primary ballot for an elector to write in the name of a candidate for President of the United States.

6091. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than eight days before the primary election, file his endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

6092. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the national convention of his political party with the Secretary of State in the manner prescribed in Sections 6013 and 6014.

6093. If the candidate fails to file a list of delegates, the state central committee of the party in whose primary the candidate received the plurality vote shall within 10 days of the end of the 10-day period required in Section 6092, to file a list of delegates with the Secretary of State. The delegation shall go to the convention unpledged to any candidate.

SEC. 3. Chapter 2 (commencing with Section 6100) is added to Division 5 of the Elections Code, to read:

CHAPTER 2. AMERICAN INDEPENDENT PARTY PRESIDENTIAL PRIMARY

Article 1. General Provisions

6100. The provisions of this chapter shall be applicable to the primary ballot of the American Independent Party only.

6101. The provisions of this code relating to the direct primary apply to the American Independent Party presidential primary insofar as the former do not conflict with the latter.

6102. The presidential primary ballot shall be divided into a presidential preference portion and a delegate selection portion.

6103. No filing fee is required from any person to be voted for at any presidential primary.

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Article 2. Qualification of Candidates for Presidential Reference Portion of Primary Ballot

6110. The Secretary of State shall place the name of a candidate upon the American Independent Party presidential preference ballot when the Secretary of State shall have determined that such a candidate is generally advocated for or recognized in the news media throughout the United States or California as actively seeking the nomination of the American Independent Party for President of the United States.

On or before February 1 immediately preceding a presidential primary election the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates he intends to place on the ballot at the following presidential primary election. Following this announcement he may add candidates to his selection, but he may not delete any candidate whose name appears on the announced list.

6111. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6110, he shall notify the candidate that his name will appear on the ballot of this state in the presidential primary.

The Secretary of State shall also notify the candidate that he may withdraw his name from the ballot by filing with the Secretary of State an affidavit pursuant to Section 6112, no later than the 64th day before that election.

6112. If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 64th day before the presidential primary, an affidavit stating without qualification that he is not now a candidate for the office of President of the United States at the forthcoming presidential primary election, his name shall be omitted from the list of names certified by the Secretary of State to the county clerks for the ballot and his name shall not appear on the presidential preference portion of the primary ballot.

6113. Any unselected candidate desiring to have his name placed on the presidential preference primary ballot without filing a group of candidates for delegates, shall have nomination papers circulated in his behalf. In order to qualify his name for placement on the presidential preference primary ballot, the candidate's nomination papers shall be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1 percent of the number of persons registered as members of the American Independent Party as reflected in the report of registration issued by the Secretary of State in January of the year of the presidential primary election.

6114. The name of any presidential candidate, to whom are pledged a group of candidates who have qualified by petition for the delegate selection portion of the presidential primary ballot, shall, in addition, be automatically placed on the presidential preference portion of the ballot, without the filing of a separate petition for the

presidential preference portion of the ballot.

Article 3. Determination of Number of Delegates to National Convention

6120. The chairman of the state central committee of the American Independent Party shall notify the Secretary of State on or before the first day of February immediately preceding the presidential primary as to the number of delegates to represent the state in the next national convention of his party.

6121. The notification of the number of delegates shall be in substantially the following form:

STATEMENT OF NUMBER OF DELEGATES TO AMERICAN INDEPENDENT PARTY NATIONAL CONVENTION

To the Secretary of State Sacramento, California

You are hereby notified that the number of delegates to represent the State of California in the next national convention of the American Independent Party is _____.

Dated this _____ day of _____, 19__.

_____

Chairman of the State Central Committee of the American Independent Party.

6122. If the chairman of the state central committee fails to file a notice as to the number of delegates, the Secretary of State shall ascertain the number from the call for the national convention issued by the national committee of the party.

6123. The Secretary of State shall, on or before the 10th day of February of the year of the presidential primary, certify to the county clerk of each county the number of delegates to be elected by the American Independent Party.

6124 The certification to the county clerk of the number of delegates shall be in substantially the following form:

CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER OF DELEGATES TO AMERICAN INDEPENDENT PARTY NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the American Independent Party is qualified to participate in the presidential primary to be held in this state on the _____ day of _____, 19__, and the number of delegates to be elected by the American Independent Party to represent the State of California in its next national convention is _____.

Dated at Sacramento, California, this _____ day of March, 19__.

_____

(SEAL) Secretary of State

Article 4. Qualification of Groups of Candidates for Delegate Selection Portion of Primary Ballot

6130. Any three or more voters of the state who are registered as intending to affiliate with the American Independent Party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person, if any, preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

6131. The committee, on or before the 104th day before filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

6132. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

6133. The candidates of each group shall be selected as follows:

(a) No less than two-thirds shall be selected to represent congressional districts, and each of these candidates shall be a resident of the district which he is selected to represent. Congressional district candidates shall be apportioned among congressional districts according to the ratio which the American Independent Party registration in the district bears to the total statewide registration of the party as determined by the Secretary of State on January 1 of the year in which the presidential primary is held, except that at least one candidate in the group shall be a resident of each congressional district.

(b) No more than one-third may be selected from the state at large without regard to congressional district of residence.

If the names are not so selected, the names shall not be certified by the county clerk to the Secretary of State.

6134. The number of alternates to be selected shall be no greater than one for each delegate, and the alternates shall be selected in the manner prescribed by Section 6133.

6135. Each group of candidates for delegates, which intends to pledge itself to the candidacy of a particular candidate for presidential nominee, shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates

pledged to the support of his candidacy as presidential nominee.

6136. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group.

6137. Each candidate for delegate to the American Independent Party convention shall file with the Secretary of State, before the circulation of nomination papers of the group of candidates of which he is a member, an affidavit which shall state:

(a) His residence, with street and number, if any.

(b) His congressional district.

(c) His election precinct.

(d) That he is a voter in the precinct in which he resides.

(e) That he is a candidate for office of delegate.

(f) That he will not withdraw as a candidate before the presidential primary.

(g) That he will qualify as a delegate if elected.

(h) In the case of a candidate for delegate on a slate of delegates pledging itself to the candidacy of a particular candidate for presidential nominee, the following statement: "I personally prefer _____ as nominee of the American Independent Party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of the American Independent Party for President of the United States.

(i) In the case of a candidate for delegate on a slate of delegates not expressing a preference for a particular candidate, the following statement: "I express no preference for a particular candidate. The chairman of my group is _____."

The name of a candidate for presidential nominee shall not be placed on the ballot unless this affidavit has been properly filed by each candidate for delegate of the group supporting the candidate.

6138. The affidavit of a candidate for delegate shall be in substantially the following form:

Affidavit of Candidate for Delegate

State of California }
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ and I reside and am a voter therein, my post office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19__, for delegate to the next national convention of the American Independent Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of the American Independent Party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of the American Independent Party for President of the United States. (This statement of preference shall be omitted where the candidate for delegate is part of a group not expressing a preference for a particular candidate.)

I express no preference for a particular candidate. The chairman of my group is _____. (This statement shall be omitted where the candidate for delegate is part of a group expressing a preference for a particular candidate.)

I declare under penalty of perjury that the foregoing is true and correct.

(Signed) _____

6139. Nomination papers for candidates for delegates shall be signed by voters registered as affiliated with the American Independent Party equal in number to not less than 1 percent of the number of persons registered as members of the American Independent Party on January 1 of the presidential primary year.

Article 5. Preparation, Circulation, and Filing of Nominating Papers

6140. This article applies to the nomination of a candidate for the presidential preference portion of the primary ballot, to the nomination of a slate of delegates pledged to the candidacy of a particular candidate, and to the nomination of a slate of delegates not expressing a preference for a particular candidate.

6141. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated at least 74 days prior to the presidential primary.

6142. Each signer of a nomination paper for the presidential primary ballot may sign only one paper. He shall declare his intention to support the presidential preference candidate or the group of candidates for delegates, add his place of residence, and give his street and number if any. He shall write the date of his signature at the end of the line just after his residence.

6143. Any nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate, or the names of the candidates for delegates comprising the group, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as intending to affiliate with the American Independent Party are competent to

sign.

6144. Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the verification deputy who obtained signatures to it, stating, under penalty of perjury, that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be. No other affidavit is required.

6145. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters, until it is otherwise proved by comparison of the signatures with the affidavits of registration in the office of the county clerk.

6146. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____ Page _____

County of _____. Nomination paper of a presidential preference candidate for the American Independent Party presidential primary ballot.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate _____ for the presidential preference portion of the American Independent Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of _____, 19__. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates, to the national convention of the party, and I further declare that I intend to support the candidate named herein.

Number	Signature	Residence	Date
1			
2			
3			
Etc.			

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the American Independent Party; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

(Signed) _____
Verification Deputy

6147. The nomination paper for a group of candidates for delegates, to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates by the American Independent Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required) etc., as candidates for delegates to the American Independent Party's national convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19__. I have not signed the nomination paper of any other candidates for the same office, or of any candidate for the presidential preference portion of the primary ballot, and I further declare that I intend to support for nomination the candidates named herein.

Number	Signature	Residence	Date
1			
2			
3			
etc.			

