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AND DIGESTS OF MEASURES

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Constitution of 1879 as Amended

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

1977-78 Regular Session



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CHAPTER 1255

An act to repeal and add Chapter 4 (commencing with Section 18700) of Part 11 of the Education Code, relating to public libraries, and making an appropriation therefor.

[Approved by Governor October 1, 1977. Filed with
Secretary of State October 1, 1977.]

I strongly encourage local support of libraries and approve additional State funding for this essential attribute of civilized society

I am reducing the \$6,460,000 appropriation contained in Section 4 of Senate Bill No. 792 by \$1,160,000 with the understanding that the remaining \$5,300,000 become available in the 1978-79 fiscal year. This amount should meet the basic objectives of the bill.

With this reduction, I approve Senate Bill No. 792.

EDMUND G. BROWN JR , Governor

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

SECTION 1. Chapter 4 (commencing with Section 18700) of Part 11 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 18700) is added to Part 11 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 4. CALIFORNIA LIBRARY SERVICES ACT

Article 1. General Provisions

18700. This chapter shall be known as the California Library Services Act.

18701. The Legislature finds and declares that it is in the interest of the people of the state to insure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local government.

This finding is based on the recognition that:

(a) The public library is a primary source of information, recreation, and education to persons of all ages, any location or any economic circumstance.

(b) The expansion of knowledge and the increasing complexity of our society create needs for materials and information which go beyond the ability of any one library to provide.

(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.

(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including the handicapped,

non-English and limited English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.

(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to compensate libraries for services beyond their clientele.

(f) The sharing of services and resources is most efficient when a common data base is available to provide information on where materials can be found.

18702. It is the intent of the Legislature to provide all residents with the opportunity to obtain from their public libraries needed materials and informational services by facilitating access to the resources of all libraries in this state.

This policy shall be accomplished by assisting public libraries to improve service to the underserved of all ages, and by enabling public libraries to provide their users with the services and resources of all libraries in this state.

18703. In adopting this chapter, the Legislature declares that its policy shall be:

(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act.

(b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.

(c) To encourage adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.

(d) To encourage service to the underserved of all ages.

(e) To encourage and enable the sharing of resources between libraries.

(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.

(g) To ensure public participation in carrying out the intent of this act.

Article 2. Definitions

18710. As used in this chapter, unless the context otherwise indicates or unless specific exception is made:

(a) "Academic library" means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.

(b) "Act" means the California Library Services Act.

(c) "Cooperative Library System" means a public library system which consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and which, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to such a library system.

(d) "Direct loan" means the lending of a book or other item directly to a borrower.

(e) "Equal access" means the right of the residents of jurisdictions which are members of a Cooperative Library System to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.

(f) "Independent public library" means a public library not a member of a system.

(g) "Interlibrary loan" means the lending of a book or other item from one library to another as the result of a user request for the item.

(h) "Interlibrary reference" means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.

(i) "Jurisdiction" means a county, city and county, city, or any district which is authorized by law to provide public library services and which operates a public library.

(j) "Libraries for institutionalized persons" means libraries maintained by institutions for the purpose of serving their resident populations.

(k) "Net imbalance" means the disproportionate cost incurred under universal borrowing or equal access when a library directly lends a greater number of items to users from outside its jurisdiction than its residents directly borrow from libraries of other jurisdictions.

(l) "Public library" means a library, or two or more libraries, which is operated by a single public jurisdiction and which serves its residents free of charge.

(m) "School library" means an organized collection of printed and audiovisual materials which (a) is administered as a unit, (b) is located in a designated place, and (c) makes printed, audiovisual, and other materials as well as necessary equipment and services of a staff accessible to elementary and secondary school students and teachers.

(n) "Single Library System" means a library system which consists of a single jurisdiction and which, as of the effective date of this act, was designated as a library system under the Public Library Services Act of 1963.

(o) "Special library" means one maintained by an association, government service, research institution, learned society,

professional association, museum, business firm, industrial enterprise, chamber of commerce, or other organized group, the greater part of their collections being in a specific field or subject, e.g. natural sciences, economics, engineering, law, history.

(p) "Special Services Programs" means a project establishing or improving service to the underserved of all ages.

(q) "State board" means the California Library Services Board.

(r) "System" includes both Cooperative Library Systems and Single Library Systems.

(s) "Underserved" means any population segment with exceptional service needs not adequately met by traditional library service patterns; including, but not limited to, those persons who are geographically isolated, economically disadvantaged, functionally illiterate, of non-English-speaking or limited English-speaking ability, shut-in, institutionalized, or handicapped.

(t) "Universal borrowing" means the extension by a public library of its direct loan privileges to the eligible borrowers of all other public libraries.

Article 3. Administration

18720. There is hereby established in the state government the California Library Services Board, to consist of 13 members. The governor shall appoint nine members of the state board. Three of the governor's appointments shall be representative of laypersons, one of whom shall represent the handicapped, one representing limited and non-English speaking persons, and one representing economically disadvantaged persons.

The governor shall also appoint six members of the board, each of whom shall represent one of the following categories: school libraries, libraries for institutionalized persons, public library trustees or commissioners, public libraries, special libraries, and academic libraries.

The Legislature shall appoint the remaining four public members from persons who are not representative of categories mentioned in this section. Two shall be appointed by the Senate Rules Committee and two shall be appointed by the Speaker of the Assembly.

18721. Initial appointments to the board shall be made in the following manner:

(1) The Governor shall appoint five members for a two-year term, and four members for a four-year term.

(2) The Senate Rules Committee shall appoint one member for a two-year term, and one member for a four-year term.

(3) The Speaker of the Assembly shall appoint one member for a two-year term, and one member for a four-year term.

Initial appointments to the California Library Services Board shall become effective on January 10, 1978. All subsequent terms of office

of members of the state board shall be four years, and will begin on January 1 of the year in which the respective terms are to start.

18722. The concurrence of seven members of the state board shall be necessary to the validity of any of its acts.

18723. Members of the state board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

18724. The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board, consistent with the terms and provisions of this chapter, shall have the following powers and duties:

(a) To direct the State Librarian in the administration of this chapter.

(b) To review for its approval all annual proposals submitted under this chapter.

(c) To annually submit budget proposals as part of the annual budget of the Department of Education.

(d) To expend the funds appropriated for the purpose of implementing the provisions of this chapter.

(e) To require as a condition of acceptance of an application to participate in programs under Article 4 (commencing with Section 18730) and Article 5 (commencing with Section 18740) of this chapter and in each year thereafter that each participating public library have available from local sources for expenditure for operating purposes during each fiscal year an amount no less than that amount expended in the fiscal year preceding the effective date of this chapter.

(f) To require participating libraries and systems to prepare and submit any reports and information which are necessary to carry out the provisions of this chapter, and to prescribe the form and manner for providing such reports and information.

(g) To develop formulas for the equitable allocation of reimbursements under Sections 18731, 18743, 18744, and 18765. Such formulas shall be submitted to the Department of Finance for approval.

(h) To require that any public library participating in programs authorized by this chapter provide access to its bibliographic records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.

18725. The state board shall serve as the State Advisory Council on Libraries for the purpose of meeting the requirements of the federal Library Services and Construction Act.

18726. The State Librarian shall be the chief executive officer of the state board for purposes of this chapter and shall:

(a) Make such reports and recommendations as may be required by the state board.

(b) Administer the provisions of this chapter.

(c) Review all claims to insure programmatic and technical compliance with the provisions of this chapter.

Article 4. Local Public Library Services

18730. Any public library or combination of public libraries may submit proposals to the state board for Special Services Programs within the service area. Applications shall identify the needs of the target service group, assess the capacity of the applicant library or libraries to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Funds may be expended for the development of collections to meet the needs of the underserved, together with the employment or retraining of staff necessary to properly utilize the collections, and to provide appropriate services to the underserved.

18731. Any California public library may participate in universal borrowing. Public libraries participating in universal borrowing may not exclude the residents of any jurisdiction maintaining a public library. Public libraries which incur a net imbalance shall be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (g) of Section 18724. Reimbursement shall be incurred only for imbalances between:

- (a) System member libraries and independent public libraries.
- (b) Independent public libraries with each other.
- (c) Member libraries of one system with member libraries of other systems.

18732. If two or more public library jurisdictions wish to consolidate their libraries into a single library agency, an establishment grant in the annual maximum amount of twenty-thousand dollars (\$20,000) shall be made to the newly consolidated library jurisdiction for each of two years, provided that notice of such consolidation is filed with the State Librarian within one year of the effective date of this act.

Article 5. Library System Services

18740. A library system, eligible for funds under this article, may consist of the following systems:

- (a) A library system which, as of the effective date of this act, was designated a system under the Public Library Services Act of 1963.
- (b) A library system in which two or more systems consolidate to form a library system.
- (c) A library system which is formed by adding independent public library jurisdictions to an existing system.
- (d) A library system formed by any combination of the above.

18741. (a) Each system described in Section 18740 shall receive an annual allowance for the improvement and maintenance of

coordinated reference service support to the members of the system. The allowance for the first fiscal year following the effective date of this chapter shall be equal to three cents (\$0.03) per capita, plus two thousand dollars (\$2,000) for each member jurisdiction. Following the effective date of this chapter, if there occurs a consolidation among individual public libraries which, as of the effective date of this chapter, are members of a system, the per member allowance to the system shall continue at the same level as if the consolidation had not taken place.

(b) After identifying the needs of the underserved, each system shall use a fair and equitable portion of its reference allowance to improve the system's reference service to its underserved population through appropriate collection development, provision of reference specialists, and staff training. Funds for the reference grant may also be used for general and specialized reference collection development, employment of reference specialists, and system-wide reference training.

18742. Any system may apply to the state board for funds for Special Service Programs on a system-wide basis. Proposals shall identify the needs of the target service group, assess the capacity of the applicant system to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Systems may also apply for funds for other system-wide programs, but such programs shall include a component for serving the underserved on a system-wide basis.

18743. Each member library of a Cooperative Library System shall provide equal access to all residents of the area served by the system. Member libraries which incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18744. Each member library of a Cooperative Library System shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18745. Each Cooperative Library System shall annually apply to the state board for funds for intrasystem communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging materials and information among the member libraries.

18746. Each Cooperative Library System shall annually apply to the state board for funds for planning, coordination, and evaluation of the overall systemwide services authorized by this chapter.

18747. (a) Each Cooperative Library System shall establish an Administrative Council whose membership consists of the head

librarians of each jurisdiction in the system. Duties of the Administrative Council shall include general administrative responsibility for the system, adopting a system plan of service, and submitting annual proposals to the state board for implementation of the provisions of this article.

(b) Each Cooperative Library System shall establish an advisory board consisting of as many members as there are member jurisdictions of the system. The governing body of each member jurisdiction shall appoint one member to the advisory board from among its residents.

18748. Each Single Library System shall establish an advisory board consisting of at least five members to be appointed by the governing body of the jurisdiction.

18749. The term of any member of a system advisory board shall be for two years, and each member shall serve no more than two consecutive terms. Staggered terms shall be established by drawing of lots at the first meeting of the advisory board so that a simple majority of the members shall initially serve a two-year term, and the remainder initially a one-year term.

The appointing jurisdiction shall ensure that members of a system advisory board are representative of the public-at-large and of the underserved residents in the system service area.

18750. The duties of each system advisory board shall include, but are not limited to, the following:

(a) Assisting the Administrative Council in the development of the system plan of service.

(b) Advising the Administrative Council on the need for services and programs.

(c) Assisting in the evaluation of the services provided by the system.

18751. When any system or systems consolidate, a grant of ten thousand dollars (\$10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.

18752. When jurisdictions, not previously a member of any system, join an existing system, a grant shall be made to such a system as follows:

(a) If the jurisdiction joins in the first fiscal year after the effective date of this chapter, the award shall be five thousand dollars (\$5,000) for each of the two succeeding years.

(b) If the jurisdiction joins in the second fiscal year after the effective date of this chapter, the award shall be for four thousand dollars (\$4,000) for each of the two succeeding years.

(c) If the jurisdiction joins in the third fiscal year after the effective date of this chapter, the award shall be three thousand dollars (\$3,000) for each of the two succeeding years.

(d) If the jurisdiction joins in the fourth fiscal year after the effective date of this chapter, the award shall be two thousand dollars (\$2,000) for each of the two succeeding years.

(e) If the jurisdiction joins in the fifth fiscal year after the effective date of this chapter, the award shall be one thousand dollars (\$1,000) for each of the two succeeding years.

(f) Grants made pursuant to this section shall terminate at the end of the fifth fiscal year following the effective date of this chapter.

Article 6. Statewide Services

18760. The state board shall establish and administer two or more state reference centers. The centers shall be responsible for answering reference requests that cannot be met by systems and libraries participating in the programs authorized by this chapter.

18761. Each reference center established by the state shall provide statewide service. Such service shall include the handling of reference requests that cannot be met locally and regionally.

18762. Each reference center established pursuant to Section 18760 may enter into reciprocal or contractual agreements with libraries or any other information source for the purpose of making available their materials and informational services for the benefit of the library users of this state. Each California public library participating in any program under this chapter shall make materials and services available, as needed, to state reference centers.

18763. The budget of any reference center established pursuant to Section 18760 may include funds for the general operations of such centers, including funds for collection development and use.

18764. The state board shall designate one or more of the reference centers established pursuant to Section 18760 as a repository for collections specially relevant to economically disadvantaged persons and non-English-speaking persons.

18765. Each California library eligible to be reimbursed under this section for participation in the statewide interlibrary loan program shall be reimbursed according to the allocation formula developed pursuant to subdivision (g) of Section 18724 to cover the handling costs of each interlibrary loan whenever the borrowing library is a public library, except for the interlibrary loans made between members of a cooperative library system as provided in Section 18744. Libraries eligible for interlibrary loan reimbursement under this section shall include public libraries, libraries operated by public schools or school districts, libraries operated by public colleges or universities, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit private educational or research institutions. Loans to eligible libraries by public libraries shall also be reimbursed according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18766. The state board shall establish and maintain a statewide communications and delivery network between and among systems,

state reference centers, independent public libraries and all other libraries participating in the programs authorized by this act.

SEC. 3. For each fiscal year, the state board may adjust both the formula allowance prescribed by Section 18741 of the Education Code and the standard unit costs of reimbursable transactions prescribed by Sections 18731, 18743, 18744, and 18765 of the Education Code to reflect differences in costs due to fluctuations in the value of money.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury to the State Library the sum of one hundred forty thousand dollars (\$140,000) for the 1977-78 fiscal year and six million four hundred sixty thousand dollars (\$6,460,000) for the purpose of complementing the provisions of Chapter 4 (commencing with Section 18700) of Part 11 of Division 1 of Title 1 of the Education Code.

It is the intent of the Legislature that further funding for this chapter be determined through the annual legislative budget process.

CHAPTER 1256

An act to add an article heading immediately preceding Section 13830 of, and to add Article 2 (commencing with Section 13835) to Chapter 4 of Title 6 of Part 4 of the Penal Code, relating to criminal justice, and making an appropriation therefor.

[Approved by Governor October 1, 1977. Filed with
Secretary of State October 1, 1977.]

I am deleting the appropriation contained in Section 3 of Assembly Bill No. 1434. I believe the money for this bill should come from the federal funds made available to the California Council on Criminal Justice. I strongly encourage that body to support the efforts envisioned by this bill.

With this deletion, I approve Assembly Bill No. 1434.

EDMUND G. BROWN JR., Governor

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

SECTION 1. An article heading is added immediately preceding Section 13830 of the Penal Code, to read:

Article 1. General Provisions

SEC. 2. Article 2 (commencing with Section 13835) is added to Chapter 4 of Title 6 of Part 4 of the Penal Code, to read:

Article 2. Local Assistance Centers for Victims and Witnesses

13835. The Legislature finds and declares as follows:

(a) That there is a need to develop methods to reduce the trauma and undue treatment victims and witnesses may experience in the wake of a crime, since all too often citizens who become involved with the criminal justice system, either as victims or witnesses to crime, are further victimized by that system.

(b) That when crime strikes, the chief concern of criminal justice agencies has been apprehending and dealing with the criminal, and that after police leave the scene of the crime, the victim is frequently forgotten.

(c) That victims often become isolated and receive little practical advice or necessary care.

(d) That witnesses must make arrangements to appear in court regardless of their own schedules, child care responsibilities, or transportation problems, and that they often find long waits, crowded courthouse hallways, confusing circumstances and, after testifying, receive no information as to the disposition of the case.

(e) That a large number of victims and witnesses are unaware of both their rights and obligations. Unreported crimes occur at more than twice the rate of reported crimes and the reasons people give for not reporting indicate that they are disenchanting with the criminal justice system.

(f) That the single most important determinant of whether or not a case will be solved is the information the victim supplies to the immediately responding patrol officer.

(g) That although the State of California has a fund for needy victims of violent crimes, and compensation is available for medical expenses, lost income or wages, and rehabilitation costs, the application process is difficult, complex, and time consuming and few victims are aware that the compensation provisions exist.

It is, therefore, the intent of the Legislature to provide ways of improving attitudes of victims and witnesses toward the criminal justice system and to provide for faster and more complete victim recovery from the effects of crime through the establishment of pilot project centers for victim and witness assistance.

13835.2. (a) Any public or private nonprofit agency may apply to the Office of Criminal Justice Planning for selection and funding as a victim and witness assistance center pursuant to this article.

(b) The office shall consider the following factors together with any other circumstances it deems appropriate in selecting applicants to receive funds and to be designated as victim and witness assistance centers:

(1) Maximization of volunteers.

(2) Stated goals of applicants.

(3) Number of people to be served and the needs of the community.

(4) Evidence of community support.

(5) Organizational structure of the agency which will operate the center and provide services to victims and witnesses of crimes.

(c) Upon evaluation of all applicants, the office shall select a number of public or private nonprofit agencies which the office deems qualified pursuant to this article for designation to receive state and local funds pursuant to this article for the establishment and operation of the centers.

(d) The evaluation and selection of applicants shall take place from January through June 1978. The centers shall be established on or before July 1, 1978.

(e) Upon establishment of the centers, the office shall conduct appraisals of their performance to determine which of the centers shall receive continuation grants and shall report thereon to the Legislature.

13835.4. The centers shall be designed to do the following:

(a) Assist the criminal justice agencies in giving more consideration and personal attention to victims and witnesses by delivery of services on their behalf.

(b) Provide a model for other community-based efforts to aid victims and witnesses.

(c) Sensitize law enforcement officials, communications technicians, and supervisors to the needs of victims of crime and reinforce a concerned approach to these victims.