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the American Independent Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

(Signed) _____

Verification Deputy

6148. Either a candidate, or his duly authorized representative, or a committee organized to form a group of candidates for delegates, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the candidate or group of candidates. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the candidate or group of candidates in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the candidate or group of

candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

6149. The verification deputies may be appointed by the candidate, or his duly authorized representative, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY CANDIDATE, OR HIS DULY AUTHORIZED REPRESENTATIVE

I, the undersigned candidate for the presidential preference primary of the American Independent Party (or duly authorized representative of _____), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing _____ in nomination for the presidential preference primary.

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

CANDIDATE OR DULY AUTHORIZED REPRESENTATIVE

(Signed) _____
Name Residence

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____
County Clerk

By _____
Deputy

6150. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next

national convention of the American Independent Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed) _____

Name	Residence
_____	_____
_____	_____
_____	_____
etc.	etc.

Filed in the office of the County Clerk of _____ County, this _____ day of _____, 19__.

_____
County Clerk

By _____
Deputy

6151. Verification deputies may obtain signatures to the nomination paper of the candidate or group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

6152. The verification of signatures to nomination papers shall not be made made by a county clerk, a deputy county clerk, or within 100 feet of any election booth, polling place, or any place where registration of electors is being conducted.

6153. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the candidate, committee, or duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the candidate, committee, or duly authorized representatives, who shall arrange and leave the sections with the county clerk for examination.

6154. Prior to filing, the sections of a nomination paper for any candidate or group of candidates shall be numbered in order.

6155. Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be thus fastened together.

6156. The county clerk shall examine all nomination papers left

with him for examination and shall disregard and mark "not sufficient" the name of any voter of his county which does not appear in the same handwriting on an affidavit of registration in the office of the county clerk. He shall also disregard and mark "not sufficient" the name of any voter of his county who has not stated his intention to affiliate with the political party named in the nomination papers.

6157. Within five days after any nomination papers are left with him for examination, the county clerk shall:

(a) Examine and affix to them a certificate reciting that he has examined them and stating the number of names which have not been marked "not sufficient."

(b) Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.

6158. The county clerk's certificate to nomination papers of a candidate or group of candidates shall be in substantially the following form:

COUNTY CLERK'S CERTIFICATE TO NOMINATION PAPERS OF CANDIDATE OR GROUP OF CANDIDATES

To the Secretary of State:

I, County Clerk of the County of _____, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the candidate or group of candidates for election at the ensuing presidential primary, and that the number of names which I have not marked "not sufficient" is _____.

The candidate or group of candidates named in the nomination papers comprise the following (state names of candidates):

_____	_____	_____
_____	_____	_____
_____	_____	_____
etc.	etc.	etc.

Dated this _____ day of _____, 19__.

_____

(SEAL) County Clerk

By _____

Deputy

6159. Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the candidate, or his duly authorized representative, of that fact.

Upon receipt of a sufficient number of signatures for the nomination of a group of candidates for delegates, the Secretary of State shall notify the chairman of the committee of that fact.

In each case, the Secretary of State shall advise the person receiving such notification that no more signatures will be received.

Article 6. Certification and Publication of Delegate Lists

6160. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE

DEPARTMENT OF STATE

To the County Clerk of _____ County:

I, _____, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the _____ day of _____, 19__, as delegate to the next national convention of the American Independent Party; I further certify that in the list, under the name of the person for whom a preference as nominee of the American Independent Party for President has been expressed, or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6137, and who may be voted for as one of a group.

LIST OF CANDIDATES

American Independent Party

Candidates preferring	Candidates preferring	No preference (Name of chairman)
Name Address Top of group	Name Address Top of group	Name Address Top of group
1. _____	1. _____	1. _____
2. _____	2. _____	2. _____
3. _____	3. _____	3. _____
etc.	etc.	etc.

Dated at Sacramento, California, this _____ day of _____, 19__.

_____

(SEAL) Secretary of State

6161. Immediately after the county clerk receives the certified list of candidates from the Secretary of State, he shall publish it in a

presidential primary notice, under the proper party designation. The notice shall also contain:

(a) The date of the election.

(b) The hours during which the polls will be open.

6162. The publication of the presidential primary notice shall be made in the county pursuant to Section 6061 of the Government Code.

6163. The notice of the list of candidates published by the county clerk shall be in substantially the following form:

NOTICE BY COUNTY CLERK OF TIME AND PLACE OF AMERICAN INDEPENDENT PARTY PRESIDENTIAL PRIMARY ELECTION, AND NAMES AND ADDRESSES OF CANDIDATES FOR DELEGATE

Notice is hereby given that a presidential primary election is to be held in the County of _____ on the _____ day of _____, 19__, and that hereinafter under the designation of the American Independent Party there is stated the name and address of each person for whom nomination papers have been filed in the office of the Secretary of State and who is entitled to be voted for, at the election, as delegate to the next national convention of the American Independent Party; and that under the name of the person for whom a preference as nominee of the party has been expressed or under the name of the chairman of the group if the group has no preference for a particular candidate, there is stated the name of each of those candidates for delegate who has filed a statement pursuant to Section 6137, and who may be voted for as one of the group:

LIST OF CANDIDATES

American Independent Party

Candidates preferring	Candidates preferring	No preference (Name of chairman)
1. _____	1. _____	1. _____
2. _____	2. _____	2. _____
3. _____	3. _____	3. _____
etc. _____	etc. _____	etc. _____

Notice is also given that at the presidential primary the polls will be open from 7 a m. to 8 p.m. on the day thereof.

Dated this _____ day of _____, 19__.

_____

County Clerk

Article 7. American Independent Presidential Primary Ballot

6170. For the presidential primary election, the format of the American Independent Party ballot shall be governed by the provisions of Chapter 2 (commencing with Section 10200) of Division 7, with the following exceptions:

(a) In place of the heading "Delegates to National Convention, vote for one group only" shall appear the heading "Presidential Preference, vote for one".

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a). The order of their names shall be as follows: The Secretary of State shall arrange the names in alphabetical order for the First Assembly District. Thereafter, for each succeeding Assembly district, the name appearing first in the preceding Assembly district shall be placed last, the order of the other names remaining unchanged. A space shall be provided following the names of these candidates for a write-in candidate.

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading "Delegates to National Convention, vote for one group "

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c) in the same manner provided for in subdivision (b).

(e) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 10200) of Division 7 except that they shall begin with the words, "To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate. Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot."

6171. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than 21 days before the primary election, file his endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

Article 8. Postelection Proceedings

6190. The Secretary of State shall, not later than the 21st day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks.

The compiled statement shall show for each group the total of the votes received, the votes received in each county, and the names of the candidates comprising that group.

6191. The Secretary of State shall, not later than the 24th day after

the election, issue a certificate of election to each person who is a member of the group which received the largest vote cast for any group of that party, such person thereby being elected as delegate to his national party convention.

6192. The certificate of election shall be in substantially the following form:

CERTIFICATE OF DELEGATE

OFFICE OF SECRETARY OF STATE
SACRAMENTO, CALIFORNIA

I, _____, Secretary of State of the State of California, do hereby certify that at the presidential primary election held in this state on the _____ day of _____, 19__, _____ was elected a delegate by the American Independent Party to represent the State of California in that party's next national convention, as appears by the official returns of the primary election and statement thereof on file in my office.

Witness my hand and official seal this _____ day of _____, 19__.

(SEAL) _____

Secretary of State

6193. Any person who receives, by write-in vote, a plurality of the votes cast in the delegate selection primary shall, within 31 days after the primary election, file a list of delegates to the national convention with the Secretary of State in the manner prescribed in Sections 6133 and 6134.

6194. If the candidate fails to file a list of delegates, the state central committee of the party shall within 10 days of the end of the 31-day period required in Section 6193 file a list of delegates with the Secretary of State. The delegation shall go to the convention unpledged to any candidate.

6195. If a group of candidates for delegates preferring a particular presidential candidate are elected at the presidential primary, the delegates to the national convention shall, before leaving the state to attend the convention, meet together and select a chairman of the delegation.

6196. If a group of candidates for delegates expressing no preference for a particular presidential candidate are elected, the chairman of the group shall serve as chairman of the delegation. If, by any reason, the chairman of the group becomes unable to serve as chairman of the delegation, the delegates shall meet and select a new chairman as provided in Section 6195.

6197. If a vacancy exists in the office of delegate or alternate, the chairman of the delegation shall designate a person to fill that vacancy.

6198. The alternate of any delegate who is unable to attend the

convention shall attend the convention in his place and shall otherwise discharge the duties of that delegate. An alternate shall not vote in place of the delegate whom he represents when the delegate is occupying his seat at the convention.

SEC. 4. The heading of Chapter 1.5 (commencing with Section 6300) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 4. DEMOCRATIC PRESIDENTIAL PRIMARY

SEC. 5. The heading of Chapter 2 (commencing with Section 6400) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 5. DIRECT PRIMARY

SEC. 6. The heading of Chapter 3 (commencing with Section 6800) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 6. INDEPENDENT NOMINATIONS

SEC. 7. The heading of Chapter 4 (commencing with Section 7100) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 7. NOMINATION PAPERS, GENERALLY

SEC. 8. The heading of Chapter 5 (commencing with Section 7200) of Division 5 of the Elections Code is amended and renumbered to read:

CHAPTER 8. NOMINATION OF CANDIDATES FOR LEGISLATURE AND CONGRESSIONAL OFFICES AT SPECIAL ELECTIONS

SEC. 9. Part 4 (commencing with Section 9600) of Division 6 of the Elections Code is repealed.

SEC. 10. Part 4 (commencing with Section 9600) is added to Division 6 of the Elections Code, to read:

PART 4. AMERICAN INDEPENDENT PARTY

CHAPTER 1. GENERAL PROVISIONS

9600. The provisions of this part shall apply to the organization, operation, and functions of that political party known as the American Independent Party of California.

CHAPTER 2. STATE CONVENTION

Article 1. Delegates

9610. The state convention shall consist of one delegate for each of the following officers:

(a) Governor.
(b) Lieutenant Governor.
(c) Treasurer.
(d) Controller.
(e) Attorney General.
(f) Secretary of State.
(g) All members of the State Board of Equalization.
(h) All Senators and Representatives of Congress from California.
(i) All Members of the State Legislature.
(j) National committeemen and committeewomen.
(k) Chairman and state vice chairman of the state central committee.

9611. The state convention shall be composed of the following delegates:

(a) Each officer named in Section 9610 who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the direct primary election, or the appointee or successor appointed, elected, or otherwise designated by law to fill a vacancy in the office of any such officer. These delegates are "holdover delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the direct primary election by that party. These delegates are "nominee delegates." Nominees for an office the term of which extends beyond two years are delegates to each succeeding state convention until that following the direct primary election at which nominations for the office are again to be made. If a candidate is a "nominee delegate" to the state convention held in the year in which he is nominated, and is elected to the office at the succeeding general election, he shall be considered a "holdover delegate" to the state convention of his party in the next odd-numbered year, if his party is required to hold such a convention.

(c) One delegate appointed for each of the officers named in Section 9610 not represented by a "holdover delegate" nor by a "nominee delegate" of the party. These delegates shall be chosen and appointed in the manner provided in this chapter for filling vacancies in the state convention. These delegates are "appointive delegates."

9612. Membership in the state convention shall not be granted to any party nominee unless he is registered as being a member of this party.

9613. A vacancy exists in the membership:

(a) When there is no "holdover delegate" nor "nominee

delegate" of the party.

(b) When any nominee is disqualified for membership under the provisions of Section 9612 or for any other reason stated in this division.

(c) When no nomination for an elective office has been made.

(d) When a delegate dies prior to the convention.

9614. Delegates shall be appointed to fill vacancies in the membership as follows:

(a) If the vacancy occurs in a senatorial or Assembly district situated wholly within the limits of a single county, by appointment by the county central committee of the party in the county. Whenever such a vacancy occurs by virtue of the failure to nominate a person affiliated with the party, no person shall be chosen to fill the vacancy who does not reside in the senatorial or Assembly district involved.

(b) If the vacancy occurs in a senatorial or Assembly district comprising two or more counties, parts of two or more counties, or one or more counties and parts of one or more counties, by appointment by the county central committee representing more voters affiliated with the American Independent Party than does any other county central committee in the district.

(c) If there is no county central committee qualified to act, or the qualified county central committee fails to act, under the provisions of subdivision (a) or (b) of this section, the appointment shall be made by the state central committee of the party.

(d) If the vacancy occurs as to a delegate for a United States Senator from California or as to a delegate for any of the state officers named in Section 9610 by appointment by the state central committee of the party.

(e) If the vacancy occurs as to a delegate for any Representative in Congress from California, by appointment by the state central committee of the party of a voter who resides within the congressional district to be represented.

9615. Vacancies filled by a county central committee pursuant to subdivision (a) or (b) of Section 9614 shall be filled and filed with the office of the Secretary of State by 5 p.m. of the first Monday after the second Tuesday in July prior to the state convention.

Vacancies filled by the state central committee pursuant to subdivision (c), (d), or (e) of Section 9614, shall be filled and filed with the office of the Secretary of State by 5 p.m. of the second Monday after the second Tuesday in July prior to the state convention.

9616. A county central committee may authorize its chairman to appoint delegates to fill vacancies in the membership of party state conventions which the county central committee has power to fill.

9617. The appointment of delegates pursuant to Section 9614 and filed with the office of the Secretary of State pursuant to Section 9615 shall be in writing signed by the chairman and the secretary of the committee which has the power to make the appointment.

9618. If a person is a delegate to the state convention and qualified independently of that fact to be a delegate to the same state convention, he shall be a delegate by virtue of the most recent election at which he becomes a delegate. The resulting vacancy shall be filled pursuant to Section 9614.

Article 2. Meetings

9620. The state convention shall meet biennially at Sacramento at 10 a.m. of the last Saturday in August next following the direct primary election.

Article 3. General Business

9630. The convention shall be called to order by the chairman of the state central committee at 10 a.m. of the last Saturday in August next following the direct primary election. It shall at once proceed to the election of a chairman. The election shall be by alphabetical rollcall if requested by a petition signed by 50 members. The convention shall elect such other officers as the convention may determine.

9631. The chairman shall appoint a committee consisting of one delegate from each senatorial district, which shall serve as the committee on credentials of the convention, and he shall appoint such other committees as the convention may direct.

9632. The convention, upon election of permanent officers, shall adopt a state platform for this party, which platform shall be made public upon its adoption.

9633. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to and shall certify the name of each elector nominated, and his residence address to the Secretary of State.

9634. The vote on any issue at the convention, including the election of officers, may be by rollcall or such other method as may be prescribed by the convention.

9635. The proceedings at the convention shall be governed by any manual of parliamentary procedure designated by the convention.

CHAPTER 3. STATE CENTRAL COMMITTEE

Article 1. Members

9640. The state central committee shall consist of:

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this part.

(d) Any person nominated to fill a vacancy in a partisan office in a special election.

9641. Each delegate to the state convention shall appoint to membership on this committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute.

9642. A delegate to the state convention who at the date of that state convention is the incumbent of any of the offices listed in Section 9610 may appoint, without regard to sex, two additional voters to membership on this committee of this party.

9643. Any person who is a member of this committee by virtue of having been nominated to fill a vacancy in a partisan office in a special election, shall within 60 days of the special election, appoint members to this committee in the same manner as delegates to the state convention make such appointments.

9644. Appointments of members to this committee shall be made in writing signed by the delegate under penalty of perjury and delivered to the Secretary of State not later than 5 p.m. of the Tuesday immediately preceding the Sunday on which the first meeting of the committee is to be held.

9645. The Secretary of State shall provide a duplicate copy of the appointment form to each delegate, which shall be used by the delegate to file his appointments with the state chairman of the political party with which the delegate is affiliated. Such filing shall be made at the same time as the filing of the appointments in the office of the Secretary of State.

9646. Each delegate to the state convention shall send a notice by mail to each person whom he has appointed as a member of this committee which will inform him that:

(a) He is a member of the committee.

(b) The committee will meet in Sacramento and the date of the meeting.

(c) The meeting may be attended either in person or by proxy.

(d) Every proxy shall be filed in the office of the Secretary of State not later than 12 noon of the day preceding the meeting of the committee.

(e) The proxy shall be in writing signed by the member under penalty of perjury.

Each delegate shall enclose with each notice one copy of the form of proxy sent to that delegate by the Secretary of State.

9647. A person is not eligible for appointment to this committee if he is not registered as affiliated with this party at the time of his appointment.

9648. This committee may remove any member who during his term of membership affiliates with or registers as a member of another party. This committee may also remove any appointed member who publicly advocates that the voters should not vote for the nominee of the party for any office, or who publicly gives support

to or avows a preference for a candidate of another party who is opposed to a candidate nominated by this party.

9649. In the event of the appointment of an ineligible person, or whenever any member of this committee dies, resigns, or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of the committee's party, a vacancy exists which shall be filled in the manner prescribed in Section 9650. A vacancy shall also exist on this committee when a member is removed from the committee pursuant to Section 9687, or Section 9648, and such vacancy shall be filled in the manner prescribed in Section 9650, such member to serve the remainder of the unexpired term of the member removed.

9650. Should a member appointed to membership pursuant to Section 9641 or 9642 cease to be a member for any of the reasons specified in Section 9649, the vacancy shall be filled by the person who appointed him, unless that person is himself no longer a member of this committee or indicates that he does not wish to fill the vacancy, in which instances the committee shall do so.

Notice shall be given by the committee to a person entitled to fill a vacancy under this section as soon as possible after the occurrence of the vacancy. The committee shall notify in writing the Secretary of State of all appointments made pursuant to this section.

9651. In the event the appointment of alternate or associate members is authorized by statute or the rules of the committee, this committee shall supply forms to the members for the appointment of such members. The forms shall be in substantially the same language as set forth in Section 8101, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, Assembly, and senatorial districts in which the appointees reside.

9652. Each delegate to the state convention may appoint three voters as associate members of this committee. An associate member shall have such privileges and obligations as are given to him by the rules of the committee but shall not be able to vote.

Article 2. Meetings

9660. This committee shall convene at Sacramento at 10 a.m. of the Sunday following the last Saturday in August next following the direct primary election.

Article 3. Proxies

9670. No proxy shall be recognized unless filed in the office of the Secretary of State not later than 12 o'clock noon of the day preceding the state committee meeting.

9671. When a proxy is filed with the Secretary of State he shall immediately forward it to the chairman of the state central committee or his designate.

9672. Revocation or change of proxies shall be recognized by this committee on proxies and credentials only upon a personal request made by the member before the committee.