(d) Attempt to decrease the incidence of unreported crimes.

(e) Assure that victims and witnesses are informed of the progress of the case in which they are involved.

13835.6. Services provided by the centers shall include but are not limited to the following:

(a) Receipt by victims of crime of more local benefits and state compensation awards through assistance to the victims in preparing complete and detailed claims and assistance to the state by providing local verification and evaluation.

(b) Establish a means for volunteers to work with criminal justice agencies to achieve community support.

(c) Provide followup support services to victims of violent crime and their families in order to insure that they receive necessary assistance through available community resources.

(d) To provide elderly victims of crime with services appropriate to their special needs.

(e) Provide liaison and referral systems to special counseling facilities and community service agencies for victims.

(f) Provide transportation and household assistance to those victims and witnesses participating in the criminal justice process.

(g) Notification of friends, relatives, and employer of victim if requested.

(h) Arrangement for verification of medical benefits and assistance in applying for state victim compensation.

(i) Notification of witnesses prior to their being subpoenaed in criminal cases and of changes in the court calendar to avoid

unnecessary trips to court and unnecessary time at court.

(j) Provision of reception and guidance at the courthouse including an explanation of unfamiliar procedures and bilingual information.

13835.8. It is the intention of the Legislature in enacting this article that from January 1, 1978, to January 1, 1983, the functions of the Office of Criminal Justice Planning required by this article and the victim and witness assistance centers established pursuant to this article shall be funded as follows: for the 1977-78, 1978-79 and 1979-80 fiscal years, by the state to the extent of 90 percent of the costs thereof provided that the local governments which would be served by a center contribute not less than 10 percent of such costs; for the 1980-81 fiscal year, by the state to the extent of 75 percent of such costs provided that such local governments contribute not less than 25 percent of such costs; for the 1981-82 fiscal year, by the state to the extent of 60 percent of such costs provided that such local governments contribute not less than 40 percent of such costs; and for the 1982-83 fiscal year, by the state to the extent of 50 percent of such costs provided that such local governments contribute not less than 50 percent of such costs. On and after January 1, 1983, funding for the continuation for any such center shall be at the election of the local governments served thereby, and state responsibility therefor shall cease.

SEC. 3. The sum of one million dollars (\$1,000,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning for the 1977-78 and 1978-79 fiscal years for the purposes of this act.

CHAPTER 1257

An act to amend Sections 6301, 6301.5, 6322, and 6323 of the Business and Professions Code, to amend Sections 134, 170, 264, 274c, 402, 446, 472, 489.220, 571, 575, 581d, 594, 605, 628, 632, 639, 655, 664, 664.5, 668, 670, 674, 675, 681a, 722, 1033½, 1052, 1052.5, 1134, 1218, 1995, of, to add Section 422.20 to, and to repeal Sections 422.20, 500, 667a, and 1135 of, the Code of Civil Procedure, to amend Sections 1458, 24150, 26824, 26833, 26837, 68070, 68071, 68072, 68093, 68098, 68110, 69957, 69994.1, 69994.2, 69994.5, 70045.4, 71007, 71097, 71264, 71610, 71665, 71665.5, 71666, 71667, 71669, 71674, 71677, 71679, 71680, 71682, 72196, 72197, 72198, 73793, 73794, 73796, 73797, 73798, 73800, 74783, 74784, and 74785, of, to add Sections 68531, 70047.1, 71664.5 and 73795.5 to, to amend and renumber Sections 72050, 72050.5, 72050.7, 72051, 72051.5, 72052, 72300.1, and 72305 of, and to repeal Sections 26825, 27531, 68085, 68086, 68087, 68096, 71343, 71613.5, 71614, 71614.5, 71615, 71616, 71668, 71670, 71671, 71672, 71673, 71676, 71678, 71681, and 72110 of, the Government Code, to amend Section 7301 of the Health and Safety Code, to amend Sections 94.5, 325, 806, 1050, 1269b,

1281a, 1428b, and 1469 of, and to repeal Sections 1431, 1432, and 1432.1 of, the Penal Code, and to amend Section 5225 of the Welfare and Institutions Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature October 2, 1977. Filed with Secretary of State October 3, 1977.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county with no more than two municipal and justice courts the judges of such court or courts shall elect one of their number to serve as trustee. In a county with three or more municipal and justice courts the judges of such courts may elect two of their number to serve as trustees.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of six members in any county where the municipal and justice courts have elected one member, or of seven members in any county where the municipal and justice courts have elected two members to serve as trustees.

SEC. 2. Section 6301.5 of the Business and Professions Code is amended to read:

6301.5. In any county in which there is no county bar association, if the board of supervisors determines that there is not a sufficient number of members of the State Bar residing, and with their principal places of office for the practice of law, in the county eligible for appointment to the board of library trustees by the board of

supervisors pursuant to subdivision (d) of Section 6301 for the constitution of a six-member or seven-member board of library trustees, the board of library trustees may consist of not less than three members.

SEC. 3. Section 6322 of the Business and Professions Code is amended to read:

6322. Thereafter, any defendant, respondent, adverse party, or intervening party, on his first appearance in a superior, or municipal, or justice court, or any number of such defendants, respondents, or parties, appearing jointly, shall pay to the clerk of the court, for the law library, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law.

SEC. 4. Section 6323 of the Business and Professions Code is amended to read:

6323. Such costs shall not be collected, however, in small claims courts, nor shall they be collected on the filing of a petition for letters of adoption, or the filing of a disclaimer.

SEC. 5. Section 134 of the Code of Civil Procedure is amended to read:

134. No court, other than the Supreme Court and the courts of appeal, shall be open for the transaction of judicial business on any day specified or provided for as a holiday by Chapter 7 (commencing with Section 6700) of Division 7, Title 1 of the Government Code other than a special holiday or, in counties wherein county offices are, pursuant to ordinance, open for the transaction of county business on such election days, on a day on which an election is held throughout the state, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature.

Injunctions and writs of prohibition may be issued and served on any day.

SEC. 6. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney,

counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivision 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.

Whenever a judge who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge. Copies of such written statement shall forthwith be served by the presenting party on each party, or his attorney, who has appeared in the action or proceeding and on the judge alleged in such statement to be disqualified.

Within 10 days after the filing of any such statement, or 10 days after the service of such statement as above provided, whichever is later in time, the judge alleged therein to be disqualified may file

with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the 10 days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, assigned by the Chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swampland or drainage district, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right-of-way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of

the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right-of-way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge assigned to sit therein by the Chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal or justice court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

7. When, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county from issuing an order for possession prior to judgment in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4 (commencing with Section 392) of Part 2 of this code.

SEC. 7. Section 264 of the Code of Civil Procedure is amended to read:

264. The judges of each superior, municipal, and justice court may adopt rules designed to assure, by requiring an examination or by other suitable means, that any interpreter whose services are used in such court performs such services competently.

SEC. 8. Section 274c of the Code of Civil Procedure is amended to read:

274c. Official reporters of a municipal or justice court, or any one of them, must, at the request of either party or of the court in a civil proceeding, or on the order of the court in a criminal action or

proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court.

SEC. 9. Section 402 of the Code of Civil Procedure is amended to read:

402. The presiding judge of a municipal or justice court district may order, for the convenience of the court, that any case pending trial be transferred to a contiguous municipal or justice court district in the same county if the presiding judge in the district to which the case is proposed to be transferred consents to the transfer and notice thereof is given to the parties or their attorneys at least 10 days in advance of the date fixed for trial.

No fees shall be charged for the transfer of any case pursuant to this section

SEC. 10. Section 422.20 of the Code of Civil Procedure is repealed.

SEC. 11. Section 422.20 is added to the Code of Civil Procedure, to read:

422.20. The rules of pleading in justice courts shall be the same as the rules of pleading in municipal courts.

SEC. 12. Section 446 of the Code of Civil Procedure is amended to read:

446. Every pleading shall be subscribed by the party or his attorney. When the state, any county thereof, city, school district, district, public agency, or public corporation, or any officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his official capacity, is plaintiff, the answer shall be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless a county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county, city, school district, district, public agency, or public corporation, in his official capacity, is defendant. When the complaint is verified, the answer shall be verified. In all cases of a verification of a pleadings, the affidavit of the party shall state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it shall be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the

facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he shall set forth in the affidavit the reasons why it is not made by one of the parties.

When a corporation is a party, the verification may be made by any officer thereof. When the state, any county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his official capacity is plaintiff, the complaint need not be verified; and if the state, any county thereof, city, school district, district, public agency, or public corporation, or an officer of such state, county, city, school district, district, public agency, or public corporation, in his official capacity is defendant, its or his answer need not be verified.

When the verification is made by the attorney for the reason that the parties are absent from the county where he has his office, or from some other cause are unable to verify it, or when the verification is made on behalf of a corporation or public agency by any officer thereof, such attorney's or officer's affidavit shall state that he has read the pleading and that he is informed and believes the matters therein to be true and on that ground alleges that the matters stated therein are true; provided that in such cases the pleadings shall not otherwise be considered as an affidavit or declaration establishing the facts therein alleged.

A person verifying a pleading need not swear to the truth or his belief in the truth of the matters stated therein but may, instead, assert the truth or his belief in the truth of such matters "under penalty of perjury."

SEC. 13. Section 472 of the Code of Civil Procedure is amended to read:

472. Any pleading may be amended once by the party of course, and without costs, at any time before the answer or demurrer is filed, or entered in the docket, or after demurrer and before the trial of the issue of law thereon, by filing the same as amended and serving a copy on the adverse party, and the time in which the adverse party must respond thereto shall be computed from the date of notice of such amendment.

SEC. 14. Section 489.220 of the Code of Civil Procedure is amended to read:

489.220. (a) Except as provided in subdivision (b), the amount of an undertaking filed pursuant to this article shall be two thousand five hundred dollars (\$2,500) in an action in the municipal or justice court, and seven thousand five hundred dollars (\$7,500) in an action in the superior court.

(b) If, upon objection to the undertaking, the court determines that the probable recovery for wrongful attachment exceeds the amount of the undertaking, it shall order the amount of the undertaking increased to the amount it determines to be the probable recovery for wrongful attachment if it is ultimately

determined that the attachment was wrongful.

SEC. 15. Section 500 of the Code of Civil Procedure is repealed.

SEC. 16. Section 571 of the Code of Civil Procedure is amended to read:

571. Whenever a receiver, referee, or commissioner is appointed by a court and the duties of such receiver, referee, or commissioner will, or are reasonably anticipated to, involve the custody of personal property or the receipt or disbursement of moneys, the order of appointment shall provide that before entering upon his duties, such receiver, referee, or commissioner, with two or more sureties, approved by the court or judge, shall execute an undertaking to the State of California, to the effect that he will faithfully discharge the duties of receiver, referee, or commissioner, as the case may be, and obey the orders of the court therein.

The order of appointment shall specify the amount of the undertaking, but a failure to so specify shall not invalidate the order.

SEC. 17. Section 575 of the Code of Civil Procedure is amended to read:

575. The Judicial Council may promulgate rules governing pretrial conferences, and the time, manner and nature thereof, in civil cases at issue, or in one or more classes thereof, in the superior, municipal, and justice courts.

SEC. 18. Section 581d of the Code of Civil Procedure is amended to read:

581d. A written dismissal of an action shall be entered in the clerk's register and is effective for all purposes when so entered.

All dismissals ordered by the court shall be in the form of a written order signed by the court and filed in the action and such orders when so filed shall constitute judgments and be effective for all purposes, and the clerk in superior, municipal, and justice courts shall note such judgments in his register of actions in the case.

SEC. 19. Section 594 of the Code of Civil Procedure is amended to read:

594. (a) In superior, municipal, and justice courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with his case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had 15 days' notice of such trial or five days' notice of such trial in an unlawful detainer action as specified in subdivision (b). If the adverse party has served notice of trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to the trial, the adverse party shall be deemed to have had such notice.

(b) The notice to the adverse party required by subdivision (a) shall be served by mail on all the parties by the clerk of the court not less than 20 days prior to the date set for trial and not less than five days prior to the date set for trial in an unlawful detainer action. If

notice is not served by the clerk as required by this subdivision, it may be served by mail by any party on the adverse party not less than 15 days prior to the date set for trial, and in an unlawful detainer action not less than five days prior to the date set for trial. If notice is served by the clerk, proof thereof may be made by introduction into evidence of the clerk's certificate pursuant to subdivision (3) of Section 1013a or other competent evidence. If notice is served by a party, proof may be made by introduction into evidence of an affidavit or certificate pursuant to subdivision (1) or (2) of Section 1013a or other competent evidence. The provisions of this subdivision are exclusive.

SEC. 19.5. Section 594 of the Code of Civil Procedure is amended to read:

594. (a) In superior, municipal, and justice courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with his case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had 15 days' notice of such trial or five days' notice of such trial in an unlawful detainer action as specified in subdivision (b). If the adverse party has served notice of trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to the trial, the adverse party shall be deemed to have had such notice.

(b) The notice to the adverse party required by subdivision (a) shall be served by mail on all the parties by the clerk of the court not less than 20 days prior to the date set for trial. In an unlawful detainer action where notice is served by mail such service shall be mailed not less than 10 days prior to the date set for trial. If notice is not served by the clerk as required by this subdivision, it may be served by mail by any party on the adverse party not less than 15 days prior to the date set for trial, and in an unlawful detainer action where notice is served by mail such service shall be mailed not less than 10 days prior to the date set for trial. The time provisions of Section 1013 shall not serve to extend the notice of trial requirements under this subdivision for unlawful detainer actions. If notice is served by the clerk, proof thereof may be made by introduction into evidence of the clerk's certificate pursuant to subdivision (3) of Section 1013a or other competent evidence. If notice is served by a party, proof may be made by introduction into evidence of an affidavit or certificate pursuant to subdivision (1) or (2) of Section 1013a or other competent evidence. The provisions of this subdivision are exclusive.

SEC. 20. Section 605 of the Code of Civil Procedure is amended to read:

605. Whenever, in the opinion of a judge of a superior, municipal, or justice court about to try a civil action or proceeding, the trial is likely to be a protracted one, or upon stipulation of the parties, the court may cause an entry to that effect to be made in the minutes

of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or more additional jurors, in its discretion, to be known as "alternate jurors."

Such alternate jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that each side, as provided in Section 601 in this code, shall be entitled to as many peremptory challenges to such alternate jurors as there are alternate jurors called.

Such alternate jurors shall be seated so as to have equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff or marshal during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and upon final submission of the case to the jury such alternate jurors shall be kept in the custody of the sheriff or marshal, who shall not suffer any communication to be made to them except by order of the court, and shall not be discharged until the original jurors are discharged, except as hereinafter provided.

If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his duty, or if a juror requests a discharge and good cause appears therefor, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he has been selected as one of the original jurors.

All laws relative to fees, expenses, and mileage or transportation of jurors shall be applicable to alternate jurors, except that the sums for fees and mileage or transportation need not be deposited until the judge directs alternate jurors to be impaneled.

SEC. 21. Section 628 of the Code of Civil Procedure is amended to read:

628. In superior, municipal, and justice courts upon receipt of a verdict, an entry must be made in the minutes of the court, specifying the time of trial, the names of the jurors and witnesses, and setting out the verdict at length; and where special verdict is found, either the judgment rendered thereon, or if the case be reserved for argument or further consideration, the order thus reserving it.

SEC. 22. Section 632 of the Code of Civil Procedure is amended to read:

632. In superior, municipal, and justice courts, upon the trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required, except as herein provided.

In superior courts, upon such trial, the court shall announce its intended decision. Within the time after such announcement permitted by rules of the Judicial Council, any party appearing at the trial may request findings. Unless findings are requested, the court shall not be required to make written findings and conclusions.

In municipal and justice courts, findings and conclusions shall be deemed waived unless expressly requested by one or more of the parties at the time of the trial; provided, that the court shall not be required to make any written findings and conclusions in any case in which the amount of the demand, exclusive of interest and costs, or the value of the property in controversy, does not exceed one thousand dollars (\$1,000).

In any such trial in the superior, municipal, or justice court, findings and conclusions may be waived by consent in writing filed with the clerk or judge, or by oral consent in open court, entered in the minutes, and shall be deemed waived by a party by failure to appear at the trial.

Where findings are required, they shall fairly disclose the court's determination of all issues of fact in the case.

Where findings are required and a finding is supported primarily by evidence obtained at a view as provided in Section 651, the court shall so state in its findings and shall also state its observations at the view supporting such finding. The statements required by this paragraph are not required to be stated in the findings where the court includes such statements in its announcement of intended decision.

The procedure for requesting, preparing, and filing written findings and conclusions and the written judgment of the courts shall be in accordance with rules adopted by the Judicial Council. Judgment shall be entered as provided in Section 664.

SEC. 23. Section 639 of the Code of Civil Procedure is amended to read:

639. When the parties do not consent, the court may, upon the application of either, or of its own motion, direct a reference in the following cases.

1. When the trial of an issue of fact requires the examination of a long account on either side; in which case the referees may be directed to hear and decide the whole issue, or report upon any specific question of fact involved therein;

2. When the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect;

3. When a question of fact, other than upon the pleadings, arises upon motion or otherwise, in any stage of the action;

4. When it is necessary for the information of the court in a special proceeding.

SEC. 24. Section 655 of the Code of Civil Procedure is amended to read:

655. The provisions of this article apply to superior, municipal, or

justice courts.

SEC. 25. Section 664 of the Code of Civil Procedure is amended to read:

664. When trial by jury has been had, judgment must be entered by the clerk, in conformity to the verdict within 24 hours after the rendition of the verdict, whether or not a motion for judgment notwithstanding the verdict be pending, unless the court order the case to be reserved for argument or further consideration, or grant a stay of proceedings. If the trial has been had by the court, judgment must be entered by the clerk, in conformity to the decision of the court, immediately upon the filing of such decision. In no case is a judgment effectual for any purpose until entered.

SEC. 26. Section 664.5 of the Code of Civil Procedure is amended to read:

664.5. Promptly upon entry of judgment in a contested action or special proceeding in a superior, municipal, or justice court, the clerk of the court shall mail notice of entry of judgment to all parties who have appeared in the action or special proceeding and shall execute a certificate of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" includes any judgment, decree, or signed order from which an appeal lies.

Upon order of the court in any action or special proceeding, the clerk shall mail notice of entry of any judgment or ruling, whether or not appealable.

SEC. 27. Section 667a of the Code of Civil Procedure is repealed.

SEC. 28. Section 668 of the Code of Civil Procedure is amended to read:

668. Except as provided in Section 668.5, the clerk of the superior, municipal, and justice court must keep, with the records of the court, a book called the "judgment book," in which judgments must be entered.