Article 4. General Business

9680. The chairman of this committee shall call the committee to order at 10 a.m. on the day of first meeting. The next business in order shall be the election of a temporary chairman, which may be by acclamation, unless there is a contest, in which event the roll shall be called.

9681. The temporary chairman, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each senatorial district, selected from among the members of this committee certified by the Secretary of State.

9682. This committee shall choose its officers by rollcall vote, poll of senatorial district delegations, or such other method as may be prescribed by the committee. Its officers shall have the power usually exercised by the officers of such committees insofar as may be consistent with this chapter.

9683. This committee may select from its membership an executive committee to which it may grant all or any portion of its powers and duties. If this committee grants any portion of its powers to an executive committee, it shall provide for the election to its executive committee of two members, one of each sex, from each senatorial district delegation. A senatorial district delegation shall consist only of those state central committee members who reside within that senatorial district.

9684. The state central committee or its executive committee shall designate by resolution or bylaw the national committee or party organization with which the American Independent Party is affiliated and shall file a copy of such resolution or bylaw with the Secretary of State. In the event of controversy over the national affiliation of the party, the most recent resolution or bylaw filed shall be determinative.

9685. The chairman of this committee shall serve a two-year term but not succeed himself.

9686. The elective officers provided for in the bylaws of this committee shall serve for two-year terms.

9687. This committee may prescribe dues to be paid by those persons specified in Section 9640 in the manner and by the time prescribed by vote of the majority of the members of the committee. The dues charged shall not exceed twenty-four dollars ($24) per year.

Any member of this committee who fails to pay the dues prescribed by the committee may, upon first notifying the delegate to the state convention who appointed such member, be removed from the committee in the manner provided by the committee.

9688. This committee shall conduct party campaigns for this

party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

This committee shall have power to appoint interim county central committees in all counties in which the voters have not elected one or more county central committee members in the direct primary preceding the organization of this committee. Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required by Chapter 4 (commencing with Section 9700) of this part for appointees to fill vacancies on county central committees. Notice of all appointments pursuant to this section shall be filed by the state central committee with the county clerk of the county for which such interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all of the powers and privileges afforded county central committees by the provisions of Chapter 4 of this part, but members of interim county central committees shall not be designated as incumbents on the ballot in the succeeding primary election.

9689. A quorum of this committee is a majority of the entire membership, represented either in person or by proxy.

9690. The proceedings at all meetings of this committee shall be governed by any manual of parliamentary procedures designated by the committee.

CHAPTER 4. COUNTY CENTRAL COMMITTEE

Article 1. Members

9700. In each county containing less than five Assembly districts or portions thereof, except the City and County of San Francisco, a county central committee of at least 25 members shall be elected by supervisor districts, and the number elected from each supervisor district shall be determined as follows:

The number of voters registered as members of the American Independent Party, as reflected in the statement of voters and their political affiliations transmitted to the Secretary of State on before the 135th day before any primary election, shall be divided by 25. The number thus derived shall be divided into the number of American Independent Party voters registered in each supervisor district, and the integer nearest the resulting quotient shall be the number of central committee members to be elected to represent that supervisor district.

9701. In each county containing more than four Assembly districts or portions thereof, and the City and County of San Francisco, a county central committee shall be elected by Assembly districts, and the number elected shall be that number derived by multiplying 7 times the number of Assembly districts in whole or in

part within the county. The number elected from each Assembly district shall be determined as follows:

The number of voters registered as members of the American Independent Party, as reflected in the statement of voters and their political affiliations transmitted to the Secretary of State on or before the 135th day before any primary election, shall be divided by the total number of members to be elected in the county. The number thus derived shall be divided into the number of American Independent Party voters registered in each Assembly district or portion thereof, and the integer nearest the resulting quotient shall be the number of central committee members to be elected to represent that Assembly district or portion thereof.

9702. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he resides:

(a) Governor
(b) Lieutenant Governor
(c) Secretary of State
(d) Controller
(e) Treasurer
(f) Attorney General
(g) Member of the State Board of Equalization
(h) United States Senator from California
(i) Representative in Congress from California
(j) All Members of the State Legislature
(k) Any person nominated to a partisan office at a special election to fill a vacancy in that office.

Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next direct primary.

9703. A committee may authorize any member of that committee, whether elected or ex officio, to appoint an alternate if a member desires to appoint an alternate. An incumbent of an elected partisan office at the time of the meeting of the committee may appoint an alternate member without authorization from that committee, if the member desires to appoint an alternate.

Such alternate member shall have the right to vote only with the written authorization of the member who appointed him. An alternate member of a county central committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him.

9704. A person shall not be eligible for appointment or election to a committee who is not registered as affiliated with this party at the time of his appointment or election.

9705. Each member of a committee, whether elected to the

committee or appointed to fill a vacancy, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

9706. In the event that the candidates elected to a committee from a district do not equal the number of party committeemen to which such district is entitled to be represented under provisions of this chapter, a vacancy or vacancies exist to the extent of the difference between the number of elected committeemen and the number of committeemen by which the district is entitled to be represented. When such vacancy or vacancies exist they shall be filled by the committee to which insufficient members were elected, in the manner provided for in Section 9707 of this code.

9707. In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 9708 or Section 9710.

9708. Any member, other than an ex officio member, of a committee who misses more than three consecutive regularly called meetings may be removed by a vote of the committee concerned, unless his absence is caused by illness or temporary absence from the county on the date of the meeting.

9709. The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisor district from which he has been elected or appointed a member of that committee shall constitute his automatic resignation from the committee.

9710. A committee may remove any member who during his term of membership affiliates with, or registers as a member of another party.

A committee may remove any member, other than an ex officio member, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party who is opposed to a candidate nominated by this party.

9711. Whenever any person is appointed to fill a vacancy on a committee, the chairman of the committee shall file notices of the appointment with the county clerk and the chairman of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

Article 2. Election

9720. At every direct primary election a county central committee shall be elected in each county.

9721. The county clerk, no later than January 31 next preceding the direct primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

9722. In each county the name of each candidate for member of a committee shall appear upon the ballot only upon the filing of a nomination paper pursuant to Article 4 (commencing with Section 6490) and Article 5 (commencing with Section 6550) of Chapter 2 of Division 5 of this code, signed in his behalf by the voters of the Assembly or supervisor district in which he is a candidate.

9723. If the county clerk, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisor district does not exceed the number of candidates to be elected from that Assembly or supervisor district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisor district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

9724. In each county the number of candidates for membership in a county central committee in each Assembly or supervisor district who receive the highest number of votes shall be declared elected. However, a candidate for committeeman shall not be declared elected unless he has received votes equal in number to the minimum number of signatures to the nomination paper which would have been required to place his name on the direct primary ballot as a candidate for member of a committee.

9725. Whenever a candidate for election to a committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him to entitle him to election if he had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

Article 3. Meetings

9730. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk

of the county, on the second Tuesday in July following the direct primary election.

9731. Notwithstanding the provisions of Section 9730, a committee in a county having a population in excess of 4,000,000 shall meet at its county seat in a centrally located public auditorium sufficient to accommodate its membership.

9732. The Department of General Services shall permit any committee which desires to do so to hold meetings in a state building within the county, at least one of which meetings each month shall be without charge.

Article 4. General Business

9740. A committee shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by the state central committee.

9741. A committee may make rules and regulations providing:

(a) How officers of the committee may be removed.

(b) How meetings may be called.

(c) Whether or not proxies may be used and the conditions under which they may be used.

9742. The committee shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding direct primary and qualification of the members of the new committees.

9743. If the chairman of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

9744. In each county the county clerk, within five days after a committee meets as provided for in Section 9730, shall ascertain who is the newly elected chairman of the committee and shall mail a certificate to that effect to the Secretary of State.

9745. Each committee may establish annual dues not to exceed twenty-four dollars ($24) per year for elected, ex officio and alternate members. The committee may remove members or alternates for nonpayment of dues.

SEC. 11. Sections 1 and 2 of this act shall not become operative if Assembly Bill 427 of the 1975–76 Regular Session becomes operative on or before January 1, 1976.

SEC. 12. No appropriation is made by this act, nor is any obligation created thereby under Section 2231 of the Revenue and Taxation Code, for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.

CHAPTER 1061

An act to repeal and add Article 11 (commencing with Section 73701) of Chapter 10 of Title 8 of the Government Code, relating to municipal courts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 73701) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 11 (commencing with Section 73701) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 11. Manteca-Ripon-Escalon-Tracy

73701. This article applies to the municipal court established in the judicial district embracing the Cities of Manteca, Ripon, Escalon, and Tracy. The court referred to in this article is the successor of the court established by the consolidation of the Manteca-Ripon-Escalon Judicial District and the Tracy Judicial District by the Board of Supervisors of San Joaquin County.

73702. There shall be two judges.

73703. The present incumbents of judicial positions in the Manteca-Ripon-Escalon-Tracy Judicial District, de jure or de facto, or their successors, shall succeed to the judicial positions created by this article.

73704. There shall be one clerk who shall be the administrative officer of the court and receive the salary specified in Section 73710.

73705. The clerk may appoint:

(a) Two (2) chief deputy clerks who shall be assistant administrative officers.

(b) Two (2) deputy clerks III.

(c) Seven (7) deputy clerks II.

(d) Four (4) deputy clerks I.