SEC. 29. Section 670 of the Code of Civil Procedure is amended to read:

670. In superior, municipal, and justice courts the following papers, without being attached together, shall constitute the judgment roll:

1. In case the complaint is not answered by any defendant, the summons, with the affidavit or proof of service; the complaint; the request for entry of default with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; if defendant has appeared by demurrer, and such demurrer has been overruled, then notice of the overruling thereof served on defendant's attorney, together with proof of such service; and in case the service so made is by publication, the affidavit for publication of summons, and the order directing the publication of summons;

2. In all other cases, the pleadings, all orders striking out any pleading in whole or in part, a copy of the verdict of the jury, or finding of the court or referee, and a copy of any order made on

demurrer, or relating to a change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service, on such defendant, and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons.

SEC. 30. Section 674 of the Code of Civil Procedure is amended to read:

674. (a) An abstract of the judgment or decree of any court of this state, including a judgment entered pursuant to Chapter 1 (commencing with Section 1710.10) of Title 11 of Part 3, or a judgment of any court sitting as a small claims court, or any court of record of the United States, the enforcement of which has not been stayed on appeal or pursuant to Section 1710.50, certified by the clerk, judge or justice of the court where such judgment or decree was rendered, may be recorded with the recorder of any county and from such recording the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterward and before the lien expires, acquire. Such lien continues for 10 years from the date of the entry of the judgment or decree unless the enforcement of the judgment or decree is stayed on appeal or pursuant to Section 1710.50 by the execution of a sufficient undertaking or the deposit in court of the requisite amount of money as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book or minutes.

(b) An order made pursuant to subdivision (b) of Section 908 of the Welfare and Institutions Code shall be considered a judgment for the purposes of subdivision (a) of this section.

(c) With respect to real property containing a dwelling house judicially determined to be exempt from levy of execution pursuant to the provisions of Section 690.31, as distinguished from property subject to a declared homestead created pursuant to Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code, a judgment lien created pursuant to subdivision (a) of this section shall attach to such real property notwithstanding the exemption provided by Section 690.31.

SEC. 31. Section 675 of the Code of Civil Procedure is amended

to read:

675. (a) Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgement, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior, municipal, and justice courts such entry shall be made in the register of actions.

(b) Except in cases where demand has been made pursuant to subdivision (c), when an abstract of the judgment has been recorded with the recorder of any county, acknowledgment of satisfaction thereof by execution or other means shall be filed in the manner provided in subdivision (a) and either personally delivered, or sent by first-class mail, postage prepaid to the judgment debtor or his attorney by the judgment creditor or assignee not later than 30 days after the judgment has been in fact paid in full. Such acknowledgment shall identify the county in which the abstract has been recorded and the book and page of the official records thereof, and contain a statement that such acknowledgement will have to be recorded in such county in order to release the judgment lien. Such acknowledgment shall also show the full name of the judgment debtor being released and shall identify the judgment debtor as such. The judgment debtor's name shall appear on the acknowledgment as it appears on the abstract of judgment. Any such judgment creditor or assignee of record who fails without just cause to file or deliver such acknowledgment of satisfaction shall be liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such failure, and shall also forfeit to him or them the sum of one hundred dollars (\$100).

(c) Any judgment creditor or assignee who, for a period of 15 days after actual receipt of a demand in writing for acknowledgment of satisfaction of judgment, which demand is made after the judgment has in fact been paid in full, refuses without just cause to execute, acknowledge and deliver such acknowledgment of satisfaction to the judgment debtor, or to the owner of the real property upon which the judgment has become a lien by reason of the recording of an abstract of a judgment in accordance with Section 674, is liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may

sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars (\$100).

(d) Any judgment creditor or assignee who intentionally conditions the delivery of an acknowledgment of satisfaction of judgment upon the performance of any act or the payment of any amount by a judgment debtor in excess of that to which the judgment creditor or assignee is entitled pursuant to the judgment, shall be liable to the judgment debtor or his grantees or heirs, for all damages sustained by reason of such action, but in no event shall this be less than two hundred fifty dollars (\$250).

This subdivision shall not apply where a judgment creditor or assignee has agreed to deliver an acknowledgment of satisfaction of judgment to the judgment debtor prior to full satisfaction of the judgment in consideration for the judgment debtor having agreed either to furnish security or to execute a promissory note, or both, the principal amount of which does not exceed that to which the judgment creditor or assignee is entitled pursuant to the judgment.

(e) Whenever a certificate has been recorded with the recorder of any county by a state agency under Article 4 (commencing with Section 18881), Chapter 19, Part 10, Division 2 of, or Article 2 (commencing with Section 26161), Chapter 23, Part 11, Division 2 of, the Revenue and Taxation Code, or under Article 1 (commencing with Section 1701), Chapter 7, Part 1, Division 1 of the Unemployment Insurance Code, acknowledgment of satisfaction thereof by execution or other means shall be recorded by the state agency no later than 30 days after the delinquency evidenced by such certificate is satisfied.

(f) In any action maintained pursuant to subdivisions (b), (c), or (d) the court shall award reasonable attorney's fees to the prevailing party.

(g) The damages provided for in this section are not in derogation of any other damages or penalties to which an aggrieved person may be entitled by law.

SEC. 32. Section 681a of the Code of Civil Procedure is amended to read:

681a. The court, or the judge thereof, may stay the execution of any judgment or order; provided, that no court shall have power, without the consent of the adverse party, to stay the execution of any judgment or order, the execution whereof would be stayed on appeal only by the execution of a stay bond for a longer period than 30 days. If a motion for a new trial or for judgment notwithstanding the verdict is pending, execution may be stayed until 10 days after the determination thereof.

SEC. 33. Section 722 of the Code of Civil Procedure is amended to read:

722. When any judgment debtor, or any person or corporation or officer or member of such corporation, does not reside or have a place of business in the county where the judgment roll is filed, an order authorized to be made under any of the provisions of this

chapter may be made by any judge of a court of similar jurisdiction of the county where such judgment debtor or other person resides or has a place of business, or if there be no court of similar jurisdiction in such county, by a court of higher jurisdiction therein, upon filing with the clerk or judge of said court an abstract of the judgment, in the form prescribed by Section 674 of this code and upon presenting to the judge of such court an affidavit showing the existence of the facts required to be shown herein. At the time of filing such abstract, there shall be paid to such clerk or judge, as and for a filing fee, the sum of six dollars (\$6).

SEC. 34. Section 1033½ of the Code of Civil Procedure is amended to read:

1033½. In superior, municipal, and justice courts, the party applying for any judgment by default by clerk or court must file with the clerk, at the time he makes application for judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be certified by the oath of the party or his attorney, or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief, the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding.

SEC. 35. Section 1052 of the Code of Civil Procedure is amended to read:

1052. The clerk of a municipal or justice court must keep among the records of the court a register of actions. He must enter therein the title of the action commenced in said court, with brief notes under it, from time to time, of all papers filed and proceedings had therein.

SEC. 36. Section 1052.5 of the Code of Civil Procedure is amended to read:

1052.5. In lieu of maintaining a register of actions as described in Section 1052, the clerk of the municipal or justice court may maintain a register of actions by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof, as will constitute a memorandum, necessary to the keeping of a register of actions so long as the completeness and chronological sequence of the register are not disturbed.

All such reproductions shall be placed in convenient, accessible files, and provision shall be made for preserving, examining, and using them.

Any photograph, microphotograph, or photocopy which is made pursuant to this section shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards.

SEC. 37. Section 1134 of the Code of Civil Procedure is amended to read:

1134. In all courts the statement must be filed with the clerk of the court in which the judgment is to be entered, who must endorse

upon it, and enter a judgment of such court for the amount confessed with the costs hereinafter set forth. At the time of filing, the plaintiff shall pay as court costs which shall become a part of the judgment the following fees: in superior courts fifteen dollars (\$15) and in municipal courts and justice courts ten dollars (\$10). No fee shall be collected from the defendant. No fee shall be paid by the clerk of the court in which said confession of judgment is filed for the law library fund nor for services of any court reporter. The statement and affidavit, with the judgment endorsed thereon, becomes the judgment roll.

SEC. 38. Section 1135 of the Code of Civil Procedure is repealed.

SEC. 39. Section 1218 of the Code of Civil Procedure is amended to read:

1218. Upon the answer and evidence taken, the court or judge must determine whether the person proceeded against is guilty of the contempt charged, and if it be adjudged that he is guilty of the contempt, a fine may be imposed on him not exceeding five hundred dollars (\$500), or he may be imprisoned not exceeding five days, or both.

No party, who is in contempt of a court order or judgment in a divorce or separate maintenance action, shall be permitted to enforce such order or judgment, by way of execution or otherwise, either in the same action or by way of a separate action, against the other party. This restriction shall not affect nor apply to the enforcement of child support orders.

SEC. 40. Section 1995 of the Code of Civil Procedure is amended to read:

1995. If the witness be a prisoner, confined in a jail within this state, an order for his examination in the jail upon deposition, or for his temporary removal and production before a court or officer may be made as follows:

1. By the court itself in which the action or special proceeding is pending, unless it be a small claims court.

2. By a justice of the Supreme Court, or a judge of the superior court of the county where the action or proceeding is pending, if pending before a small claims court, or before a judge or other person out of court.

SEC. 41. Section 1458 of the Government Code is amended to read:

1458. The bonds of supervisors, treasurers, county clerks, auditors, sheriffs, tax collectors, district attorneys, recorders, assessors, surveyors, superintendents of schools, public administrators, coroners, and constables shall be approved by the judge or a majority of judges, if there be more than one, of the superior court before the bonds can be recorded and filed. In counties having five or more judges, the approval of three judges is sufficient.

SEC. 42. Section 24150 of the Government Code is amended to read:

24150. Prior to the primary election immediately preceding the election of county officers, the board of supervisors shall prescribe the amounts of the official bonds of the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, and constable.

SEC. 43. Section 26824 of the Government Code is amended to read:

26824. The fee for filing the papers transmitted on appeal from a municipal or justice court in a civil action or a special proceeding is fifteen dollars (\$15).

SEC. 44. Section 26825 of the Government Code is repealed.

SEC. 45. Section 26833 of the Government Code is amended to read:

26833. The fee for certifying to a copy of any paper, record, or proceeding on file in the office of the county clerk is one dollar (\$1).

SEC. 46. Section 26837 of the Government Code is amended to read:

26837. For comparing with the original on file in the office of the county clerk, the copy of any paper, record, or proceeding prepared by another and presented for his certificate, the fee is thirty cents (\$0.30) a page, in addition to the fee for his certificate.

SEC. 47. Section 27531 of the Government Code is repealed.

SEC. 48. Section 68070 of the Government Code is amended to read:

68070. Every court may make rules for its own government and the government of its officers not inconsistent with law or with the rules adopted and prescribed by the Judicial Council. Such rules shall not:

(a) Impose any tax, charge, or penalty upon any legal proceeding, or for filing any pleading allowed by law.

(b) Give any allowance to any officer for services.

SEC. 49. Section 68071 of the Government Code is amended to read:

68071. Copies of all rules, and amendments to rules, adopted by the superior, municipal, and justice courts shall be filed with the Judicial Council at least 30 days prior to the date when they take effect. Copies of such rules and amendments shall be filed with the clerks of the respective courts and be available for public examination.

SEC. 50. Section 68072 of the Government Code is amended to read:

68072. Rules for courts adopted by the Judicial Council or other authority shall take effect on a date to be fixed in the order of adoption. If no effective date is fixed, rules affecting the Supreme Court and courts of appeal shall take effect 60 days after their adoption, and rules affecting the superior courts, the municipal courts, or justice courts shall take effect 30 days after their adoption.

SEC. 51. Section 68085 of the Government Code is repealed.

SEC. 52. Section 68086 of the Government Code is repealed.

SEC. 53. Section 68087 of the Government Code is repealed.

SEC. 54. Section 68093 of the Government Code is amended to read:

68093. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend upon the superior, municipal, and justice courts, are twelve dollars (\$12) a day and mileage actually traveled, one way only, twenty cents (\$.20) a mile. In criminal cases such per diem and mileage are discretionary and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 55. Section 68096 of the Government Code is repealed.

SEC. 56. Section 68098 of the Government Code is amended to read:

68098. Witness' fees in criminal cases in superior, municipal, and justice courts are charges against the same funds as jurors' fees in such cases.

SEC. 57. Section 68110 of the Government Code is amended to read:

68110. Every judge of a court of this state shall, in open court during the presentation of causes before him, wear a judicial robe, which he shall furnish at his own expense. The Judicial Council shall, by rule, prescribe the style of such robes.

SEC. 58. Section 69957 of the Government Code is amended to read:

69957. Whenever the services of an official reporter of the superior court are not required in the actual prosecution of the business of the court within the purview of the duties of such reporter as an official reporter of the superior court, the presiding judge of the superior court may, if so requested by the presiding judge of any municipal court or a justice court judge within the county, assign any such official reporter of the superior court to act pro tempore as an official reporter of the municipal or justice court within the same county. Any such assignment shall be subject to the provisions of Article 5 (commencing at Section 72190) of Chapter 8 of Title 8 of this code.

SEC. 59. Section 68531 is added to the Government Code, to read:

68531. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in Sacramento County. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following

information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period.

(2) The fees charged and the fees collected for such transcripts.

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts.

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

(5) Such other information as the Judicial Council may require.

SEC. 60. Section 69994.1 of the Government Code is amended to read:

69994.1. When needed in order that the judicial business of the courts in such county may be carried on without delay, the judges of such courts may appoint as many additional phonographic reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall be compensated at the rate of seventy dollars (\$70) per day.

SEC. 61. Section 69994.2 of the Government Code is amended to read:

69994.2. The regular official phonographic reporters shall be compensated at an annual salary of twenty thousand eight hundred thirty-eight dollars (\$20,838), except that such reporters may be employed at an annual salary of seventeen thousand two hundred twenty-six dollars (\$17,226) for the first year of service, at an annual salary of eighteen thousand eighty-two dollars (\$18,082) for the second year of service, at an annual salary of eighteen thousand eight hundred ninety-six dollars (\$18,896) for the third year of service, and at an annual salary of nineteen thousand eight hundred thirty-six dollars (\$19,836) for the fourth year of service. The judges of the superior and municipal courts of such county, a majority concurring, may appoint a supervising phonographic reporter at an annual salary of twenty-one thousand seven hundred seventy-eight dollars (\$21,778).

SEC. 62. Section 69994.5 of the Government Code is amended to read:

69994.5. The salaries provided for in this article shall be paid in biweekly installments from the general fund of the county, and shall be allowed and audited in the same manner as other salary demands against the county.

SEC. 63. Section 70045.4 of the Government Code is amended to read:

70045.4. Notwithstanding the provisions of Section 70045 or any other provision of this article, in Merced County:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings in the superior court.

(2) Report all civil commitment proceedings and all contempt

proceedings in the superior court.

(3) Report all juvenile proceedings in the superior court other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings in the superior court.

(5) Report all civil jury trials in the superior court.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis in the superior court.

(7) Report any other court proceedings in the superior court when a party requests a court reporter in accordance with the rules of court.

(8) Report all criminal proceedings of the grand jury.

(9) Report proceedings for the board of equalization, when requested by the board.

(b) Each regular full-time court reporter shall be paid an annual salary of sixteen thousand seven hundred thirty-five dollars and ninety-four cents (\$16,735.94), unless the board of supervisors of the county shall provide for compensation in excess of that amount.

The foregoing salary is for compensation for reporting services under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to group insurance and retirement as other employees of such county. Retirement contributions shall be based upon the annual salary provided for in subdivision (b) of this section.

The salary range of official court reporters may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the superior court. Such changes in compensation made pursuant to this provision shall be on an interim basis and shall expire January 1 following adjournment of the next regular session of the Legislature unless ratified at such session.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts and county may require, in order that the business of the courts and county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

(d) In such a county, the fee required by Section 70053 shall be twelve dollars (\$12).

SEC. 64. Section 70047.1 is added to the Government Code, to

read:

70047.1. In Stanislaus County, the duties of official reporters shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of one thousand one hundred eighty-nine dollars (\$1,189), pro tempore reporters shall receive seventy-five dollars (\$75) per diem a day, or any fractional part thereof, for reporting criminal matters, and the fee for reporting testimony and proceedings in civil contested cases is seventy-five dollars (\$75) a day, or any fractional part thereof, and for the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary. All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

The salary range of official court reporters may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the superior court. Such changes in compensation made pursuant to this provision shall be on an interim basis and shall expire January 1 following adjournment of the next regular session of the Legislature unless ratified at such session.

SEC. 65. Section 71007 of the Government Code is amended to read:

71007. Notwithstanding the provisions of Section 71008 of the Government Code, and Section 1428b of the Penal Code, upon order of the presiding or sole judge of the court the clerks of the municipal court or the clerk of the justice court may photograph, microphotograph, microfilm or photocopy the records required to be kept by those sections at any time if:

(a) In civil proceedings, 10 years have elapsed from the date of the commencement of the action or proceeding.

(b) In criminal proceedings, five years have elapsed following the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

Such photograph, microphotograph, microphotographic film or photocopy shall be made in the manner and on the paper or film as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards, and shall be prepared pursuant to the provisions of Sections 1531 and 1551 of the Evidence Code.

Upon making of reproductions of court records, the originals may be destroyed. Reproductions of permanent judicial records shall never be destroyed.

Every reproduction shall be deemed to be an original record. A transcript, exemplification or certified copy of any reproduction shall be deemed to be a transcript, exemplification or certified copy, as the

case may be, of the original.

All photographs, microphotographs, microfilms and photocopies of court records shall be properly indexed and kept in convenient, accessible files. Each roll of microfilm shall be a book, and shall be designated and numbered, and provision shall be made for its preservation and examination and use by the public.

A duplicate of each roll of microfilm of permanent records shall be made and kept in a safe and separate place to assure its preservation indefinitely against loss, theft, defacement or destruction.

SEC. 66. Section 71097 of the Government Code is amended to read:

71097. Whenever part of a judicial district in which a justice court is established is annexed to a district with a municipal court, the justice court shall continue in the part of the district not so annexed unless otherwise provided by the board of supervisors. The cases pending in, and records of, such justice court shall continue in that court.

SEC. 67. Section 71264 of the Government Code is amended to read:

71264. Whenever required, marshals and constables shall attend the municipal and justice courts of the district in which they are appointed or elected to act. Within their counties they shall execute, serve, and return all writs, processes, and notices directed or delivered to them by municipal and justice courts or by other competent authority. A constable of a justice court, or a marshal of a municipal court who is authorized by law to appoint not more than four deputies, shall not be required to travel outside of his district to serve any civil process or notice. With respect to proceedings in the municipal or justice court, the marshal or constable of the court has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

SEC. 68. Section 71343 of the Government Code is repealed.