73706. There shall be one marshal who shall receive the biweekly salary specified in range 46.5 as set forth in the biweekly salary schedule contained in Section 73709. Whenever the salary of lieutenant in the service of the County of San Joaquin is adjusted, the salary of the marshal shall be adjusted by an amount equivalent to that of such class of lieutenant.

73707. If the person holding the position of marshal of the Manteca-Ripon-Escalon-Tracy Judicial District, Eastern Division, on May 1, 1975, remains in office on the operative date of this article, he shall succeed as the marshal of the district and the marshal of the Manteca-Ripon-Escalon-Tracy Judicial District, Western Division,

shall succeed as senior deputy marshal in the district. If the person holding the position of marshal of the Manteca-Ripon-Escalon-Tracy Judicial District, Eastern Division, on May 1, 1975, is not in office on the operative date of this article, the marshal of the Manteca-Ripon-Escalon-Tracy Judicial District, Western Division, shall succeed as the marshal of this district.

73708. The marshal may appoint:

(a) One (1) senior deputy marshal.

(b) Four (4) deputy marshals.

(c) Three (3) clerk-typists II.

73709. The following biweekly salary schedule shall apply to persons employed in the clerk's office and marshal's office.

Salary range number	Steps A	B	C	D	E
28	257.60	270.40	284.00	298.40	313.60
29	270.40	284.00	298.40	313.60	329.60
30	284.00	298.40	313.60	329.60	346.40
31	298.40	313.60	329.60	346.40	364.00
32	313.60	329.60	346.40	364.00	382.40
33	329.60	346.40	364.00	382.40	401.60
34	346.40	364.00	382.40	401.60	421.60
35	364.00	382.40	401.60	421.60	442.60
36	382.40	401.60	421.60	442.60	464.80
37	401.60	421.60	442.60	464.80	488.00
38	421.60	442.60	464.80	488.00	512.80
39	442.60	464.80	488.00	512.80	538.40
40	464.80	488.00	512.80	538.40	565.60
41	488.00	512.80	538.40	565.60	593.60
42	512.80	538.40	565.60	593.60	623.20
43	538.40	565.60	593.60	623.20	654.40
44	565.60	593.60	623.20	654.40	687.20
45	593.60	623.20	654.40	687.20	721.60
46	623.20	654.40	687.20	721.60	757.60
47	654.40	687.20	721.60	757.60	795.20
48	687.20	721.60	757.60	795.20	835.20
49	721.60	757.60	795.20	835.20	876.80
50	757.60	795.20	835.20	876.80	920.80
51	795.20	835.20	876.80	920.80	967.20
52	835.20	876.80	920.80	967.20	1015.20
53	876.80	920.80	967.20	1015.20	1065.60
54	920.80	967.20	1015.20	1065.60	1119.20
55	967.20	1015.20	1065.60	1119.20	1175.20

73710. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73709, except that if the range shown opposite the title of the position includes a

fraction then the person employed in such position shall be paid a salary equal to that opposite said fractional range in the salary ordinance of the County of San Joaquin

(a) Chief deputy clerk ..... range 40
(b) Deputy clerk III ..... range 32.5
(c) Deputy clerk II ..... range 30.5
(d) Deputy clerk I ..... range 28.5
(e) Clerk ..... range 40.75
(f) Clerk-typist II ..... range 28.5
(g) Senior deputy marshal ..... range 41.75
(h) Deputy marshal ..... range 39.5

Subject to the provisions of the salary ordinance of the County of San Joaquin, each person employed in the clerk's office or the marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

73711. Notwithstanding any other provisions of this article, the salary range of deputy marshal shall be not less than one full range below the salary range of the class of deputy sheriff II in the service of the County of San Joaquin.

73712. Certain classes of positions herein authorized are equated for purposes of salary adjustments with certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of the County of San Joaquin is adjusted by the Board of Supervisors, the salary of the related classes of court positions shall be adjusted by a percentage which is equivalent to the increase or decrease in the salary of the related class in the classified service of the County of San Joaquin. Such adjustments shall be effective as of the same date that salary adjustments for related classes in said classified service are made effective by action of the Board of Supervisors but such adjustments shall only be effective until January 1, 1978.

73713. For the purposes of salary adjustments required by Section 73712, the following classes are deemed to be related:

(a) The class of clerk-typist II in the service of the County of San Joaquin and the classes of deputy clerk I, deputy clerk II, deputy clerk III, deputy clerk IV, chief deputy clerk and clerk-typist II in the court positions.

(b) The class of superior court clerk in the service of the County of San Joaquin and the class of clerk in the court positions.

(c) The class of deputy sheriff I in the service of the County of San Joaquin and the classes of deputy marshal and senior deputy marshal in the court.

(d) The class of lieutenant in the service of the County of San Joaquin and the position of marshal of the court.

73714. Notwithstanding any other provision of law, the provisions

of the county ordinance relating to civil service and the rules of the county civil service commission adopted pursuant thereto, shall apply to all employees, except the marshal, in the same manner and to the extent as applicable generally to officers and employees of the County of San Joaquin.

Such employees shall be entitled to the same vacation, sick leave, and other employee benefits, including uniform allowance for deputy marshals and clerical employees in the marshal's office who regularly perform matron duties, and may be appointed, promoted, demoted, terminated or transferred, or their status otherwise adjusted in the same manner and with the same effect as is or may be provided by the current salary ordinance of the County of San Joaquin, or the civil service ordinance of the County of San Joaquin for the employees of the county.

73715. Whenever any person occupying the position of clerk-typist II in the office of the marshal performs the duties of a matron in that office, her salary shall be increased by a sum equivalent to 2½ percent of the salary otherwise payable during the period of the performance of such duties.

73716. Except as provided in Section 73707, each officer, attaché or employee of the Manteca-Ripon-Escalon-Tracy Judicial District on the day preceding the operative date of this article shall be entitled to succeed to a position in the court referred to herein which is comparable to the position previously held and in no event shall the salary of such officer, attaché or employee be less than his salary on the day preceding the operative date of this article.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity or entities which desired legislative authority to act to carry out the program specified in this act.

SEC. 4. The provisions of this act shall become operative upon the adoption of an ordinance by the Board of Supervisors of San Joaquin County eliminating the eastern division and the western division of the judicial district serving the Manteca-Ripon-Escalon-Tracy area, which divisions were created by Ordinance No. 1986 of the County of San Joaquin.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Existing statutory provisions relating to the municipal court in the Manteca-Ripon-Escalon-Tracy Judicial District of the County of San Joaquin are presently being challenged in the appellate courts of this state. In order to provide statutory clarification for the continuing operation of this court at the earliest feasible time, it is necessary that this act take effect immediately.

CHAPTER 1062

An act relating to the practice of medicine.

[Became law without Governor's signature September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. The Board of Medical Examiners of the State of California shall issue a physician's and surgeon's certificate to anyone who meets all of the following requirements:

(a) Is residing in California;

(b) Is a graduate of a medical school located outside of the United States which grants a doctor of medical sciences degree;

(c) Provides the board with a copy of his medical school diploma;

(d) Is a political refugee from a foreign country;

(e) Has practiced medicine in a foreign country for 20 years in epidemiology and immunology;

(f) Can provide documentation that he has completed specialized training for chief physicians and provides a declaration that he is unable to obtain other documentation relating to his medical certificates and other coursework because of his refugee status from a foreign country;

(g) Passes an oral examination to be given by the board.

SEC. 2. This act shall be operative until December 31, 1976, and after that date shall have no force and effect.

CHAPTER 1063

An act to add and repeal Chapter 17.5 (commencing with Section 7300) to Division 7 of Title 1 of the Government Code, relating to displaced homemakers, and making an appropriation therefor.

[Approved by Governor September 25, 1975 Filed with Secretary of State September 25, 1975]

The people of the State of California do enact as follows:

SECTION 1. Chapter 17.5 (commencing with Section 7300) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.5. DISPLACED HOMEMAKERS

7300. The Legislature hereby finds and declares that there is an ever-increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves "displaced" in their middle years through divorce, death of spouse, or other loss of family income. As a consequence, displaced homemakers are very often

without any source of income; they are ineligible for categorical welfare assistance; they are subject to the highest unemployment rate of any sector of the work force; they face continuing discrimination in employment because they are older and have no recent paid work experience; they are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home; they are ineligible for social security because they are too young, and for many, they will never qualify for social security because they have been divorced from the family wage earner; they have often lost their rights as beneficiaries under employers' pension and health plans through divorce or death of spouse, despite many years of contribution to the family well-being; and they are most often ineligible for Medi-Cal, and are generally unacceptable to private health insurance plans because of their age.

The Legislature further finds and declares that homemakers are an unrecognized part of the work force who make an invaluable contribution to the welfare of the society as a whole.

It is the intention of the Legislature in enacting this chapter to provide the necessary counseling, training, jobs, services and health care for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life and to improve the health and welfare of this ever-growing group of citizens.

7301. As used in this chapter, "displaced homemaker" is an individual who:

(a) Is over 35 years of age;

(b) Has worked without pay as a homemaker for his or her family;

(c) Is not gainfully employed;

(d) Has had, or would have, difficulty finding employment; and

(e) (1) Has depended on the income of a family member and has lost that income; or

(2) Has depended on government assistance as the parent of dependent children, but who is no longer eligible for such assistance.

7302. The Secretary of Health and Welfare shall establish a pilot multipurpose service center for displaced homemakers in the County of Alameda. To the greatest extent possible the secretary shall make grants to nonprofit agencies or organizations to carry out the various programs of the centers, as enumerated in Sections 7304 to 7310, inclusive. The service center shall be designed and staffed as follows:

(a) The multipurpose service center shall be designed to provide displaced homemakers with the necessary counseling, training, skills, services, and education to become gainfully employed, healthy, and independent.

(b) To the greatest extent possible, the staff of the service center, including supervisory, technical, and administrative positions shall be filled by displaced homemakers. Where necessary, potential staff members shall be provided with on-the-job training by independent contractors or volunteer agencies.

7303. The secretary shall explore all possible sources of funding and in-kind contributions from federal, local, and private sources in establishing the service center, including building space, equipment, and qualified personnel for training programs.

7304. The multipurpose service center shall have a job-counseling program for displaced homemakers. Job counseling shall be specifically designed for the person reentering the job market after a number of years as a homemaker. The counseling will take into account, and build upon, the skills and experiences of a homemaker. Peer counseling and job readiness as well as skill updating and development shall be emphasized.

7305. The multipurpose service center shall have a job-training program for displaced homemakers. The staff at the center shall work with local government agencies and private employers to develop training programs for available jobs in the public and private sectors. The job-training programs shall provide a stipend for trainees.

7306. The service center shall include, but not be limited to, the following job-training programs:

(a) Lay advocates. This program shall be directed toward developing skills in counseling and advising on administrative procedures in government programs such as social security, supplemental security income, welfare, and unemployment, in order that such trainees will be trained for employment in social service agencies on a community level, such as senior citizen centers and legal aid offices.

(b) Home health technicians. This program shall be directed toward developing skills in nutrition, basic health care, and nursing for the disabled and elderly, in order that such trainees will be trained for employment by persons who are homebound through illness or disability and unable to care for themselves and their own households.

(c) Health care counselors. This program shall be directed toward developing skills in counseling techniques and in basic health care, especially for middle years individuals, in order that such trainees will be trained for employment in community and hospital outpatient health clinics.

7307. Each of the job-training programs enumerated in Section 7306 shall have as a goal for the first year, training and placing displaced homemakers, some of whom could be employed in the service programs specified in Section 7309. In addition, the service center staff shall develop with the Employment Development Department plans for including more displaced homemakers in existing job-training and placement programs.

7308. Service center staff shall be responsible for assisting the trainee in finding permanent employment. To this end, the secretary and the service center staff shall work with the Employment Development Department and the prime sponsors under the Comprehensive Employment and Training Act of 1974 in the area of

the center to secure employment for displaced homemakers.

7309. The multipurpose service center shall include, but not be limited to, the following service programs for displaced homemakers:

(a) A well-woman health clinic. Based on principles of preventative health care and consumer health education, the clinics shall be staffed to the greatest extent possible by displaced homemakers and serve the health needs of older women in particular. The functions of the clinic shall include:

(1) Basic physical and gynecological examinations with emphasis on screening for common health problems of older women. The examinations may be conducted by nurse practitioners. Emphasis of such program shall be on explanation and education about health care and physical well-being.

(2) Information and referral to physicians and clinics.

(3) Discussion and activity groups on menopause, aging, weight, and nutrition.

(4) Alcohol and drug addiction programs designed specifically to deal with the social and physical causes of addiction among displaced homemakers and other middle years women.

(b) Money management courses, including information and assistance in dealing with insurance programs (life, health, home, and car), taxes, mortgages, loans, and probate problems.

(c) Outreach and information for government programs, including concrete information and assistance with supplemental security income, social security, veterans administration benefits, welfare, food stamps, unemployment insurance, and Medi-Cal.

(d) Educational programs, including courses offering credit through community colleges or leading toward a high school equivalency degree. These courses shall be designed to supplement the usual academic course offerings with classes geared toward older persons to improve their self-image and abilities.

7310. The secretary, in consultation with the director of the service center, shall establish regulations concerning the eligibility of persons for the job training and other programs of the multipurpose service center, the level of stipends for the job training programs described in Section 7305, a sliding fee scale for the service programs described in Section 7309, and such other matters as the secretary deems necessary.

7311. (a) The secretary shall require the director and staff of the multipurpose service center to evaluate the effectiveness of the job training, placement and service components of the center. Such evaluation shall include the number of persons trained, the number of persons placed in employment, follow-up data on such persons, the number of persons served by the various service programs, and cost effectiveness of the various components of the center.

(b) There shall be a first-year evaluation in accordance with the requirements of this section filed by the director with the secretary no later than February 1, 1977; and there shall be a second-year

evaluation filed by the director with the secretary no later than January 1, 1978.

7312. The secretary may delegate any or all of the authority granted him by this chapter to whatever department within the Health and Welfare Agency which he deems appropriate.

7313. Two years after this act goes into effect the Secretary of the Health and Welfare Agency and the Legislative Analyst shall report to the Legislature on the effectiveness of this program.

7314. This chapter shall remain in effect only until January 1, 1978, and as of such date is repealed, unless a later enacted statute, which is chaptered on or before January 1, 1978, deletes or extends such date.

SEC. 2. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund to the Secretary of Health and Welfare for the purpose of carrying out the provisions of this act. Such appropriation shall be available for expenditure until January 1, 1978.

CHAPTER 1064

An act to add Chapter 4.5 (commencing with Section 41220) to Part 2 of Division 31 of, and to repeal Part 9 (commencing with Section 37500) of Division 24 of, the Health and Safety Code, relating to housing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 1975. Filed with Secretary of State September 26, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.5 (commencing with Section 41220) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

CHAPTER 4.5. LOW-INCOME HOME MANAGEMENT TRAINING

Article 1. Legislative Findings

41220. The Legislature finds and declares that pilot projects previously authorized to test the effectiveness of a home management training program for low-income families in upgrading their skills as tenants and homeowners have been successful. As a result of such program, families in the pilot projects have been better prepared for occupancy of lease rentals and homeownership, have been better able to identify as equal partners in their neighborhoods and schools, and have improved their self-concept and feeling of personal worth. A program that can provide such long-range benefits warrants greater participation by local public and private agencies.

The Legislature further finds and declares that there is a continuing need to protect existing homeowners, whether owners of homes through governmental subsidy or private financing, from default; there is a continuing need to provide preoccupancy counseling for families entering into first-time homeownership; and there is a continuing need to upgrade homemaking skills for persons in public housing regardless of expectation for future homeownership.

41221. The Legislature further finds and declares that, guidelines for such a program having now been refined and established through the previous pilot projects and consistency being necessary for the success of such a program, a permanent program should be established.

41222. It is, therefore, the policy of the Legislature of the State of California to encourage cities, counties, cities and counties, housing authorities, and appropriate qualifying organizations to provide adequate training to low-income families in home management, home maintenance, consumer finance, and homeownership. Financial assistance will be made available to such public agencies and private organizations for use in training low-income families and providing them with the necessary qualifications and skills to live meaningful lives as renters or owners.

Article 2. California Low-Income Home Management Training Program

41225 There is hereby established the California Low-Income Home Management Training Program, which shall be administered by the Department of Housing and Community Development.

41226. The Director of Housing and Community Development shall adopt such reasonable guidelines or procedures concerning the California Low-Income Home Management Training Program as are necessary to reasonably implement the provisions of this chapter.

41227. The director is authorized to make grants, subject to the availability of funds therefor, to any city, county, city and county, housing authority, or nonprofit organization or developer of housing under the provisions of any federal program intended to increase the supply of housing for families of low income, for families whose income does not exceed 150 percent of the admission level for public housing in the applicant community. Such grants shall be made to assist in the establishment of a home management training program by the city, county, city and county, housing authority, nonprofit organization, or developer. To qualify for such a grant, an applicant shall submit to the director an application showing a comprehensive plan for the training and qualification of low-income families. Subject to the availability of funds, grants may be renewed annually.

41228. The department shall require that a local advisory board be included in the planning, implementation, and evaluation of each local program. Such an advisory board shall include a representative

from the residential building industry, a representative from the real estate industry who is a real estate licensee active in property management, a representative from the savings and loan industry, a representative from the county welfare department, a representative from a community college, university extension service, or public school district who is active in family and consumer education, and shall include representatives who are participants in the home management training program. The department shall require that each local program make full use of supportive community services To the fullest extent possible, projects with predominantly Spanish-American participants shall have staff members who are conversant with the Spanish language and culture or shall utilize the services of a local Spanish-speaking organization.

41229. In making grants pursuant to this chapter, the department may give priority to proposals on any of the following bases:

(a) The city, county, city and county, housing authority, organization, or developer submitting the proposal has demonstrated leadership in the implementation of a home management training program.

(b) The city, county, city and county, housing authority, organization, or developer submitting the proposal has an existing program for housing rehabilitation.

(c) The proposal demonstrates active access to community resources, such as the county welfare department or community educational services.

(d) The community in which the program will be located will provide local matching funds for the program.

(e) The city, county, city and county, housing authority, organization, or developer submitting the proposal intends to provide counseling services, including loan qualification services, to rural families eligible for the interest credit program of the Farmers Home Administration of the United States Department of Agriculture.

SEC. 2. Part 9 (commencing with Section 37500) of Division 24 of the Health and Safety Code is repealed.