SEC. 69. Section 71610 of the Government Code is amended to read:

71610. No judge of a justice court who is paid a salary shall draw or receive any monthly salary unless he makes and subscribes an affidavit before an officer entitled to administer oaths that no cause in his court, which has been submitted for decision for a period of 90 days, remains pending and undecided, that he has complied with the provisions of Sections 1802 and 1803 of the Vehicle Code and that he has reported to the Judicial Council at the times and in the manner requested by the chairman of the council concerning the condition, and manner of disposal, of judicial business in his court.

SEC. 70. Section 71613.5 of the Government Code is repealed.

SEC. 71. Section 71614 of the Government Code is repealed.

SEC. 72. Section 71614.5 of the Government Code is repealed.

SEC. 73. Section 71615 of the Government Code is repealed.

SEC. 74. Section 71616 of the Government Code is repealed.

SEC. 75. Section 71664.5 is added to the Government Code, to

read:

71664.5. Except as otherwise provided by law, the judge or clerk of each justice court shall charge, in addition to the fees prescribed by this article, the fees prescribed by Sections 26831, 26832, 26833, 26837, 26839, 26853, and 26855 for all services to be performed.

SEC. 76. Section 71665 of the Government Code is amended to read:

71665. The fee for filing the complaint, or other first paper is eight dollars (\$8), which shall be paid before complaint is filed, and which shall include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment.

SEC. 77. Section 71665.5 of the Government Code is amended to read:

71665.5. The fee for filing the first paper on behalf of any party other than the plaintiff is three dollars (\$3), for each party.

SEC. 78. Section 71666 of the Government Code is amended to read:

71666. The fee for filing the papers transmitted from another court on a transfer of a civil action or proceeding, and all proceedings on it, is eight dollars (\$8).

SEC. 79. Section 71667 of the Government Code is amended to read:

71667. The fee for certificate and transmitting transcript and papers on appeal is one dollar and fifty cents (\$1.50).

SEC. 80. Section 71668 of the Government Code is repealed.

SEC. 81. Section 71669 of the Government Code is amended to read:

71669. When the venue in a case in the justice court is changed, the fee for making up and transmission of the transcript and papers is one dollar and fifty cents (\$1.50), and a further sum equal to the fee for filing in the court to which the case is transferred. The judge shall transmit such filing fee, with the papers in the case, to the clerk or judge of the court to which the case is transferred.

SEC. 82. Section 71670 of the Government Code is repealed.

SEC. 83. Section 71671 of the Government Code is repealed.

SEC. 84. Section 71672 of the Government Code is repealed.

SEC. 85. Section 71673 of the Government Code is repealed.

SEC. 86. Section 71674 of the Government Code is amended to read:

71674. The fee for issuing a transcript of the docket is one dollar and fifty cents (\$1.50).

SEC. 87. Section 71676 of the Government Code is repealed.

SEC. 88. Section 71677 of the Government Code is amended to read:

71677. The fee for receiving and filing an abstract of judgment rendered by a judge of another court and for subsequent services based on it is six dollars (\$6).

SEC. 89. Section 71678 of the Government Code is repealed.

SEC. 90. Section 71679 of the Government Code is amended to read:

71679. The fee for issuing each process, writ, order, or paper required by law to be issued not otherwise in this article provided for is one dollar and fifty cents (\$1.50).

SEC. 91. Section 71680 of the Government Code is amended to read:

71680. The fee for administering an oath or affirmation not otherwise in this article provided for is one dollar and fifty cents (\$1.50).

SEC. 92. Section 71681 of the Government Code is repealed.

SEC. 93. Section 71682 of the Government Code is amended to read:

71682. The fee for taking and approving a bond or undertaking, including the justification of sureties, is one dollar and fifty cents (\$1.50).

SEC. 94. Section 72050 of the Government Code is amended and renumbered to read:

71280. With respect to proceedings in the municipal or justice court the clerk of the court has all the powers conferred by law upon the clerk of the superior court with respect to proceedings in the superior court.

SEC. 95. Section 72050.5 of the Government Code is amended and renumbered to read:

71280.1. The clerk of every municipal and justice court shall keep the minutes and other records of the court, entering at length within the time specified by law, or forthwith if no time is specified, any order, judgment, and decree of the court which is required to be entered and showing the date when each entry is made. Failure so to enter the date or failure to enter the order, judgment, or decree within the time specified in this section shall not affect the validity or effectiveness of the entry.

SEC. 96. Section 72050.7 of the Government Code is amended and renumbered to read:

71280.2. Notwithstanding any provisions of law to the contrary, in those counties where it is required by court order or rule that the clerk of the municipal or justice court place individual civil minute orders in the court's file of actions in chronological order, the clerk shall not be required to keep a minute book but shall be required to keep minutes. Nothing contained in this section shall eliminate the requirement for a judgment book where judgments and decrees are required to be entered.

SEC. 97. Section 72051 of the Government Code is amended and renumbered to read:

71280.3. The clerk of a municipal or justice court shall keep among the records of the court such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and

of defendants in criminal actions and the name of each plaintiff and defendant shall be indexed and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants, if any, and the date of filing. This section does not apply to criminal actions filed by notice in lieu of a verified complaint pursuant to Section 40513 of the Vehicle Code.

SEC. 98. Section 72051.5 of the Government Code is amended and renumbered to read:

71280.4. The clerk of the municipal and justice court shall endorse on each paper filed with the court the day, month, and year it is filed.

SEC. 99. Section 72052 of the Government Code is amended and renumbered to read:

71008. Upon order of the presiding or sole judge of a municipal or justice court, the clerk may destroy all records, papers, and exhibits filed or kept in the court in any civil action or special proceeding other than the register of actions, and permanent indexes after the lapse of 10 years from the date on which judgment in such case became final, or if it has not been prosecuted to judgment, after a like period from the date of the commencement of the action or proceeding.

SEC. 100. Section 72110 of the Government Code is repealed.

SEC. 101. Section 72196 of the Government Code is amended to read:

72196. Whenever the business of the court requires, the presiding or sole judge of the municipal or justice court may request the services of one or more official reporters of the superior court within the same county to act as pro tempore phonographic reporter of the municipal court in criminal cases. Any such request shall be addressed to the presiding judge of the superior court. Such request shall be granted or denied in the manner and subject to the provisions set forth in Article 9 (commencing at Section 69941) of Chapter 5 of Title 8 of this code.

SEC. 102. Section 72197 of the Government Code is amended to read:

72197. Whenever such request has been granted and any official reporter of the superior court has been assigned to act as a pro tempore phonographic reporter of the municipal or justice court, such reporter shall, during the period of such assignment to the municipal or justice court, perform the duties of an official reporter of such municipal or justice court and during the time of any such assignment such reporter shall be subject to the provisions of Sections 69942 to 69955, inclusive, and Sections 273 and 274c of the Code of Civil Procedure.

SEC. 103. Section 72198 of the Government Code is amended to read:

72198. In any county in which the official reporter of the superior court receives an annual salary fixed by law no additional

compensation shall be paid to such reporter for any service rendered by him while assigned to the municipal or justice court; provided, however, that any official reporter of the superior court assigned to a municipal or justice court situated at a place other than the situs of the superior court in which said reporter regularly serves shall receive mileage from said superior court to the municipal or justice court to which he has been assigned, and return, for each day, or fraction thereof, during which said superior court reporter serves in the municipal or justice court; the rate for mileage so allowed shall be that fixed and paid to county employees generally.

SEC. 104. Section 72300.1 of the Government Code is amended and renumbered to read:

71344. Municipal and justice courts shall be open for the transaction of business on days on which an election is held throughout the state where pursuant to ordinance county offices are open for the transaction of business during such election days.

SEC. 105. Section 72305 of the Government Code is amended and renumbered to read:

71345. Municipal and justice courts shall not be open for the transaction of business on Saturday, which is a holiday as respects the transaction of business in municipal and justice courts and for the purposes of Section 12a of the Code of Civil Procedure; except that the provisions of Section 72300 of this code shall remain in full force and effect; and except, further, that the deliberations of a jury may continue on a Saturday, and the court shall remain open for any and all purposes in connection therewith, and the making of any and all necessary orders, entries, judgments and directions pertaining to any such jury trial; and a judge of the municipal or justice court on Saturday may perform any judicial act which on any other day he might perform in his chamber.

SEC. 106. Section 73793 of the Government Code is amended to read:

73793. There shall be one administrative officer of the court known as the municipal court clerk-administrator, who shall be appointed by a majority of the judges of the court. The court clerk-administrator shall receive a biweekly salary on range 46.

SEC. 107. Section 73794 of the Government Code is amended to read:

73794. There may be two traffic referees who shall be appointed by a majority of the judges of the court. A traffic referee shall receive a biweekly salary on range 42.5. The provisions of Section 72400 do not apply to the traffic referees appointed pursuant to this section.

A traffic referee of the court shall have the powers and duties specified for traffic referees in Sections 72401, 72402, and 72403.

SEC. 108. Section 73795.5 is added to the Government Code, to read:

73795.5. Official reporters in the Municipal Court in Merced County appointed pursuant to Section 72194, in lieu of any other compensation provided by law for their services in reporting

testimony and proceedings in such court, shall receive an annual salary in the sum of fifteen thousand nine hundred thirty-nine dollars and four cents (\$15,939.04), which shall be a charge against the general fund of the county.

Any official reporter regularly assigned to a municipal court within the city limits of the City of Merced who is temporarily assigned to a municipal court situated outside the city limits of Merced shall receive mileage both ways from the court to which he is regularly assigned to the municipal court to which he has been temporarily assigned. The rate for such mileage shall be that fixed and paid to other county employees.

SEC. 109. Section 73796 of the Government Code is amended to read:

73796. There shall be one marshal of the Merced County Municipal Court. The marshal shall receive a salary on range 45.

The office of marshal shall be filled initially by appointment by a majority of the judges of the court from among those persons who have served as constable of a justice court in Merced County during the year of 1976.

SEC. 110. Section 73797 of the Government Code is amended to read:

73797. (a) The marshal may appoint:

- (1) One assistant marshal on range 42.
- (2) Six deputy marshals on range 39.
- (3) Two civil assistants on range 29.

(b) The initial appointments to the positions of assistant marshal and deputy marshal shall be made from persons who have served as constables in a justice court in Merced County during the year of 1976. Such appointees shall become deputy marshals and receive the salary provided at the fifth step of the range designated for deputy marshal. The assistant marshal initially appointed shall receive the salary provided at the fifth step of the range designated for assistant marshal.

SEC. 111. Section 73798 of the Government Code is amended to read:

73798. The clerk-administrator may appoint:

- (a) One supervising municipal court clerk on range 36.5.
- (b) Four deputy court clerks II on range 31.
- (c) Nineteen deputy court clerks I on range 29.
- (d) One account technician I on range 33.5.
- (e) One account clerk I on range 29.
- (f) One steno-clerk II on range 29.
- (g) Three typist clerks II on range 28.
- (h) One pretrial release clerk on range 36.5.

SEC. 112. Section 73800 of the Government Code is amended to read:

73800. (a) Whenever reference to a numbered salary range is made in any section of this article, the schedule of biweekly salaries found in the salary and personnel ordinance of the County of Merced

in effect on July 1, 1977, shall apply.

(b) Subject to the provisions of the salary ordinance of the County of Merced, each person employed in the clerk's office or marshal's office may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position.

(c) Notwithstanding any other provision in this article, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased in the same manner and at the same rate as a salary increase is effective for other permanent county salaried employees. It is the purpose of this section to provide compensation for municipal court employees which is comparable to that paid to county employees of similar qualifications and experience holding equal or comparable positions in the Merced County classified service, as such comparability is determined by the Merced County Board of Supervisors.

Any adjustment of salaries made pursuant to this subdivision shall remain in effect only until January 1 of the second year following the year in which such adjustment is made.

(d) Employees of the municipal court shall be entitled to all employee benefits that are provided for or made applicable to employees within the classified service pursuant to Merced County ordinances or resolutions, to the extent that the benefits are not contrary to state law.

All matters affecting the employment of such municipal court employees which are not specifically determined by other provisions of state law, shall be governed and regulated by the personnel ordinances and resolutions of the Board of Supervisors of the County of Merced in effect on July 1, 1977. If any such personnel ordinance or resolution is amended or a new personnel ordinance or resolution is adopted, such amendment or new ordinance or resolution shall be applicable to municipal court employees only until January 1 of the second year following the year such amendment or new ordinance or resolution is enacted.

SEC. 113. Section 74783 of the Government Code is amended to read:

74783. There shall be one clerk who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The clerk shall be on salary range 53C. The clerk may appoint, with the approval of the judges of the court:

- (a) One assistant clerk on range 47C.
- (b) Eight municipal court clerks on range 41D.
- (c) One legal clerk on range 39B.
- (d) Four account clerks III on range 38B.
- (e) One clerk III on range 37B.
- (f) Five account clerks II on range 35B.
- (g) Fourteen clerks II on range 34B.

SEC. 114. Section 74784 of the Government Code is amended to read:

74784. There shall be one marshal who shall be appointed by and serve at the pleasure of a majority of the judges of the court, and who shall be on range 50B. The marshal may appoint with the approval of the judges of the court:

- (a) One sergeant deputy marshal on range 47A.
- (b) Eight deputy marshals on range 44A.
- (c) One account clerk II on range 35B.
- (d) Two typist-clerks II on range 34B.
- (e) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 115. Section 74785 of the Government Code is amended to read:

74785. Official reporters in the municipal court appointed pursuant to Section 72194 shall be attachés of the court and, in lieu of any other compensation provided by law for their services in reporting testimony in criminal proceedings in the court shall receive a monthly salary equivalent to range 51D.

SEC. 116. Section 7301 of the Health and Safety Code is amended to read:

7301. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the death until permission of the coroner has been obtained.

SEC. 117. Section 94.5 of the Penal Code is amended to read:

94.5. Every judge, justice, retired judge, retired justice, judge who has resigned from office, commissioner, or assistant commissioner of a court of this state who accepts any money or other thing of value for performing any marriage, including any money or thing of value voluntarily tendered by the persons about to be married or who have been married by such judge, justice, retired judge, retired justice, commissioner, or assistant commissioner, whether the acceptance occurs before or after performance of the marriage and whether or not performance of the marriage is conditioned on the giving of such money or the thing of value by the persons being married, is guilty of a misdemeanor.

It is not a necessary element of the offense described by this section that the acceptance of the money or other thing of value be committed with intent to commit extortion or with other criminal intent.

This section does not apply to the request for or acceptance of a fee expressly imposed by law for performance of a marriage.

This section does not apply to an acceptance of a fee for performing a marriage on Saturday, Sunday or a legal holiday.

SEC. 118. Section 325 of the Penal Code is amended to read:

325. All moneys and property offered for sale or distribution in violation of any of the provisions of this chapter are forfeited to the state, and may be recovered by information filed, or by an action brought by the Attorney General, or by any district attorney, in the name of the state. Upon the filing of the information or complaint, the clerk of the court must issue an attachment against the property

mentioned in the complaint or information, which attachment has the same force and effect against such property, and is issued in the same manner as attachments issued from the superior courts in civil cases.

SEC. 119. Section 806 of the Penal Code is amended to read:

806. A proceeding for the examination before a magistrate of a person on a charge of an offense originally triable in a superior court must be commenced by written complaint under oath subscribed by the complainant and filed with the magistrate. Such complaint may be verified on information and belief. When the complaint is used as a pleading to which the defendant pleads guilty under Section 859a of this code, the complaint shall contain the same allegations, including the charge of prior conviction or convictions of crime, as are required for indictments and informations and, wherever applicable, shall be construed and shall have substantially the same effect as provided in this code for indictments and informations.

SEC. 119.5. Section 806 of the Penal Code is amended to read:

806. A proceeding for the examination before a magistrate of a person on a charge of an offense originally triable in a superior court must be commenced by written complaint under oath subscribed by the complainant and filed with the magistrate. Such complaint may be verified on information and belief. When the complaint is used as a pleading to which the defendant pleads guilty under Section 859a of this code, the complaint shall contain the same allegations, including the charge of prior conviction or convictions of crime, as are required for informations and, wherever applicable, shall be construed and shall have substantially the same effect as provided in this code for informations.

SEC. 120. Section 1050 of the Penal Code is amended to read:

1050. The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. To this end the Legislature finds that the criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant. It is therefore recognized that the people and the defendant have reciprocal rights and interests in a speedy trial or other disposition, and to that end it shall be the duty of all courts and judicial officers and of all counsel, both the prosecution and the defense, to expedite such proceedings to the greatest degree that is consistent with the ends of justice. In accordance with this policy, criminal cases shall be given precedence over, and set for trial and heard without regard to the pendency of, any civil matters or proceedings.

To continue any hearing in a criminal proceeding, including the trial, a written notice must be filed within two court days of the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary, unless the court for good cause entertains an oral motion for continuance. Continuances shall be granted only upon a showing

of good cause. Neither a stipulation between counsel nor the convenience of the parties is in and of itself a good cause. Provided, that upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court is a Member of the Legislature of this state and that the Legislature is in session or that a legislative interim committee of which the attorney is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance not to exceed 30 days. A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever any continuance is granted, the facts proved which require the continuance shall be entered upon the minutes of the court. Whenever it shall appear that any court may be required, because of the condition of its calendar, to dismiss an action pursuant to Section 1382 of this code, the court must immediately notify the Chairman of the Judicial Council.

SEC. 120.3. Section 1050 of the Penal Code is amended to read:

1050. The welfare of the people of the State of California requires that all proceedings in criminal cases shall be set for trial and heard and determined at the earliest possible time. To this end the Legislature finds that the criminal courts are becoming increasingly congested with resulting adverse consequences to the welfare of the people and the defendant. It is therefore recognized that both the people and the defendant have the right to an expeditious disposition, and to that end it shall be the duty of all courts and judicial officers and of all counsel, both the prosecution and the defense, to expedite such proceedings to the greatest degree that is consistent with the ends of justice. In accordance with this policy, criminal cases shall be given precedence over, and set for trial and heard without regard to the pendency of, any civil matters or proceedings.

To continue any hearing in a criminal proceeding, including the trial, a written notice must be filed within two court days of the hearing sought to be continued, together with affidavits or declarations detailing specific facts showing that a continuance is necessary, unless the court for good cause entertains an oral motion for continuance. Continuances shall be granted only upon a showing of good cause. The convenience of the parties is not in and of itself good cause. Upon a showing that the attorney of record at the time of the defendant's first appearance in the superior court is a Member of the Legislature of this state and that the Legislature is in session or that a legislative interim committee of which the attorney is a duly appointed member is meeting or is to meet within the next seven days, the defendant shall be entitled to a reasonable continuance not to exceed 30 days. A continuance shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever any continuance is granted, the facts proved which require the continuance shall be entered upon the minutes of the court. Whenever it shall appear that any court

may be required, because of the condition of its calendar, to dismiss an action pursuant to Section 1382 of this code, the court must immediately notify the Chairman of the Judicial Council.

SEC. 121. Section 1269b of the Penal Code is amended to read:

1269b. (a) The officer in charge of a jail where an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail or employed at a fixed police or sheriff's facility and is acting under an agreement with the agency which keeps the jail wherein an arrested person is held in custody, an employee of a sheriff's department or police department of a city who is assigned by such department to collect bail, the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof.

(b) If a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to the uniform countywide schedule of bail for the county in which the defendant must appear, previously fixed and approved as provided in subdivisions (c) and (d).

(c) It is the duty of the superior, municipal and justice court judges in each county to prepare, adopt, and from time to time revise, by a majority vote, at a meeting called by the presiding judge of the superior court of the county, a uniform countywide schedule of bail for allailable felony offenses.

(d) It is the duty of the municipal and justice court judges in each county to prepare, adopt, and from time to time revise, by a majority vote, at a meeting called by the presiding judge of the municipal court or the senior judge of the justice court at each county seat, a uniform, countywide schedule of bail for all misdemeanor and infraction offenses.

(e) Each countywide bail schedule shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedules do not list all offenses specifically, they shall contain a general clause for designated amounts of bail as the judges of the county determined to be appropriate for all such offenses not specifically listed in the schedules. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each

city jail within the county, to each superior, municipal and justice court judge and commissioner in the county, and to the Judicial Council.

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

All money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, such judge or clerk of the court shall transmit all such money and surety bonds to the county clerk.

(g) If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the provisions of Sections 1305 and 1306 shall apply.

SEC. 122. Section 1281a of the Penal Code is amended to read:

1281a. A judge of any municipal or justice court within the county, wherein a cause is pending against any person charged with a felony, may justify and approve bail in the said cause, and may execute an order for the release of the defendant which shall authorize the discharge of the defendant by any officer having said defendant in custody.

SEC. 123. Section 1428b of the Penal Code is amended to read:

1428b. (a) All papers and records filed or kept in criminal proceedings in municipal and justice courts, other than the docket and minutes, may, upon the order of the presiding judge of any such court, be destroyed after the expiration of the minimum retention period set forth in subdivision (b). The retention period shall be measured from the final determination of the proceeding or the forfeiture of bail in cases in which no other proceedings are had during a like period following such forfeiture.

(b) Minimum retention periods are as follows:

(1) Two years for cases involving alleged violations of Chapter 9 (commencing with Section 22500) of Division 11 of the Vehicle Code or of any local ordinance adopted pursuant thereto, relating to stopping, standing, or parking, for cases involving alleged violations of Division 14 (commencing with Section 30501) of the Food and Agricultural Code or of any local ordinance adopted pursuant thereto, relating to the regulation or licensing of dogs, and for cases involving alleged violations of subdivision (b) or (c) of Section 11357 or subdivision (c) of Section 11360 of the Health and Safety Code, relating to marijuana.

(2) Four years for infraction cases not specified by paragraph (1), and for misdemeanor cases involving alleged violations of the Vehicle Code other than Sections 20002, 23102, 23104, 23105, and 23106.

(3) Five years for all other cases, except violations of Vehicle Code Sections 14601 and 14601.1 which shall be seven years.

(c) The minutes and docket shall be permanently retained in

cases governed by paragraph (3) of subdivision (b). In other cases, the docket and minutes may be destroyed concurrently with other papers and records affecting the case.

SEC. 124. Section 1431 of the Penal Code is repealed.

SEC. 125. Section 1432 of the Penal Code is repealed.

SEC. 126. Section 1432.1 of the Penal Code is repealed.

SEC. 127. Section 1469 of the Penal Code is amended to read:

1469. Upon appeal by the people the reviewing court may review any question of law involved in any ruling affecting the judgment or order appealed from, without exception having been taken in the trial court. Upon an appeal by a defendant the court may, without exception having been taken in the trial court, review any question of law involved in any ruling, order, instruction, or thing whatsoever said or done at the trial or prior to or after judgment, which thing was said or done after objection made in and considered by the trial court and which affected the substantial rights of the defendant. The court may also review any instruction given, refused or modified, even though no objection was made thereto in the trial court if the substantial rights of the defendant were affected thereby. The reviewing court may reverse, affirm or modify the judgment or order appealed from, and may set aside, affirm or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial. If a new trial is ordered upon appeal, it must be had in the court from which the appeal is taken.

SEC. 128. Section 5225 of the Welfare and Institutions Code is amended to read:

5225. Whenever a criminal defendant who appears, as a result of chronic alcoholism or the use of narcotics or restricted dangerous drugs, to be a danger to others, to himself, or to be gravely disabled, is brought before any judge, the judge may order the defendant's evaluation under conditions set forth in this article, provided evaluation services designated in the county plan pursuant to Section 5654.5 are available.

SEC. 129. In the event that Section 68518 of the Government Code as it relates to Merced and Stanislaus Counties or Section 63, 64, 108, or 115 of this act, or the application thereof, is enjoined, restrained, or otherwise held invalid, Sections 63, 64, 108, and 115 of this act shall be void, and to this end, Sections 63, 64, 108, and 115 of this act and Section 68518 of the Government Code as it relates to Merced and Stanislaus Counties are inseverable.

SEC. 130. If any provision of Section 59, 60, 61, or 62 of this act, or the application thereof, is enjoined, restrained, or otherwise held invalid, then every other provision or application of Sections 59, 60, 61, and 62 of this act shall be void, and to this end the provisions of Sections 59, 60, 61, and 62 of this act are inseverable.

SEC. 130.3. It is the intent of the Legislature, if this bill and Assembly Bill No. 1867 are both chaptered and become effective on or before January 1, 1978, both bills amend Section 594 of the Code

of Civil Procedure, and this bill is chaptered after Assembly Bill No. 1867, that Section 594 of the Code of Civil Procedure, as amended by Section 19 of this act, shall remain operative until the effective date of Assembly Bill No. 1867, and that on the effective date of Assembly Bill No. 1867 Section 594 of the Code of Civil Procedure, as amended by Section 19 of this act, be further amended in the form set forth in Section 19.5 of this act to incorporate the changes in Section 594 proposed by Assembly Bill No. 1867. Therefore, if this bill and Assembly Bill No. 1867 are both chaptered and become effective on or before January 1, 1978, and Assembly Bill No. 1867 is chaptered before this bill and amends Section 594, Section 19.5 of this act shall become operative on the effective date of Assembly Bill No. 1867.

SEC. 130.5. It is the intent of the Legislature, if this bill and Senate Bill No. 815 are both chaptered and become effective on or before January 1, 1978, both bills amend Section 806 of the Penal Code, and this bill is chaptered after Senate Bill No. 815, that Section 806 of the Penal Code, as amended by Section 119 of this act, shall remain operative until the effective date of Senate Bill No. 815, and that on the effective date of Senate Bill No. 815 Section 806 of the Penal Code, as amended by Section 119 of this act, be further amended in the form set forth in Section 119.5 of this act to incorporate the changes in Section 806 proposed by Senate Bill No. 815. Therefore, if this bill and Senate Bill No. 815 are both chaptered and become effective on or before January 1, 1978, and Senate Bill No. 815 is chaptered before this bill and amends Section 806, Section 119.5 of this act shall become operative on the effective date of Senate Bill No. 815.

SEC. 130.7. It is the intent of the Legislature, if this bill and Assembly Bill No. 513 are both chaptered and become effective on or before January 1, 1978, both bills amend Section 1050 of the Penal Code, and this bill is chaptered after Assembly Bill No. 513, that Section 1050 of the Penal Code, as amended by Section 120 of this act, shall remain operative until the effective date of Assembly Bill No. 513, and that on the effective date of Assembly Bill No. 513 Section 1050 of the Penal Code, as amended by Section 120 of this act, be further amended in the form set forth in Section 120.3 of this act to incorporate the changes in Section 1050 proposed by Assembly Bill No. 513. Therefore if this bill and Assembly Bill No. 513 are both chaptered and become effective on or before January 1, 1978, and Assembly Bill No. 513 is chaptered before this bill and amends Section 1050, Section 120.3 of this act shall become operative on the effective date of Assembly Bill No. 513.

SEC. 131. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there be an appropriation made by this act because the duties, obligations, or responsibilities imposed on local government by this act can be accomplished with no additional cost to local government or because this act is in accordance with the request of a local governmental entity or entities which desire

legislative authority to act and to carry out the program specified in this act.

SEC. 132. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Chapter 1288 of the Statutes of 1976 gave justice courts the same jurisdiction as municipal courts. In order to make necessary changes in the law to reflect such jurisdictional change, it is necessary that the provisions of this act take effect immediately.

CHAPTER 1258

An act relating to the Task Force on Rural Economy, and making an appropriation therefor.

[Became law without Governor's signature October 2, 1977 Filed with
Secretary of State October 3, 1977]

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

SECTION 1. The Task Force on Rural Economy is hereby created to deal with the problems of food, agriculture, lumber, and related rural problems. The Director of Food and Agriculture, or his designate, shall be a member of the task force. The task force shall be appointed by the Chairman of the Commission for Economic Development and shall consist of not less than nine, nor more than 15 citizens of this state. Members of the task force shall serve without compensation but shall be reimbursed by the commission for their actual and necessary travel and living expenses in attending meetings. The task force shall assist the commission in a study of the economic development of the rural areas of California. The task force shall prepare and present to the Legislature and the Governor a report on this subject on or before June 30, 1978, and may present interim or partial reports from time to time prior to that date. Funds for the operation of the task force shall be supplied from the budget of the Commission for Economic Development.

CHAPTER 1259

An act to amend Section 70045.75 of, and to add Sections 68533, 70045.77, and 70046.4 to, the Government Code, relating to court reporters.

[Became law without Governor's signature October 2, 1977 Filed with
Secretary of State October 3, 1977]

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

SECTION 1. Section 68533 is added to the Government Code, to read:

68533. (a) The Judicial Council shall provide by rule for the maintenance of records as described in subdivision (c), which shall be filed with the council by each official reporter and official reporter pro tempore of any court located in El Dorado and Lake Counties. Such records shall be inspected and audited by the Judicial Council.

(b) The Judicial Council shall submit an annual report to the board of supervisors of any such county and to the Legislature summarizing the information contained in the records.

(c) Each such annual report shall include the following information relative to the official court reporters of the county:

(1) The quantity and types of transcripts prepared by the official reporters and official reporters pro tempore during the reporting period.

(2) The fees charged and the fees collected for such transcripts.

(3) Expenses incurred by the reporters in connection with the preparation of such transcripts.

(4) The amount of time the reporters have spent in attendance upon the courts for the purpose of reporting proceedings, and the compensation received for this purpose.

(5) Such other information as the Judicial Council may require.

SEC. 2. Section 70045.75 of the Government Code is amended to read:

70045.75. Notwithstanding any other provision of law including, but not limited to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time official court reporters, if any, in Nevada County:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings.

(2) Report all civil commitment proceedings and all contempt proceedings.

(3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings.

(5) Report all civil jury trials.

(6) Report all hearings on petitions for extraordinary relief, including but not limited to, proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis.

(7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.

(8) Report any other court proceedings when a party requests a court reporter in accordance with rules of the court.

(9) Report coroner's inquests when requested by the coroner.

(b) Each regular full-time court reporter shall be paid at a monthly

salary rate established according to the following salary schedule:

<i>(Range)</i>	<i>(Month)</i>	<i>(Annual)</i>
Step A	\$1,155	\$13,860
Step B	1,213	14,556
Step C	1,273	15,276
Step D	1,337	16,044
Step E	1,405	16,860

Each such reporter shall receive a monthly salary under the schedule corresponding to the length of time that as an official court reporter he has been included within either directly or indirectly by contract the Public Employees' Retirement System of the State of California. Except as provided herein, the initial hiring rate for each position shall be step A; provided further, however, the judges of the superior court may appoint any such court reporter at a higher initial step if in the opinion of the judges of the superior court an individual to be appointed has such experience and qualifications as to entitle that individual to such higher initial step. A step advancement from step A to step B may be granted on the first day of the month following the completion of six full months of service in the position. A person may advance to steps C, D, and E upon completion of successive 12-month periods of service. All merit increases as provided herein shall be made at the determination of the judges of the superior court.

The foregoing salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be provided by ordinance to other employees of the county.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts may require in order that the judicial business of the court in such county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

SEC. 3. Section 70045.77 is added to the Government Code, to read:

70045.77. Notwithstanding any other provision of law, including,

but not limited to, Sections 70040, 70041, 70042, and 70045, the following provisions shall be applicable to the full-time official court reporters, if any, in El Dorado County:

(a) The regular full-time official court reporters shall perform the following duties:

(1) Report all criminal proceedings.

(2) Report all civil commitment proceedings and all contempt proceedings.

(3) Report all juvenile proceedings, other than those heard by a juvenile court referee or traffic hearing officer.

(4) Report all family law proceedings.

(5) Report all civil jury trials.

(6) Report all hearings on petitions for extraordinary relief, including, but not limited to, proceedings for injunctions, mandate, prohibition, certiorari, review, habeas corpus, and coram nobis.

(7) Report all proceedings of the grand jury when requested by the foreman, or by the district attorney or by the county counsel.

(8) Report any other court proceedings when a party requests a court reporter in accordance with rules of the court.

(9) Report the preliminary examination of those accused of crimes before magistrates within El Dorado County.

(10) Report coroner's inquests when requested by the coroner.

(11) Report proceedings for the El Dorado County Board of Equalization when requested by the board.

(b) Each regular full-time court reporter shall be paid at a monthly salary rate established according to the following salary schedule:

<i>(Range)</i>	<i>(Month)</i>	<i>(Annual)</i>
Step A	\$1,327	\$15,924
Step B	1,388	16,656
Step C	1,453	17,436
Step D	1,521	18,252
Step E	1,592	19,104

Each such reporter shall receive a monthly salary under the schedule corresponding to the length of time that as an official court reporter he has been included either directly or indirectly by contract within the Public Employees' Retirement System of the State of California. Except as provided herein, the initial hiring rate for each position shall be step A; provided further, however, that the judges of the superior court may appoint any such court reporter at a higher initial step if in the opinion of the judges of the superior court an individual to be appointed has such experience and qualifications as to entitle that individual to such higher initial step. A step advancement from step A to step B may be granted on the first day of the month following the completion of six full months of service in the position. A person may advance to steps C, D, and E upon completion of successive 12-month periods of service. All merit increases as provided herein shall be made at the determination of the

judges of the superior court.

The foregoing salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter.

The regular full-time official court reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave, and group insurance, which either now or hereafter may be provided by ordinance to other employees of the county. In order that the salary provided for in this section shall remain equitable and competitive, the salary herein provided for shall be adjusted and increased by the same salary adjustment percentage enacted on or after June 1, 1976, by the county by ordinance for the classification entitled superior court clerk.

(c) When the regular full-time official court reporters are occupied in the performance of their duties and services pursuant to the provisions of subdivision (a), the judge or judges of the superior court may appoint as many additional official court reporters, who shall be known as official reporters pro tempore, as the business of the courts may require in order that the judicial business of the court in such county may be carried on without delay. They shall be paid in accordance with the per diem, transcription, and other fee provisions of Article 9 (commencing with Section 69941) of this chapter. Such per diem, traveling and other expenses, and the fees chargeable to the county under the terms of these provisions shall be a proper county charge.

SEC. 4. Section 70046.4 is added to the Government Code, to read:

70046.4. (a) In Lake County, the official phonographic reporters shall perform the following duties:

- (1) Report all proceedings before the superior court;
- (2) Report all the proceedings of the grand jury;
- (3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.
- (4) Any other duties assigned by the board of supervisors upon the request of a judge of the superior court.

The official phonographic reporters of such county shall receive a salary recommended by the superior court and approved by the board of supervisors. Such salary is for compensation for reporting services in the superior court under subdivision (a) of this section. For all transcriptions incident to reporting services, each reporter shall receive the fees provided for in Article 9 (commencing with Section 69941) of this chapter. Such fees shall be paid to the County of Lake when the conditions of the official phonographic reporter's employment so provide.

Any appointee to an official reporter position shall be compensated at the first step and advance to each higher step upon completion

of each year of service. Upon the recommendation of the superior court and approval of the board of supervisors, official reporters may be employed at or may be granted a special step increase to any step within the salary range on the basis of experience or qualifications.

(b) The compensation for each official reporter pro tempore shall be the equivalent of the daily wage of the first step in the salary range for full-time official reporters for each day he actually is on duty under order of the court.

(c) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Lake including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

(d) Until such time as the salaries of full-time official reporters and official reporters pro tempore are approved by the board of supervisors pursuant to subdivision (a), such reporters shall receive the salaries in effect immediately prior to the effective date of this section enacted by the Legislature at its 1977-78 Regular Session.

The fee required by Section 70053 shall be twenty dollars (\$20).

SEC. 4.5. The Legislature hereby finds and declares that, in view of its constitutionally delegated responsibility of setting salaries for court reporters, it is necessary to obtain information regarding the total compensation paid to court reporters from all sources so as to allow proper evaluation of legislative proposals relating to court reporters' salaries on an ongoing basis.

Such legislative proposals are not made on a uniform, statewide basis, but on a county-by-county basis. Therefore, it is necessary to monitor the compensation provided court reporters on an individual county basis reflecting the periodic legislative proposals which are made for specific counties. Accordingly, this legislation affecting El Dorado and Lake Counties is necessary to permit the Legislature to carry out its constitutionally delegated responsibility of setting court reporters' salaries in this county in view of the submitted request for an adjustment in the compensation provided to court reporters in such county.

SEC. 5. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because this act is in accordance with the request of a local government entity which desired legislative authority to act to carry out the program specified in this act.

SEC. 6. If any provision of Section 1, 3, or 4 of this act, or the application thereof, is enjoined, restrained, or otherwise held invalid, then every other provision or application of Sections 1, 3, and 4 of this act shall be void, and to this end the provisions of Sections 1, 3, and 4 of this act are inseverable.