SEC. 3. The sum of one hundred seventy-five thousand dollars ($175,000) is hereby appropriated from the General Fund to the Department of Housing and Community Development for the purpose of making grants pursuant to Chapter 4.5 (commencing with Section 41220) of Part 2 of Division 31 of the Health and Safety Code and for defraying the cost of administering such program. However, the amount allocated for administrative expenses from this appropriation shall not exceed 15 percent of the amount expended in grants pursuant to such provisions.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of Part 9 (commencing with Section 37500) of

Division 24 of the Health and Safety Code relating to the California Low-Income Home Management Training Program terminated on June 30, 1974 and the Zenovich-Moscone-Chacon Housing and Home Finance Act will become effective September 26, 1975. In order to prevent an unduly long hiatus in the implementation of low-income home management training programs and to enable coordination of such programs with the state's housing-finance activities, it is necessary that this act go into immediate effect.

CHAPTER 1065

An act to add Section 50086 to the Government Code, and to amend Section 1483 of the Health and Safety Code, relating to emergency medical services.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 26, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 50086 is added to the Government Code, to read:

50086. No person who is summoned by a county sheriff, city police department, fire department, park ranger, or other local agency to voluntarily assist in a search or rescue operation, who possesses first aid training equivalent to the Red Cross advanced first aid and emergency care training standards, and who in good faith renders emergency services to a victim prior to or during the evacuation or extrication of the victim, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering such emergency services.

For the purposes of this section, "emergency services" includes, but is not limited to, first aid and medical services, rescue procedures, and transportation or other related activities necessary to insure the safety of the victim who is the object of the search or rescue operation.

SEC. 2. Section 1483 of the Health and Safety Code is amended to read:

1483. No physician or nurse, who in good faith gives emergency instructions to a mobile intensive care paramedic at the scene of an emergency, shall be liable for any civil damages as a result of issuing the instructions.

No mobile intensive care paramedic rendering care at the scene of an emergency who, in good faith and in a nonnegligent manner, follows the instructions of a physician or nurse shall be liable for any civil damages as a result of following such instructions unless the mobile intensive care paramedic knew or should have reasonably known that following the instructions of the physician or nurse would

be medically inappropriate.

CHAPTER 1066

An act to provide for meeting the building needs of the California public community colleges by adoption of a construction program therefor, by providing the funds necessary therefor from the proceeds of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of portions of this act to the people at a special election to be consolidated with the 1976 primary election, to take effect immediately.

[Approved by Governor September 25, 1975 Filed with Secretary of State September 26, 1975]

The people of the State of California do enact as follows:

SECTION 1. Sections 1 to 10, inclusive, of this act shall be known and may be cited as the Community College Construction Program Bond Act of 1976.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of California public community colleges.

For the purposes of this act, "public community colleges" includes public junior colleges, public community colleges, and any other public colleges which are maintained and operated as public community colleges or public junior colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for major building construction, equipment and acquisition of sites for California public community colleges under the Community College Construction Act of 1967 (Chapter 19 (commencing with Section 20050) of Division 14 of the Education Code), as it may be amended from time to time, or under any act enacted to succeed the Community College Construction Act of 1967.

The first proceeds of the bonds authorized to be issued under this act shall be used to repay loans or advances made to the Community College Construction Program Fund.

Proceeds of the bonds authorized to be issued under this act also may be used to complete major building construction, acquisition of equipment and acquisition of sites for California public community colleges authorized by the Legislature pursuant to the Community College Construction Program Bond Act of 1972.

SEC. 3. Bonds in the total amount of one hundred fifty million dollars ($150,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to

reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as Community College Construction Program Fund bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the Community College Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature.

SEC. 7. The office of the Chancellor of the California Community Colleges, which is hereby designated as the board for the purposes of this act, shall annually total the appropriations referred to in Section 6 and, pursuant to Section 16730 of the Government Code, request the Community College Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the office of the Chancellor of the California Community Colleges may request the Director of Finance by executive order to authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the Community College Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received

from the sale of bonds sold for the purpose of carrying out this act.

SEC. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The Community College Construction Program Committee is hereby continued. The committee shall consist of the Governor or his designated representative, the State Controller, the State Treasurer, the Director of Finance, and the Chancellor of the California Community Colleges. For the purposes of this act the Community College Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 11. Sections 1 to 10 of this act shall take effect upon the adoption by the people of the Community College Construction Program Bond Act of 1976, as set forth in Sections 1 to 10 of this act. Sections 11 to 16 of this act contain provisions which relate to and are necessary for the submission of the Community College Construction Program Bond Act of 1976 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 12. A special election is hereby called to be held throughout the state on the eighth day of June, 1976. The special election shall be consolidated with the primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 13. At the special election called by this act there shall be submitted to the electors Sections 1 to 10 of this act.

SEC. 14. The special election provided for in this act shall be proclaimed, held, and conducted; the ballots shall be prepared, marked, collected, counted and canvassed; and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for by this act.

SEC. 15. All ballots of said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide public community college facilities." In the square immediately below the square containing such words there shall be

printed on said ballot in boldface type the words: "Against bonds to provide public community college facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed in eight-point type, the words: "This act provides for a bond issue of one hundred fifty million dollars ($150,000,000)." Opposite the words: "For bonds to provide public community college facilities," and the language immediately following such statement, and "Against bonds to provide public community college facilities," and the language immediately following such statement, there shall be left spaces in which voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide public community college facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide public community college facilities;" provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voter's choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

For bonds to provide public community college facilities. (This act provides for a bond issue of one hundred fifty million dollars ($150,000,000).)	
Against bonds to provide public community college facilities. (This act provides for a bond issue of one hundred fifty million dollars ($150,000,000).)	

The Governor shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 16. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC. 17. Sections 11 to 16, inclusive, of this act, inasmuch as they call an election within the meaning of Section 8 of Article IV of the Constitution, shall take effect immediately.

CHAPTER 1067

An act to add Chapter 7 (commencing with Section 1500) to Division 4 of the Education Code, relating to data processing services, and making an appropriation therefor.

[Approved by Governor September 25, 1975. Filed with Secretary of State September 26, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 1500) is added to Division 4 of the Education Code, to read:

CHAPTER 7. INDEPENDENT DATA PROCESSING CENTERS

1500. This chapter applies to the territory under the jurisdiction of the County Superintendent of Schools of Sacramento County.

For the purpose of this chapter, "participating local educational agency" means:

(a) The Grant Joint Union High School District.

(b) The Los Rios Community College District.

(c) The Sacramento County Superintendent of Schools.

(d) The Sacramento City Unified School District.

(e) The San Juan Unified School District.

1501. The independent data processing center shall be administered by a board composed of one representative of each of the participating local educational agencies and one public member who shall be appointed by a majority of the representatives of the participating local educational agencies.

The public member shall serve for a four-year term and may be reappointed.

1502. The board of the independent data processing center:

(a) Shall adopt rules and regulations for its own government.

(b) Shall determine the location of the center.

(c) Shall establish and administer the operating budget of the center.

(d) May contract with public or private agencies for service.

(e) May contract with participating local educational agencies for services. In such cases, the personnel of the local educational agency shall remain agency employees for all purposes.

(f) May borrow funds from the participating local educational agencies. Participating local educational agencies may lend funds to the center.

(g) May order expenditures from the data processing center account in the county school service fund.

(h) May employ such staff as the board deems necessary, and determine the compensation thereof.

(i) May accept gifts and grants from private persons; firms;

foundations; or federal, state, and local government.

1503. The county superintendent of schools shall create in the county school service fund a data processing center account, expenditures from which may be ordered only by the board of the independent data processing center.

Balances in the account are not balances of the county school service fund and shall not revert to the State Treasury.

1504. There shall be deposited into the data processing center account all amounts allocated to the county superintendent of schools pursuant to Section 1505, any payment pursuant to a contract for services with a public or private entity, and any other funds accruing to the center.

1505. From funds appropriated by Section 4 of this act there shall be allocated to the County Superintendent of Schools of Sacramento County the sum of two hundred seventy-five thousand dollars ($275,000) annually for each of the fiscal years 1975–76 to 1977–78, inclusive. Such funds shall be used exclusively for operation of the independent data processing center. Immediately upon receipt thereof such funds shall be deposited in the data processing center account.

Such allocation shall be made by the Department of Education pursuant to an agreement between the department and the county superintendent of schools, the terms and conditions of the agreement having first been approved by the board of the independent data processing center. The agreement is subject to the approval of the Department of Finance.

The amounts allocated pursuant to this section shall be repaid during the five fiscal years 1978–79 to 1982–83, inclusive, together with interest computed at the same rate as the rate returned by the investment of state funds through the Pooled Money Investment Fund, as determined by the Department of Finance.

Participating local educational agencies shall be obligated for the repayment of funds allocated pursuant to this section. The amount to be repaid by each participating local educational agency shall be determined on the basis of the proportionate usage of the independent data processing center, as measured by criteria established by unanimous consent of the participating agencies.

In the event the participating agencies do not unanimously agree as to the method of computing the amount of repayment or on criteria to measure proportionate usage, the amount of repayment to be made by each of the participating agencies shall be computed in any reasonable manner determined by the board of the independent data processing center and approved by the Department of Finance.

The State Controller shall, commencing with fiscal year 1978–79 and in each of the following four fiscal years, deduct the total amount of the annual repayment due from a participating local educational agency by withholding equal amounts from each of the first and second principal apportionments made to such local agencies in each

of the five fiscal years commencing with 1978–79.