CHAPTER 1260

An act to amend Sections 1070 and 1070.5 of the Penal Code, relating to juries.

[Became law without Governor's signature October 2, 1977. Filed with Secretary of State October 3, 1977.]

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

SECTION 1. Section 1070 of the Penal Code is amended to read:
1070. (a) If the offense charged be punishable with death, or with imprisonment in the state prison for life, the defendant is entitled to 26 and the state to 26 peremptory challenges. Except as provided in subdivision (b), on a trial for any other offense, the defendant is entitled to 13 and the state to 13 peremptory challenges.

(b) If the offense charged be punishable with a maximum term of imprisonment of 90 days or less, the defendant is entitled to six and the state to six peremptory challenges.

SEC. 2. Section 1070.5 of the Penal Code is amended to read:

1070.5. (a) Except as provided in subdivision (b), when two or more defendants are jointly tried for any public offense, whether felony or misdemeanor, the state and the defendants shall be entitled to the number of challenges prescribed by Section 1070, which challenges on the part of the defendants must be exercised jointly. Each defendant shall also be entitled to seven additional challenges which may be exercised separately; the state shall also be entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

(b) When two or more defendants are jointly tried for any offense punishable with a maximum term of imprisonment of 90 days or less, the state and the defendants shall be entitled to the number of challenges prescribed by Section 1070, which challenges on the part of the defendants must be exercised jointly. Each defendant shall also be entitled to four additional challenges which may be exercised separately; the state shall also be entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

CHAPTER 1261

An act to add and repeal Section 22713.5 of the Education Code, relating to the State Teachers' Retirement System.

[Became law without Governor's signature October 2, 1977. Filed with Secretary of State October 3, 1977.]

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

SECTION 1. Section 22713.5 is added to the Education Code, to read:

22713.5. A retirant who left a position requiring membership to serve a federal position during World War II not covered by membership in this system within 13 months prior to entering full-time paid service with the American Red Cross shall be eligible to receive credit for service covered by this section upon written application to the board made on or prior to December 31, 1978, and upon receipt of such application the retirants allowance thereafter shall be recalculated to include such service.

This section shall remain in effect only until January 1, 1979, and as of such date is repealed unless a later enacted statute which is chaptered on or before January 1, 1979, deletes or extends that date.

**CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS**

1977-78

REGULAR SESSION

1977 RESOLUTION CHAPTERS

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 2—Relative to the organizational recess.

[Filed with Secretary of State December 13, 1976]

Resolved by the Senate of the State of California, the Assembly thereof concurring;

First—That following its meeting on December 6, 1976, each house of the Legislature shall be in recess from such time as it determines, but not later than December 10, 1976, and until January 3, 1977;

Second—The desks of the Senate and Assembly shall remain open, during such recess, for introduction of bills, during business hours on Monday through Friday, inclusive, except holidays. Bills received at the Senate desk during such periods shall be numbered and printed. After printing, such bills shall be delivered to the Secretary of the Senate and shall be referred by the Committee on Rules to a standing committee. Bills received at the Assembly desk during such periods shall be numbered, referred by the Speaker to a committee, and be printed. After printing, such bills shall be delivered to the Chief Clerk of the Assembly. On the reconvening of each house, the bills shall be read the first time, and shall be delivered to the committee to which they were referred;

Third—That the Secretary of the Senate and the Chief Clerk of the Assembly shall cause to be printed, during the organizational recess, a Senate Daily Journal and Assembly Daily Journal and Senate and Assembly Daily and Weekly Histories.

RESOLUTION CHAPTER 2

Assembly Concurrent Resolution No. 1—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State December 14, 1976]

Resolved by the Assembly of the State of California; the Senate thereof concurring. That pursuant to Section 10201 of the Government Code, Bion M. Gregory is selected as Legislative Counsel of California.

RESOLUTION CHAPTER 3

Senate Concurrent Resolution No. 1—Relative to the Joint Rules.

[Filed with Secretary of State December 16, 1976]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following rules be adopted as the Temporary Joint Rules of the Senate and Assembly for the 1977-78 Regular Session.

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members, and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen or chairwomen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the committees created by those rules.

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, resolutions ratifying proposed amendments to the United States Constitution, and resolutions calling for constitutional conventions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Concurrent and joint resolutions, other than resolutions ratifying proposed amendments to the United States Constitution and resolutions calling for constitutional conventions, shall be treated in all respects as bills except as follows:

(a) They shall be given only one formal reading in each house.

(b) They shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution.

(c) They shall not be deemed bills for the purposes of Rules 10.8, 53, 55, 56, and 61, and subdivision (b) of Rule 54 and subdivisions (a) and (b) of Rule 62.

(d) They shall not, except for those relating to voting procedures on the floor or in committee, be deemed bills for the purposes of subdivision (c) of Rule 62.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Digest of Bills Introduced

8.5 No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. No bill shall be printed where the body of the bill or the Legislative Councils Digest has been altered, unless the alteration has been approved by the Legislative Council. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction, which does not comply with the foregoing requirements of this rule, the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the

bill as introduced, commencing on the first page thereof.

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended with any material changes in the digest indicated by the use of appropriate type.

Errors in Digest

8.7. If a material error in a printed digest referred to in Joint Rule 8.5 or 8.6 is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Bills Amending Title 9 of the Government Code

8.8. A member who is the first-named author of a bill which would amend, add, or repeal any provision of Title 9 (commencing with Section 81000) of the Government Code, upon introduction or amendment of such bill in either house shall notify the Chief Clerk or the Secretary, as the case may be, of the nature of such bill. Thereafter, the Chief Clerk or the Secretary shall deliver a copy of such bill as introduced or amended to the Fair Political Practices Commission pursuant to Section 81012 of the Government Code.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment, or resolution under consideration. No amendment shall be in order when all that would be done to the bill is the addition of a coauthor or coauthors, unless the Rules Committee of the house in which such an amendment is to be offered grants prior approval.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and

commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter, or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Rereference to Fiscal and Rules Committees

10.5. Bills shall be rereferred to the fiscal committee of each house when they would do any of the following:

- (1) Appropriate money.
- (2) Result in substantial expenditure of state money by: (a) imposing new responsibilities on the state or (b) new or additional duties on a state agency or (c) liberalization of any state program, function, or responsibility.
- (3) Result in a substantial loss of revenue to the state.
- (4) Result in substantial reduction of expenditures of state money by reducing, transferring, or eliminating any existing responsibilities of any state agency, program or function.

Concurrent and joint resolutions shall be rereferred to the fiscal committee of each house when they contemplate any action which would involve any of the following:

- (1) Any substantial expenditure of state money.
- (2) A substantial loss of revenue to the state.

The above requirements do not apply to bills or concurrent resolutions which contemplate the expenditure or allocation of contingent funds.

A bill which assigns a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be rereferred to the respective Rules Committee. Before the committee shall act upon such bill, it shall obtain from the Joint Legislative Budget Committee an estimate of the amount required to be expended to make the study.

Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill shall contain the words "By request" or words of similar import.

Consideration of Bills

10.8. The limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows.

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bills introduction.

(c) If the Rules Committee recommends that the waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in ~~strikeout~~ type. When a bill is amended in either house, the first or previous markings shall be omitted.

Manner of Printing Bills

12. The State Printer shall observe the directions of the Joint Rules Committee in printing all bills, constitutional amendments, and concurrent and joint resolutions.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment

therefor of such sum as may be fixed by the Joint Rules Committee for any regular or extraordinary session. No more than one copy of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress; the libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall not be more than 2,500.

Summary Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

13.3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Rules Committee and may be made available to the public in such quantities and at such prices as the Joint Rules Committee may determine.

13.5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record. The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the journal of each days proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A daily file of bills ready for consideration shall be printed each day for each house when the Legislature is not in joint recess except days when a house does not meet.

Printing of History

17. Each house shall cause to be printed, once each week, a complete history of all bills; constitutional amendments; and concurrent, joint, and house resolutions originating in, considered, or acted upon by the respective houses and committees thereof. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. Except for periods when the houses are in joint recess, for each day intervening there shall be printed a daily history showing the consideration given to or action taken upon any measure since the issuance of the complete history.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of the printing.

RECORD OF BILLS

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman or chairwoman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the Constitution has been dispensed with, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman or chairwoman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the third reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the third reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately

prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

PASSAGE AND ENROLLING OF BILLS

Procedure on Defeat of More Than Majority Bill

23.5. Whenever a bill containing a section or sections requiring for passage an affirmative recorded vote of more than 21 votes in the Senate and more than 41 votes in the Assembly is being considered for passage and the urgency clause, if the bill is an urgency bill, or the bill, in any case, fails to receive the necessary votes to make all sections effective, no further action may be taken on the bill; provided that an amendment to remove all sections requiring the higher vote for passage from the bill shall be in order prior to consideration of further business. If the amendment is adopted, the bill shall be reprinted to reflect such amendment. When the bill is reprinted, it shall be returned to the same place on the file as when it failed to receive the necessary votes.

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the Secretary of the Senate and Chief Clerk of the Assembly and, except as otherwise provided by these rules, presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, and concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or

amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly, as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

Amendments to Concurrent and Joint Resolutions

25.5. When a concurrent or joint resolution is amended, and the only effect of the amendments is to add coauthors, the joint or concurrent resolution shall not be reprinted unless specifically requested by one of the added coauthors, but a list of the coauthors shall appear in the journal and history.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Reference to Committee

26.5. Pursuant to Joint Rule 26, whenever a bill is returned to its house of origin for a vote on concurrence in an amendment made in the other house, the Legislative Counsel shall promptly prepare and transmit to the Chief Clerk of the Assembly and the Speaker in the case of an Assembly bill, or to the Secretary of the Senate and Chairman of the Senate Rules Committee in the case of a Senate bill, a brief digest summarizing the effect of the amendment made in the other house. The secretary or chief clerk shall cause the digest to be printed in the Daily File immediately following any reference to the bill covered by the digest. A motion to concur or refuse to concur in the amendment shall not be in order until such time as the Legislative Counsel's Digest has appeared in the file.

If the digest discloses that the amendment of the other house has made a substantial substantive change in the bill as first passed by the house of origin the bill shall on motion of the Chairman of the Committee on Rules, if it be a Senate bill, be referred to the Committee on Rules for reference to an appropriate standing

committee; and shall, on the motion of the Speaker, if it be an Assembly bill, be referred to an appropriate standing committee.

Upon receipt of such a bill, the committee may vote to recommend concurrence or nonconcurrence in the amendment or the committee may hold the bill. The committee shall be subject to all the requirements for procedure provided under Joint Rule 62 for committees other than for committees of first referral, and such other requirements for normal committee procedure as the Assembly or Senate may separately provide in the standing rules of their respective houses.

Any of the provisions of this rule may be dispensed with regard to a particular bill in its house of origin upon an affirmative vote of a majority of the members of that house.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency statute and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative, the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) refuse to concur in amendments to the bill made by the other house, and when the other house has been notified of such refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Committee on Rules in the case of the Senate and the Speaker in the case of the Assembly shall each appoint a committee of three (3) on conference, and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken.

Committee on Conference

28.1. The Committee on Rules and the Speaker, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his vote on the appropriate rollcall, as follows:

(1) In the Assembly—

(a) The rollcall on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments.

(b) The rollcall on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(a) The rollcall on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments

(b) The rollcall on the question of concurrence with Assembly amendments to a Senate bill.

Meetings and Reports of Committees on Conference

29. The first Senator named on the conference committee shall act as chairman or chairwoman of the committee from the Senate, and the first Member of the Assembly named on such committee shall act as chairman or chairwoman of the committee from the Assembly. The chairman or chairwoman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill which contains an

item or items of appropriation which are subject to subdivision (d) of Section 12 of Article IV of the Constitution. The report of a conference committee shall be in writing, and shall have affixed thereto the signatures of each Senator and each Member of the Assembly consenting to the report. Space shall also be provided where a member of a conference committee may indicate his dissent in the committee's findings. Any dissenting member may have attached to a conference committee report a dissenting report which shall not exceed, in length, the majority committee report. A copy of any amendments proposed in the majority report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of such conference report shall be deemed the vote upon final passage of such bill.

Conference Committees

29.5. (a) All meetings of any conference committee on the Budget Bill shall be open and readily accessible to the public.

No conference committee on any bill may meet, consider, or act on the subject matter of the bill except in a meeting that is open and readily accessible to the public; unless the action is on a report determined by the Legislative Counsel to be nonsubstantive. The Legislative Counsel shall examine each proposed report and shall note upon the face of the report that the amendments proposed are "substantive" or "nonsubstantive" as the case may be.

The chairman or chairwoman of the conference committee of each house shall give notice to the file clerk of both houses of the time and place of such meeting. Notice of each public meeting shall be published in the file of each house one calendar day prior to the meeting, except that such notice shall not be required for a meeting of a conference committee on the Budget Bill. When the provisions of this subdivision are waived with respect to a meeting of any public conference committee, and when there is a meeting of a conference committee on the Budget Bill, every effort shall be made to inform the public that such a meeting has been called.

(b) The first committee on conference of the Budget Bill, if such a committee is appointed, shall submit its report to each house no later than 15 days after the Budget Bill has been passed by both houses. If such report is not submitted by such date, the conference committee shall be deemed to have reached no agreement and shall so inform each house pursuant to Rule 30.7.

(c) A committee on conference of the Budget Bill shall only consider differences between the version of the Budget Bill as passed by each house and shall not approve any item of expenditure nor control which exceeds that contained in one of the two versions before the conference committee.

(d) No conference committee on any bill, other than the Budget Bill, shall approve any substantial financial provision in any bill if

such financial provision has not been heard by the fiscal committee of each house, nor shall any such conference committee approve substantial policy changes which have not been heard by the policy committee of each house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Statutes

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency statute, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Failure to Agree on Report

30.7. A conference committee may find and determine that it is unable to submit a report to the respective houses, upon the affirmative vote to that effect of not less than two of the Assembly Members and not less than two of the Senate Members constituting the committee. Such finding may be submitted to the Chief Clerk of the Assembly and the Secretary of the Senate in the form of a letter from the chairman of the committee on conference for the house of origin of the bill, containing the signatures of the members of the committee consenting to the finding and determination that the committee is unable to submit a report. The Chief Clerk of the Assembly and the Secretary of the Senate, upon being notified that a conference committee is unable to submit a report, shall so inform each house, whereupon the conferees shall be discharged and other conferees appointed, in accordance with the provisions of Rule 29.

MISCELLANEOUS PROVISIONS

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Joint Rules Committee. Such application shall constitute compliance with any provisions of the Rules of the Assembly or the Senate with respect to registration of news correspondents. Applications shall state in writing the names of the daily newspapers, periodic publications, news associations, or radio or television stations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, qualified periodic publications, or news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee at its discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Except as otherwise provided in this subdivision, persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents. Accreditation may be granted to bona fide correspondents of reputable standing employed by periodic publications of general circulation, providing that the applicants are employed on a full-time basis in the capitol area preparing articles dealing with state government and politics and that their publications are not organs or organizations involved in legislative advocacy.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, or for a state officeholder, or for any person registered or performing as a legislative advocate.

(g) An accredited member of the association who violates subdivision (a) or (f) of this rule shall be subject to the following penalties:

(1) For the first offense, the Standing Committee of the Capitol Correspondents Association shall send a letter of admonition to the offending member, his employer, and the Joint Rules Committee. The letter shall state the nature of the member's rule violation and shall warn of an additional penalty for a second offense.

(2) For a second offense, the Standing Committee of the Capitol Correspondents Association shall recommend to the Joint Rules Committee that the members accreditation be suspended or revoked and that he lose all rights and privileges attached thereto. The Standing Committee of the Capitol Correspondents Association shall also dismiss the member from the association.

Any member of the Standing Committee of the Capitol Correspondents Association may propose that the committee make an inquiry to determine if an association member has violated subdivision (a) or (f) of this rule. Upon a majority vote of the Standing Committee of the Capitol Correspondents Association, an inquiry shall be made.

Upon receipt of a signed, written notice from any association member of his belief that another association member may have violated subdivision (a) or (f) of this rule, the Standing Committee of the Capitol Correspondents Association shall commence an inquiry into the possible violation.

If the Standing Committee of the Capitol Correspondents Association determines by majority vote that an association member has broken an association rule, it shall inform the member of its finding. Within two weeks of notification, the member may request a meeting of the membership. If the member makes such a request,

the Standing Committee of the Capitol Correspondents Association shall promptly schedule a meeting at the soonest possible time. After hearing the member and the committee review the circumstances of the alleged violation, the membership may, by majority vote, nullify the finding of the Standing Committee of the Capitol Correspondents Association. If nullification does not occur, the Standing Committee of the Capitol Correspondents Association shall impose immediately the appropriate penalty.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house, except as otherwise provided in these rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34 Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation, or effect of a bill or other legislative measure which is then pending before the Legislature or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests. A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman of the committee to which each such bill has been referred.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform that requester and each subsequent requester that such a resolution is being, or has been, prepared, and he shall inform them of the name of the member for whom the resolution was, or is being, prepared.

Resolutions

34.2. A concurrent resolution, Senate resolution, or House resolution may be introduced to memorialize the death of a present or former state or federal elected official or a member of their immediate families. In all other instances, a resolution other than a concurrent resolution, as specified by the Committee on Rules of each house, or as provided by the Joint Rules Committee in those cases which require that such resolution should emanate from both houses, shall be used for the purpose of commendation, congratulation, sympathy, or regret with respect to any person, group, or organization.

No concurrent resolution requesting the Governor to issue a proclamation shall be introduced without the prior approval of the Committee on Rules of the house in which the resolution is to be introduced.

Identical Drafting Requests

34.5. Whenever it shall come to the attention of the Legislative Counsel that a member has requested the drafting of a bill which will be substantially identical to one already introduced he shall inform such member of that fact.

Expense of Members

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while required to be in Sacramento to attend a session of the Legislature, or while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the Rules Committee of the house of which he or she is a member at the same rate as may be established by the State Board of Control for other elected state officers. Each member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, or when traveling to and from a meeting of a committee of which he or she is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the Rules Committee of the house of which he or she is a member at the rate prescribed by Section 8903 of the Government Code.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his or her warrants in payment of the allowances to the respective

members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may employ such clerical, legal, and technical assistants as may be authorized by: (a) the Joint Rules Committee in the case of a joint committee, (b) the Senate Rules Committee in the case of a Senate committee, or (c) the Assembly Rules Committee in the case of an Assembly committee.

Except as otherwise provided herein for joint committees or by the Rules of the Senate or the Assembly for single house committees, each committee may adopt and amend such rules governing its procedure as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. Such rules may include provisions fixing the quorum of the committee and the number of votes necessary to take action on any matter. With respect to all joint committees, a majority of the membership from each house constitutes a quorum and an affirmative vote of a majority of the membership from each house is necessary for the committee to take action.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records, and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman or chairwoman of the committee, shall serve any and all subpoenas, orders, and other process that may be issued by the committee, when directed to do so by the chairman, chairwoman, or by a majority of the membership of the committee.

Every department, commission, board, agency, officer, and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each committee or subcommittee of either house in accordance with the rules of that respective house and each joint committee or subcommittee thereof, may meet at any time during the period in which it is authorized to act, either at the State Capitol, or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it with the following exceptions:

(a) When the Legislature is not in joint recess:

(1) No committee or subcommittee of either house shall meet outside the State Capitol without the prior approval of the Rules Committee of the Senate with respect to Senate committees and subcommittees and the Speaker of the Assembly with respect to Assembly committees and subcommittees.

(2) No committee or subcommittee of either house, other than a standing committee or subcommittee thereof, shall meet unless notice of such meeting has been printed in the daily file for four days prior thereto. This requirement may be waived by a majority vote of either house with respect to a particular bill.

(3) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall meet outside the State Capitol without the prior approval of the Joint Rules Committee.

(4) No joint committee or subcommittee thereof, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall meet unless notice of such meeting has been printed in the daily file for four days prior thereto.

(b) When the Legislature is in joint recess each joint committee or subcommittee, other than the Joint Committees on Legislative Audit, Legislative Budget, Legislative Ethics, and Rules, shall notify the Joint Rules Committee at least two weeks prior to any such meeting.

(c) The requirements placed upon joint committees by paragraphs (a) and (b) above may be waived where it is deemed necessary by the Joint Rules Committee.

Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

No living expenses shall be allowed in connection with legislative business for a day on which the member receives reimbursement for expenses while required to be in Sacramento to attend a session of the Legislature. The chairman or chairwoman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman or chairwoman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman or chairwoman.

Subject to the rules of each house for the respective committees of each house, and subject to the joint rules for any joint committee, the chairman or chairwoman of any such committee may appoint subcommittees and chairmen or chairwomen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairmen or chairwomen thereof shall have all the powers and authority herein conferred upon the committee and its chairman or chairwoman. The chairman or chairwoman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman or chairwoman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be reimbursed for expenses.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of committees for goods or services or pursuant to contracts or for expenses of employees or members of committees be audited or approved, after approval of the committee chairman or chairwoman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency. All expense claims approved by the chairman or chairwoman of any joint committee, other than the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be approved by the Joint Rules Committee and the Controller shall draw his warrants only upon the certification of the Joint Rules Committee.

Except salary claims of employees clearly subject to federal withholding taxes and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally, provided, that if an allowance for hotel accommodations, breakfast, lunch, and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman or chairwoman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Appointment of Joint Committee Chairmen or Chairwomen

36.7. The chairman or chairwoman of each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be appointed by the Joint Rules Committee from a member or members recommended by the Senate Committee on Rules and the Speaker of the Assembly.

Joint Committee Funds

36.8. Each joint committee, heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee shall expend the funds heretofore or hereafter made available to it in compliance with the policies set forth by the Joint Rules Committee with respect to personnel, salaries, purchasing, office space assignment, contractual services, rental or lease agreements, travel, and any and all other matters relating to the management and administration of committee affairs.

Joint Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Joint Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman or chairwoman.

Any vacancies occurring between regular sessions in the Senate membership of the Joint Legislative Budget Committee shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between regular sessions in the Assembly membership of the Joint Legislative Budget Committee shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker. The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation, or hearing which the committee itself has authority to undertake or hold and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the express terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Joint Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Joint Legislative Budget Committee and the committee

for which the services are to be performed. The contract may provide for payment to the Joint Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter into such contracts with the Joint Legislative Budget Committee. Money received by the Joint Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Joint Legislative Budget Committee.

The provisions of Joint Rule 36 shall apply to the Joint Legislative Budget Committee, and it shall have all the authority provided in such rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Joint Legislative Budget Committee and under its direction to the committees of the Legislature concerning:

(a) State budget.

(b) Revenues and expenditures of the state.

(c) The organization and functions of the state, its departments, subdivisions, and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Joint Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Joint Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Joint Legislative Budget Committee and to keep and make available all documents, data, and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman or chairwoman of the committee or, in the event of such persons inability to act, the vice chairman or vice chairwoman, shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman or chairwoman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman or chairwoman, and the Treasurer shall pay the same to the chairman or chairwoman of the committee to be

disbursed by the chairman or chairwoman.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel, and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be. Such documents, data, reports, and other material shall be available to Members of the Legislature, the Senate Office of Research, and the Assembly Office of Research, upon request.

The Legislative Analyst with the consent of the committee shall make available to any Member or committee of the Legislature any other reports, records, documents, or other data under his control, except that reports prepared by the Legislative Analyst in response to a request from a Member or committee of the Legislature shall only be made available with the written permission of the Member or committee who made the request.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature to conduct a study or provide information which falls within the scope of his responsibilities and which concerns the administration of the government of the State of California shall at once advise the Joint Legislative Budget Committee of the nature of the request without disclosing the name of the member or committee making the request.

The Legislative Analyst shall immediately undertake to provide the requesting committee or legislator with the service or information requested, and shall inform the committee or legislator of the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester.

Neither the Rules Committee of either house nor the Joint Rules Committee shall assign any matter for study to the Joint Legislative Budget Committee or the Legislative Analyst without first obtaining from the Joint Legislative Budget Committee an estimate of the amount required to be expended by it to make the study.

Any concurrent, joint, Senate, or House resolution assigning a study to the Joint Legislative Budget Committee or to the Legislative Analyst shall be referred to the respective Rules Committees. Before the committees shall act upon or assign such resolution they shall obtain an estimate from the Joint Legislative Budget Committee of the amount required to be expended to make the study.

Citizen Cost Impact Report

37.1. Any Member or committee of the Legislature may recommend that the Legislative Analyst prepare a citizen cost impact analysis on proposed legislation. However, such a recommendation shall first be reviewed by the Rules Committee of the house where the recommendation originated, and this committee shall make the final determination as to which bills shall be assigned for preparation of an impact analysis.

In selecting specific bills for assignment to the Legislative Analyst for preparation of citizen cost impact analyses, the Rules Committee shall request the Legislative Analyst to present an estimate of his time and prospective costs for preparing the analyses. Only those bills which have a potential significant cost impact shall be assigned. Where necessary, the Rules Committee shall provide funds to offset added costs incurred by the Legislative Analyst.

The citizen cost impact analyses shall include those economic effects which the Legislative Analyst deems significant and which he believes will result directly from the proposed legislation. Insofar as feasible, the Legislative Analyst shall consider, but not be limited to consideration of, the following:

(a) The economic effect on the public generally.

(b) Any specific economic effects on persons or businesses in the case of legislation which is regulatory.

The Legislative Analyst shall submit the citizen cost impact analyses when completed to the committee or committees and at the time or times designated by the Rules Committee.

The Legislative Analyst shall submit from time to time, but at least once a year, a report to the Legislature on the trends and directions of the states economy, and shall list the alternatives and make recommendations as to legislative actions which, in his judgment, will insure a sound and stable state economy.

] Joint Legislative Audit Committee

37.3. The Joint Legislative Audit Committee is created pursuant to the Legislatures rulemaking authority and specific constitutional authority by Chapter 4 (commencing with Section 10500) of Part 2, Division 2, Title 2 of the Government Code. The committee shall consist of four Members of the Senate and four Members of the Assembly who shall be selected in the manner provided for in these rules, of which one shall be the chairman of the fiscal committee for the Senate and one the chairman of the fiscal committee for the Assembly. Notwithstanding anything to the contrary in these rules, two members from each house constitute a quorum and the number of votes necessary to take action on any matter. The Chairman of the Joint Legislative Audit Committee, upon receiving a request by any Member of the Legislature or committee thereof for a copy of a report prepared or being prepared by the Auditor General, shall

provide the member or committee with a copy of such report when it is, or has been, submitted by the Auditor General to the Joint Legislative Audit Committee.

Registration of Legislative Representatives

37.5. The Joint Rules Committee shall have the rights, powers and duties prescribed in Section 9909 of the Government Code, specifically including but not limited to the authority to grant certificates of registration as legislative advocates.

The committee shall study and analyze all facts relating to legislative representation and the regulation thereof, and shall report thereon to the Legislature at each regular session and from time to time as the committee deems necessary, including in the reports its recommendations for appropriate legislation.

The committee may direct the Legislative Analyst to perform such duties as may be assigned to him by the committee.

Designating Legislative Sessions

39. All extraordinary sessions shall be designated in numerical order by the session in which convened.

Joint Rules Committee

40. The Joint Rules Committee is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, the Speaker of the Assembly, and three Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered, and acted upon.

(d) The operation of the Legislature, and the committees thereof,

and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, and respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is not in recess, and shall be referred to the committee for action if the Legislature is in recess.

The committee has the following additional powers and duties:

(a) To select a chairman or chairwoman and vice chairman or vice chairwoman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend such funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have such duties relating to the administrative, fiscal and business affairs of the committee as the committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To employ such persons as may be necessary to assist all other joint committees, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, in the exercise of their powers and performance of their duties. In accordance with Joint Rule 36.8, the committee shall govern and administer the expenditure of funds by such other joint committees, requiring that the claims of such joint committees be approved by the Joint Rules Committee or its designee. All expenses of the committee as well as

expenses of all other joint committees may be paid from the Contingent Funds of the Assembly and Senate.

(k) To appoint the chairmen or chairwomen of joint committees, as authorized by Joint Rule 36.7.

(l) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(m) The members of the Joint Rules Committee from the Senate may meet separately as a unit, and the members of the Joint Rules Committee from the Assembly may meet separately as a unit, and consider any action which is required to be taken by the Joint Rules Committee. If the majority of members of the Joint Rules Committee of each house at the separate meetings vote in favor of such action, the action shall be deemed to be action taken by the Joint Rules Committee.

The committee shall succeed to, and is vested with, all of the powers and duties of the Joint Committee on Legislative Organization, State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

Subcommittee on Legislative Space and Facilities

40.3. (a) A subcommittee of the Joint Rules Committee is hereby created to be known as the Subcommittee on Legislative Space and Facilities. The subcommittee shall consist of three Members of the Senate and three Members of the Assembly, appointed by the Chairman of the Joint Rules Committee, and the chairman of the fiscal committee of each house who shall have full voting rights on the subcommittee. The chairman of the subcommittee shall be appointed by the members thereof. For purposes of this subcommittee, the chairmen of the fiscal committees shall be ex officio members of the Joint Rules Committee, but shall not have voting rights on that committee, nor shall they be counted in determining a quorum. The subcommittee shall consider the housing of the Legislature and legislative facilities.

(b) The subcommittee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this subcommittee and its members.

(c) The subcommittee has the following additional powers and duties:

(1) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the subcommittee as will best assist it to carry out the purposes for which it is created.

(2) To cooperate with and secure the cooperation of county, city, city and county and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the subcommittee.

(3) To report its findings and recommendations to the Legislature and to the people from time to time and at any time.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(d) The subcommittee is authorized to leave the State of California in the performance of their duties.

Subcommittee on Legislative Assistance

40.5. A subcommittee of the Joint Rules Committee is hereby created to be known as the Subcommittee on Legislative Assistance. The Chairman or Chairwoman of the Joint Rules Committee shall appoint one member of the Joint Rules Committee from each house to be members of the subcommittee.

The subcommittee shall have the duty and responsibility of offering such assistance as may be desired by Members of the Legislature, former members, and their families and rendering such aid and assistance as is possible through the offices of the Sergeants at Arms and other officers and employees of the Legislature in the event of the death of a member, former member, or a member of their families.

The Sergeants at Arms and other officers and employees of each house of the Legislature shall render such aid or assistance as may be requested or directed by the subcommittee.

The Joint Rules Committee shall allocate to the subcommittee, from any funds available therefor, such funds as may be required to carry out its functions.

Claims for Worker's Compensation

41. The Chairman or Chairwoman of the Rules Committee of each house, or a designated representative, shall sign any required workers compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer, or employee of the house, or any employee of a standing or investigating committee thereof. In the case of a joint committee, the Chairman or Chairwoman of the Rules Committee of either house, or a designated representative, may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Committees

42. The Rules Committee of each house shall provide for a continuous cumulation of information concerning the membership, organization, meetings, and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within a reasonable period of time.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

Joint Committees

43. Concurrent resolutions creating joint committees of the Legislature and concurrent resolutions allocating moneys from the Contingent Funds of the Assembly and Senate to such committees shall be referred to the Committees on Rules of the respective houses.

Conflict of Interest

44. (a) No Member of the Legislature shall, while serving as such, have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state.

(b) No Member of the Legislature shall, during the term for which he or she was elected:

(1) Accept other employment which he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties;

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or use any such information for the purpose of pecuniary gain;

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another

person regarding a licensing or regulatory matter, before any state board or agency which is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law; provided, that this rule shall not be construed to prohibit a member who is an attorney at law from practicing in such capacity before the Workmen's Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court; and provided that this rule shall not act to prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof, and provided that the prohibition contained in this rule shall not apply to a partnership in which the Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction; and provided that the prohibition contained in this rule shall not apply in connection with any matter pending before any state board or agency on the operative date of this rule if the affected Member of the Legislature is attorney of record or representative in the matter prior to such operative date.

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California.

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he or she has a personal interest, except as follows:

(i) If, on the vote for final passage by the house of which he or she is a member, of the legislation in which he or she has a personal interest, he or she first files a statement (which shall be entered verbatim on the journal) stating in substance that he or she has a personal interest in the legislation to be voted on and notwithstanding such interest, he or she is able to cast a fair and objective vote on such legislation, he or she may cast his or her vote without violating any provision of this rule;

(ii) If the member believes that, because of his or her personal interest, he or she should abstain from participating in the vote on the legislation, he or she shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry on the journal of the fact of his or her personal interest. In the event a rule of the house, requiring that each member who is present vote aye or nay is invoked, the

presiding officer shall order the member excused from compliance and shall order entered on the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

(c) A person subject to this rule has an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if he or she has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity. He or she does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if any benefit or detriment accrues to him or her as a member of a business, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

(d) A person subject to the provisions of this rule shall not be deemed to be engaged in any activity which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, arising from any situation, or to have a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His or her relationship to any potential beneficiary of any situation is one which is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest by Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution regulated, received, reported, and accounted for pursuant to Division 8 (commencing with Section 11500) of the Elections Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions which are deemed not to result in substantial conflicts with the proper discharge of the duties and responsibilities of a legislator or legislative employee or in a personal interest shall not be construed as exclusive.

The Legislature in adopting this rule recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities, in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of the chapter. However, in construing and administering the provisions of the rule, weight should be given to any coincidence of

income, employment, investment, or other profit from sources which may be identified with the interests represented by those sources which are seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person shall induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of these rules are punishable as provided in Section 8926 of the Government Code.

Joint Legislative Ethics Committee

45. (a) The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate appointed by the Senate Committee on Rules and three Members of the Assembly appointed by the Speaker of the Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman or chairwoman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in these rules for other committees. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

(b) The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

(d) The committee shall have power, pursuant to the provisions of this rule, to investigate and make findings and recommendations concerning alleged violations by Members of the Legislature of the provisions of Rule 44.

(e) Any person may: (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the violation complained of, and which shall set forth the particulars thereof, or (b) file a

complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he or she may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Rule 44, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

(f) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, it shall dismiss the complaint and notify the complainant and respondent thereof. If the committee determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, the committee shall promptly investigate the alleged violation and, if after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

(g) After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is to be held pursuant to subdivision (f) the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4, except Section 9410, shall be applicable to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to

cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

(k) After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any of the provisions of Rule 44, it shall order the action dismissed, and shall notify the respondent and complainant thereof and shall also transmit a copy of the complaint and the fact of dismissal to the Attorney General and to the district attorney of the appropriate county. If the committee finds that the respondent has violated any of the provisions of Rule 44, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves, send a copy of such findings and report to the complainant and respondent, and the committee shall also report thereon to the Attorney General and to the district attorney of the appropriate county.

(l) Nothing in this rule shall preclude any person from instituting a prosecution for violation of any provision of Rule 44 unless such person has filed a complaint with the committee concerning such violation, in which case such person may not file a complaint with the district attorney of the appropriate county to institute a criminal prosecution for such violation until the committee has made its determination of the matter for a period of 120 days has elapsed since the filing of the complaint with the committee.

(m) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of the provisions of Rule 44 while such complaint is pending.

(n) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries or hearings of the committee under this rule shall be deemed confidential and shall not be open to inspection by any person other than a member of the committee, an employee of the committee, or a state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or to the district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the Attorney General or the district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public

records and open to public inspection. Any employee of the committee who divulges any matter which is deemed to be confidential by this subdivision is punishable as provided in Section 8953 of the Government Code.

(o) All actions of the committee shall require the concurrence of two members of the committee from each house.

(p) The committee may render advisory opinions to Members of the Legislature with respect to the provisions of Rule 44 and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion.

Legislative Hearing Rooms

46. The Rules Committee of each house shall provide designated space for nonsmokers in each legislative hearing room under its jurisdiction; provided, however, that nothing in this rule shall prevent any committee chairman from prohibiting smoking completely, or from further restriction smoking to a greater extent than provided by the Rules Committee of that house.

Designating Legislative Sessions

50. Regular sessions shall be indentified with the odd-numbered year subsequent to each general election, followed by a hyphen, and then the last two digits of the following even-numbered year. For example: 1973 874 Regular Session.

Days and Dates

50.5. (a) As used in these rules, day means a calendar day, unless otherwise specified.

(b) When the date of a deadline, recess, other requirement, or circumstances, falls on a Saturday, Sunday, or Monday that is a holiday, such date shall be deemed to refer to the preceding Friday, except where January 1 is a Sunday, such date shall be deemed to refer to the following Tuesday. When such a date falls on a holiday on a weekday other than a Monday, such date shall be deemed to refer to the preceding day.

Legislative Calendar

51. (a) The Legislature shall observe the following calendar during the first year of the regular session:

(1) Organizational Recess 7The Legislature shall meet on the first Monday in December following the general election to organize. Thereafter, each house shall be in recess from such time as it determines, but not later than the following Friday until the first Monday in January, except when the first Monday is January 1, in

which case, the following Tuesday.

(2) **Easter Recess**—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(3) **Summer Recess**—The Legislature shall be in recess from the last Friday in June until the first Monday in August. This recess shall not commence until the Budget Bill is enacted.