1506. Local educational agencies which do not participate in the operation of the center but which contract with the center for services shall pay a pro rata share of the cost of providing such services.

SEC. 2. It is the intent of the Legislature that no individual employee of a participating local educational agency on the operative date of this act shall lose his position as a result of the enactment of this act.

SEC. 3. The Legislature finds and declares that the study prescribed by Chapter 1167 of the Statutes of 1973 has made it possible to implement a plan for centralized data processing services only for the local educational agencies which were the subject of the study. Thus, a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable.

SEC. 4. There is hereby appropriated from the General Fund to the Department of Education the sum of eight hundred twenty-five thousand dollars ($825,000) for allocation and expenditure in accordance with Section 1505 of the Education Code.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section, nor shall there be an appropriation made by this act, because this act produces savings as well as costs which, in the aggregate, do not cause significant cost changes.

CHAPTER 1068

An act relating to the state park system, making an appropriation therefor.

[Approved by Governor September 25, 1975 Filed with Secretary of State September 26, 1975]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred sixty-five thousand dollars ($165,000) is hereby reappropriated from the Bagley Conservation Fund, pursuant to the provisions of Item 383.5 of the Budget Act of 1974 (Chapter 375, Statutes of 1974), to the Department of Parks and Recreation for the acquisition of lands adjacent to Annadel State Park, as an addition to Annadel State Park. Such acquisition shall be subject to the provisions of the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 2 of Title 2 of the Government Code).

SEC. 2. Funds reappropriated by Section 1 of this act shall not be expended for the purchase of any real property until the State Public Works Board has determined both of the following:

(a) That the procedures and criteria established by the Attorney

General relating to implied dedication have been complied with in the investigations and appraisals of the Department of General Services. All material relating to implied dedication shall be retained in the files of the Department of General Services and shall be available for postaudit on a selective basis by the Attorney General.

(b) That the Department of General Services, in making its investigations and appraisals, has found no evidence that there is any person or group of persons who assert any prescriptive right or claim in the property to be acquired; or, if such prescriptive right or claim has been asserted or established, that the department has appraised the property at a price that reflects the value of such right or claim.

CHAPTER 1069

An act to amend Section 1387 of the Penal Code, relating to effect of dismissals.

[Approved by Governor September 25, 1975 Filed with Secretary of State September 26, 1975.]

The people of the State of California do enact as follows:

SECTION 1. Section 1387 of the Penal Code is amended to read:

1387. An order for the dismissal of an action pursuant to this chapter is a bar to any other prosecution for the same offense if it is a felony and the action has been previously dismissed pursuant to this chapter, or if it is a misdemeanor; except in those felony cases where subsequent to the dismissal of the felony the court finds that substantial new evidence has been discovered by the prosecution which would not have been known through the exercise of due diligence at or prior to the time of dismissal.

CHAPTER 1070

An act to amend Sections 4362 and 4457 of the Civil Code and to amend Section 1279.5 of the Code of Civil Procedure, relating to names.

[Approved by Governor September 24, 1975 Filed with Secretary of State September 26, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 4362 of the Civil Code is amended to read:

4362. (a) In any proceeding under this part, except an action for legal separation, the court, upon the request of the wife, shall restore the birth name or former name of the wife regardless of whether or

not a request therefor was included in the petition.

(b) Nothing in this part shall be construed to abrogate the common law right of any person to change one's name.

(c) The restoration of a former name or birth name requested under this section shall not be denied on the basis that the wife has custody of a minor child who bears a different name, or for any other reason exclusive of fraud.

(d) No person engaged in any trade or business of any kind whatsoever or in the provision of a service of any kind whatsoever shall refuse to do business with any woman or refuse to provide such service to any woman regardless of her marital status, because she has chosen to use or regularly uses her birth name or former name. No such person shall impose, as a condition of doing business of any kind whatsoever with any woman or as a condition of providing a service of any kind whatsoever to any woman, a requirement that any woman, regardless of her marital status, use any name other than her birth name or former name if she has chosen to use or regularly uses her birth name or former name.

SEC. 2. Section 4457 of the Civil Code is amended to read:

4457. (a) In any proceeding under this title, the court, upon the request of the wife, shall restore the birth name or former name of the wife regardless of whether or not a request was made therefor in the petition.

(b) Nothing in this title shall be construed to abrogate the common law right of any person to change one's name.

(c) The restoration of a former name or birth name requested under this section shall not be denied on the basis that the wife has custody of a minor child who bears a different name, or for any other reason exclusive of fraud.

(d) No person engaged in any trade or business of any kind whatsoever or in the provision of a service of any kind whatsoever shall refuse to do business with any woman or refuse to provide such service to any woman regardless of her marital status, because she has chosen to use or regularly uses her birth name or former name. No such person shall impose, as a condition of doing business of any kind whatsoever with any woman or as a condition of providing a service of any kind whatsoever to any woman, a requirement that any woman, regardless of her marital status, use any name other than her birth name or former name if she has chosen to use or regularly uses her birth name or former name.

SEC. 3. Section 1279.5 of the Code of Civil Procedure is amended to read:

1279.5. (a) Nothing in this title shall be construed to abrogate the common law right of any person to change one's name.

(b) No person engaged in any trade or business of any kind whatsoever or in the provision of a service of any kind whatsoever shall refuse to do business with any woman or refuse to provide such service to any woman regardless of her marital status, because she has chosen to use or regularly uses her birth name or former name.

No such person shall impose, as a condition of doing business of any kind whatsoever with any woman or as a condition of providing a service of any kind whatsoever to any woman, a requirement that any woman, regardless of her marital status, use any name other than her birth name or former name if she has chosen to use or regularly uses her birth name or former name.

CHAPTER 1071

An act to amend Sections 30208, 30212, 30764, and 30792.2 of the Streets and Highways Code, relating to toll bridges.

[Approved by Governor September 25, 1975 Filed with Secretary of State September 26, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 30208 of the Streets and Highways Code is amended to read:

30208. The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon which shall not exceed 8 percent per annum. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

SEC. 2. Section 30212 of the Streets and Highways Code is amended to read:

30212. Bonds authorized pursuant to this chapter may be sold below the par or face value thereof, but the sale price shall not be less than that which will yield the purchaser 8 percent a year according to standard tables of bond values, and shall include the interest which has accrued thereon up to the date of delivery of the bonds.

SEC. 3. Section 30764 of the Streets and Highways Code is amended to read:

30764. For the purpose of obtaining funds to finance the construction of the new Antioch Bridge, the authority is authorized to issue revenue bonds. Notwithstanding any other provision of law, revenue bonds sold for any purpose authorized by this article may be sold at an interest rate not exceeding 8 percent per annum. Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act (commencing with Section 30000) are hereby made applicable to such revenue bonds, and the authority

and the department are authorized to do any and all things pursuant to law necessary to finance and to construct the new Antioch Bridge. The authority may insert in the bond indenture, or the resolution authorizing such bonds, such conditions as it deems necessary. The authority shall pledge the revenues of the new Antioch Bridge, from and after the date it is opened to traffic, as security for the payment of such bonds.

SEC. 4. Section 30792.2 of the Streets and Highways Code is amended to read:

30792.2. Upon completion of the studies and preliminary work provided for in Section 30792.1, the California Toll Bridge Authority shall, as promptly as feasible, issue revenue bonds to finance the construction of a new Dumbarton Bridge. Such bonds shall be secured by the revenues deposited in the San Francisco-Oakland Bay Bridge Toll Revenue Fund as provided by Chapter 1 (commencing with Section 30000) of this division and by Section 30794. Such issue of revenue bonds may, to the extent that the authority determines feasible, include funds in an amount sufficient to widen the San Mateo-Hayward Bridge trestle. Such financing shall be undertaken only to the extent that the authority, finds on the basis of the estimates of cost, that anticipated revenue available to it will be sufficient to meet its obligations with respect to the financing of the San Francisco-Oakland Rapid Transit Tube.

As a part of the new Dumbarton Bridge, the department may include a new westerly approach connection to Route 101 at or near Marsh Road and a new westerly approach connection to Route 101 in the vicinity of Embarcadero Road. The authority may include in the revenue bond issue funds in an amount sufficient for such connections. The department shall not construct the connection to Route 101 at or near Marsh Road until its location has been approved by the City Council of Menlo Park and the San Francisco Bay Conservation and Development Commission, and shall not construct the connection to Route 101 in the vicinity of Embarcadero Road until its location has been approved by the City Councils of Menlo Park and Palo Alto, the Board of Supervisors of San Mateo County, and the San Francisco Bay Conservation and Development Commission.

Except for the construction of temporary transition lanes of less than 4,500 feet in length on the existing westerly approach to provide for a safe transition from four lanes to two lanes and of the new westerly approach connections to Route 101 at or near Marsh Road and to Route 101 in the vicinity of Embarcadero Road, the department shall not undertake any construction westerly of the west abutment of the new Dumbarton Bridge until the precise location of the replacement of the existing westerly approach has been approved by the City Council of Menlo Park and the Board of Supervisors of San Mateo County.

The Legislature hereby declares that the construction of a new Dumbarton Bridge shall not be construed as legislative approval of any particular alignment for the ultimate construction of Route 84 as a freeway west of the bridge.