(4) **Interim Study Recess**—The Legislature shall be in recess from September 15 until the first Monday in January, except when the first Monday is January 1, or January 1 is a Sunday, in which case, the following Tuesday.

(b) The Legislature shall observe the following calendar for the remainder of the legislative session:

(1) **Easter Recess**—The Legislature shall be in recess from the 10th day prior to Easter until the Monday after Easter.

(2) **Summer Recess**—The Legislature shall be in recess from the last Friday in June until the first Monday in August. This recess shall not commence until the Budget Bill is enacted.

(3) **Final Recess**—The Legislature shall be in recess on September 1 until adjournment sine die on November 30th.

(c) Recesses shall be from the hour of adjournment on the day specified to reconvene at the time designated by the respective houses.

(d) The recesses specified by this rule shall be designated as joint recesses.

Recall From Recess

52. Notwithstanding the power of the Governor to call a special session, the Legislature may be recalled from joint recess and reconvene in regular session by any of the following means:

(1) It may be recalled by joint proclamation, which shall be entered in the journal, of the Senate Rules Committee and the Speaker of the Assembly or, in his absence from the state, the Assembly Rules Committee.

(2) Ten or more Members of the Legislature may present a request for recall from joint recess to the Chief Clerk of the Assembly and the Secretary of the Senate. The request shall immediately be printed in the journal. Within 10 days thereafter the Speaker of the Assembly, or if the Speaker is absent from the state, the Assembly Rules Committee, and the Senate Rules Committee shall act upon the request. If they concur in desiring to recall the Legislature from joint recess, they shall issue their joint proclamation entered in the journal no later than 20 days after publication of the request in the journal.

(3) If either or both of the parties specified in subdivision (2) does not concur, 10 or more Members of the Legislature may request the Chief Clerk or Secretary of the respective house to petition the membership of that house. The petition shall be entered in the journal and shall contain a specified reconvening date commencing

not later than 20 days after the date of the petition. If two-thirds of the members of the house or each of the two houses concur, the Legislature shall reconvene on the date specified. The necessary concurrences must be received at least 10 days prior to date specified for reconvening.

Procedure on Suspending Rules by Single House

53. Whenever these rules authorize suspension of the Joint Rules as to a particular bill by action of a single house after approval by the Rules Committee of that house, the following procedure shall be followed:

(a) A written notice of intention to suspend the joint rule shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice shall be printed in the journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the suspension of the joint rule with regard to the bill.

(c) If the Rules Committee recommends that the suspension be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to suspend the joint rule. The adoption of the resolution granting such permission shall require an affirmative recorded vote of the elected members of the house in which the request is made.

Introduction of Bills

54. (a) Bills may be introduced at any time except as provided in subdivision (d) and when a house is in joint recess. Each house may provide for introduction of bills during a recess other than a joint recess. Bills shall be numbered consecutively during the regular session.

(b) A member may not author a bill during a session that would have substantially the same effect as a bill he or she had previously introduced during that session. This restriction shall not apply in cases where a previously introduced bill has been vetoed by the Governor or has had its provisions "chaptered out" by a later chaptered bill pursuant to Section 9605 of the Government Code. An objection may be raised only while the bill is being considered by the house in which it is introduced. In such case the objection shall be referred to the Rules Committee of the house for a determination. The bill shall remain on file or with a committee, as the case may be, until such determination is made. If upon consideration of the objection the Rules Committee determines that the bill objected to would have substantially the same effect as another bill previously introduced during the session by the author, the bill objected to shall be stricken from the file or returned to the desk by the committee,

as the case may be, and shall not be acted upon during the remainder of the session. If the Rules Committee determines that the bill objected to would not have substantially the same effect as a bill previously introduced during the session by the author, the bill may thereafter be acted upon by the committee or the house, as the case may be. The Rules Committee may obtain such assistance as it may desire from the Legislative Counsel as to the similarity of a bill or amendments to a prior bill. This joint rule may be suspended by approval of the Rules Committee and three-fourths vote of the house.

(c) During a joint recess, the Chief Clerk or Secretary shall order the preparation of preprint bills when so ordered by any of the following:

- (1) The Speaker.
- (2) The Committees on Rules of the respective houses.
- (3) A committee with respect to bills within the subject matter jurisdiction of the committee.

Preprint bills shall be designated as such and shall be printed in the order received and numbered in the order printed. To facilitate subsequent amendment, preprint bills shall be so prepared that when introduced as a bill, the page and the line numbers will not change. The Chief Clerk and Secretary shall publish a list periodically of such preprint bills showing the preprint bill number, the title, and the Legislative Counsels digest. The Speaker and Senate Rules Committee may refer preprint bills to committee for study.

30-Day Waiting Period

55. No bill other than the Budget Bill may be heard or acted upon by committee or either house until the bill has been in print for 30 days. The date a bill is returned from the printer shall be entered in the history. This rule may be suspended concurrently with the suspension of the requirement of Section 8 of Article IV of the Constitution or if such period has expired, this rule may be suspended by approval of the Rules Committee and two-thirds vote of the house in which the bill is being considered.

Return of Bills

56. Bills introduced in the first year of the regular session and passed by the house of origin on or before the January 30th constitutional deadline are "carryover bills." Immediately after January 30, bills introduced in the first year of the regular session that do not become "carryover bills" shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate, respectively. Notwithstanding Rule 4, as used in this rule, "bills" does not include constitutional amendments.

Appropriation Bills

57. Appropriation bills that may not be sent to the Governor shall be held, after enrollment, by the Chief Clerk of the Assembly or Secretary of the Senate, respectively. The bills shall be sent to the Governor immediately after the Budget Bill has been enacted

Urgency Clauses

58. An amendment to add a section to a bill to provide that the act shall take effect immediately as an urgency statute shall not be adopted unless the author of the amendment has first secured the approval of the Rules Committee of the house in which the amendments are offered.

Vetoes

58.5. The Legislature may consider a Governor's veto for only 60 days, not counting days when the Legislature is in joint recess.

Publications

59 During periods of joint recess, weekly, if necessary, the following documents shall be published: files, histories, and journals

Hearings in Sacramento

60. (a) No standing committee or subcommittee thereof may take action on a bill at any hearing held outside of Sacramento

(b) A committee may hear the subject matter of a bill during a period of recess. Four days notice in the daily file is required prior to any such hearing.

(c) No bill may be acted upon by a committee during a joint recess.

Deadlines

61. The following deadlines shall be observed by the standing committees of the Assembly and Senate:

(a) Odd-numbered year:

(1) Between the third Friday in May and September 16, the Secretary of the Senate and the Chief Clerk shall not receive from the fiscal committees of their respective houses a report concerning bills introduced in and requiring further actions by that house, unless they were passed by a policy committee prior to the third Friday in May. Such a report may be received from a fiscal committee on or before June 20, however, if after the third Friday in May the Legislative Counsels digest of the bill is changed to indicate reference to fiscal committee.

(2) Between the first Friday in June and September 16 the

Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee requiring further action on a bill that was introduced in their respective houses.

(3) Between June 20 and September 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from the fiscal committees concerning bills introduced in their respective houses.

(4) Between the last Friday in June and September 16, no bill shall be passed by the house in which it was introduced, other than on concurrence in amendments adopted in the other house.

(5) Between the third Monday in August and September 16, the Secretary of the Senate and the Chief Clerk shall not receive from the fiscal committees of their respective houses a report concerning bills requiring further action that were introduced in the other house, unless they were passed by a policy committee prior to the third Monday in August. Such a report may be received from a fiscal committee on or before September 1, however, if after the third Monday in August the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(6) Between the fourth Monday in August and September 16, no committee other than fiscal committees shall meet for the purpose of hearing any bill.

(7) Between September 1 and September 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from any committee requiring further action by their respective houses.

(b) Even-numbered year: (1) After January 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning bills introduced in their respective houses during the odd-numbered year which require further consideration by the fiscal committee. Such a report may be received from a policy committee on or before January 23, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(2) After January 23, the Secretary of the Senate and the Chief Clerk shall not receive a report from any committee concerning bills introduced in their respective houses during the odd-numbered year, requiring further action in that house.

(3) After the first Friday in May, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning a bill introduced in their respective houses requiring further consideration by the fiscal committee of that house. Such a report may be received from a policy committee on or before the second Friday in June, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(4) After the fourth Friday in May, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning a bill introduced in their respective houses and requiring further action in that house.

(5) After the second Friday in June, the Secretary of the Senate and the Chief Clerk shall not receive a report from the fiscal

committees concerning bills introduced in and requiring further action by that house.

(6) After the next to last Friday in June, neither house shall pass bills introduced in that house.

(7) After August 10, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning bills introduced in the other house requiring further consideration by the fiscal committees. Such a report may be received from a policy committee on or before August 20, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(8) After August 20, the Secretary of the Senate and the Chief Clerk shall not receive a committee report concerning bills which require further action in their respective houses.

(9) After August 20, no committee shall meet for the purpose of hearing any bill.

(c) If a bill is acted upon in committee before the relevant deadline and the committee votes to report the bill out with amendments that have not at the time of the vote been prepared by the Legislative Counsel, the Secretary of the Senate and the Chief Clerk may subsequently receive a report at any time within two legislative days after the deadline recommending the bill for passage or for rereferral together with the amendments.

(d) Bills in the house of origin not acted upon during the odd-numbered year as a result of the deadlines contained in paragraph (a) may be acted upon when the Legislature reconvenes after the interim study joint recess, or at any time the Legislature is recalled from such joint recess.

(e) The deadlines imposed by this rule shall not apply to the Rules Committees of the respective houses.

(f) The above deadlines shall not apply in instances where a bill is referred to committee under Joint Rule 26.5.

(g) There shall be no committee meetings held during the week preceding the summer recess of the odd-numbered year, and none during the week which includes the next-to-last Friday in June of the even-numbered year.

(h) This rule may be suspended as to any particular bill by approval of the Rules Committee and two-thirds vote of the members of the house.

(i) Except as provided in subparagraphs (a) (6) and (b) (9), and subdivision (g), the deadlines imposed by this rule shall not apply to those bills which go into immediate effect pursuant to Article IV, Section 8(c).

Committee Procedure

62. (a) Notice of a hearing on a bill by the committee of first reference in each house shall be published in the file at least four days prior to the hearing. Otherwise, notice shall be published in the file

two days prior to the hearing. Such notice may be waived by a majority vote of the house in which the bill is being considered. A bill may be set for hearing in a committee only three times. A bill is "set" for purposes of this subdivision whenever notice of the hearing has been published in the file for one or more days. If a bill is set for hearing, and the committee, on its own initiation and not the author's, postpones the hearing on the bill or adjourns the hearing while testimony is being taken, such hearing shall not be counted as one of the three times a bill may be set. After hearing the bill, the committee may vote on the bill. If the hearing notice in the file specifically indicates that "testimony only" will be taken, such hearing shall not be counted as one of the three times a bill may be set. A committee may not vote on a bill so noticed until it has been heard in accordance with this rule. After a committee has voted on a bill, reconsideration may be granted only one time. Reconsideration may be granted within 15 legislative days or prior to the interim study joint recess, whichever first occurs. A vote on reconsideration cannot be taken without the same notice required to set a bill unless such vote is taken at the same meeting at which the vote to be reconsidered was taken and the author is present. When a bill fails to get the necessary votes to pass it out of committee or upon failure to receive reconsideration, it shall be returned to the Chief Clerk of the Assembly or Secretary of the Senate of the house of the committee and may not be considered further during the session.

This subdivision may be suspended with respect to a particular bill by approval of the Rules Committee and two-thirds vote of the members of the house.

(b) If the committee adopts amendments other than those offered by the author and orders the bill reprinted prior to its further consideration, the hearing shall not be the final time a bill may be set under subdivision (a) of this rule.

(c) When a standing committee takes action on a bill, the vote shall be by rollcall vote only. All rollcall votes taken by a standing committee shall be recorded by the committee secretary on forms provided by the Chief Clerk of the Assembly and the Secretary of the Senate. The chairman or chairwoman of each standing committee shall promptly transmit a copy of the record of the rollcall votes to the Chief Clerk of the Assembly or the Secretary of the Senate, respectively, who shall cause the votes to be published as prescribed by each house.

The provisions of this subdivision shall also apply to action of a committee on a subcommittee report. The rules of each house shall prescribe the procedure as to rollcall votes on amendments.

Any committee may, with the unanimous consent of the members present, substitute a rollcall from a prior bill, provided that the members whose votes are substituted are present at the time of the substitution.

At no time shall a bill be passed out by a committee without a

quorum being present.

The provisions of this subdivision shall not apply to:

(1) Procedural motions which do not have the effect of disposing of a bill.

(2) Withdrawal of a bill from a committee calendar at the request of an author.

(3) Return of bills to the house where the bills have not been voted on by the committee.

(4) The assignment of bills to committee.

(d) The chairman or chairwoman of the committee hearing a bill, may, at any time, order a call of the committee. Upon a request by any member of a committee or the author in person, the chairman or chairwoman shall order the call.

In the absence of a quorum a majority of the members present may order a quorum call of the committee and compel the attendance of absentees. The chairman or chairwoman shall send the Sergeant at Arms for those members who are absent and not excused by their respective house.

When a call of a committee is ordered by the chairman or chairwoman with respect to a particular bill, he or she shall send the Sergeant at Arms or any other person to be appointed for that purpose for those members who have not voted on that particular bill and are not excused.

A quorum call or a call of the committee with respect to a particular bill may be dispensed with by the chairman or chairwoman without objection by any member of the committee, or by a majority of the members present.

If a motion is adopted to adjourn the committee while the committee is operating under a call, the call shall be dispensed with and any pending vote announced.

The committee secretary shall record the votes of members answering a call. The rules of each house may prescribe additional procedures for a call of a committee.

Uniform Rules

63. No standing committee of either house shall adopt or apply any rule or procedure governing the voting upon bills which is not equally applicable to the bills of both houses.

Votes on Bills

64. Every meeting of each house and standing committee or subcommittee thereof where a vote is to be taken on a bill, or amendments to a bill, shall be public.

Conflicting Rules

65. The provisions of Rule 50 and following of these rules prevail over any conflicting joint rule with a lesser number.

RESOLUTION CHAPTER 4

Assembly Concurrent Resolution No. 6—Relative to the State Air Resources Board Laboratory.

[Filed with Secretary of State January 4, 1977.]

WHEREAS, Dr. Arie Jan Haagen-Smit, Professor Emeritus of bio-organic chemistry at the California Institute of Technology, has been in the forefront of air pollution research for over twenty-five years; and

WHEREAS, As government official, scientist, administrator, and human being, Dr. Haagen-Smit has led the battle for pollution control in California and the nation; and

WHEREAS, As Chairman of the State Air Resources Board in the years of 1968–1973, Dr. Haagen-Smit brought vitally needed knowledge and leadership in the fight to control air pollution; and

WHEREAS, The knowledge and leadership of Dr. Haagen-Smit has been widely and continually acknowledged by his peers resulting in numerous prestigious awards; and

WHEREAS, The people of the State of California, who have benefited most from the talents of this extraordinary scientist, have not as yet suitably acknowledged his services; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That for his many years of distinguished public service to the state and to the nation, the laboratory of the State Air Resources Board in El Monte shall henceforth be known as the Haagen-Smit Laboratory; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Dr. Arie Jan Haagen-Smit and to the State Air Resources Board.

RESOLUTION CHAPTER 5

Senate Concurrent Resolution No. 10—Relative to congratulating the Oakland Raiders football team.

[Filed with Secretary of State January 14, 1977]

WHEREAS, The Oakland Raiders won the world's professional football championship by defeating the Minnesota Vikings at the "Super-Bowl" played in Pasadena, California, on January 9, 1977; and

WHEREAS, The Raiders having earned the title of the "Winningest Team in Football" by fielding winning teams year after year, this time dispelled the myth that they can't win the "Big One"; and

WHEREAS, The team was rocked early in the season by injuries to key players to the point where little hope remained for a successful season; and

WHEREAS, Under the leadership of their coach, John Madden, the team reformed around the remaining stars and won game after game to end the season with the best record of 13 and 1; and

WHEREAS, Four players who participated in the only other Raider "Super-Bowl" appearance in 1968 played a leading role in the 1977 victory; and

WHEREAS, Any attempt to give credit to individuals would necessitate the listing of the entire roster because each member of the team was outstanding in his performance, whether he played on the special teams, the defense, or offense; and

WHEREAS, The City of Oakland having now fielded championship teams in basketball, baseball, and football can be justly proud of its lofty position in the sports world; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby congratulates the players, coaches, and owners of the Oakland Raiders football team, on a consistently excellent performance and on their success in winning the crown of the worlds championship; and be it further

Resolved, That suitably prepared copies of this resolution be transmitted to the Oakland Raiders football team, the City of Oakland, Managing General Director Al Davis, Coach John Madden, and players George Atkinson, Pete Banaszak, Warren Bankston, Rodrigo Barnes, Fred Biletnikoff, Rik Bonness, Morris Bradshaw, Cliff Branch, Willie Brown, George Buehler, Dave Casper, Neal Colzie, Dave Dalby, Clarence Davis, Carl Garrett, Hubert Ginn, Ray Guy, Willie Hall, Ted Hendricks, David Humm, Monte Johnson, Henry Lawrence, Errol Mann, John Matuszak, Herb McMath, Dan Medlin, Manfred Moore, Charles Phillips, Charles Philyaw, Mike Rae, Floyd Rice, Dave Rowe, Art Shell, Mike Siani, Otis Sistrunk, Ken Stabler, Steve Sylvester, Jack Tatum, Skip Thomas, Gene Upshaw, Mark van Eeghen, John Vella, and Phil Villapiano.

RESOLUTION CHAPTER 6

Senate Concurrent Resolution No. 9—Relative to commending the Honorable Raymond L. Sullivan.

[Filed with Secretary of State January 24, 1977.]

WHEREAS, It has come to the attention of the Members of the California State Legislature that the Honorable Raymond L. Sullivan, Associate Justice of the California Supreme Court, has announced his retirement after 10 years of exemplary service in that high office, and after an outstanding legal career which has measured 46 years; and

WHEREAS, During his 10-year service as Associate Justice of the California Supreme Court, Justice Sullivan made significant contributions to the interpretation and administration of the laws of the State of California, both through his decisions and through his participation as a member of the California Judicial Council; and

WHEREAS, His scholarship, independence, and devotion to justice under law has been an inspiration to his colleagues on the bench and at the bar, as well as to the citizens of the State of California; and

WHEREAS, A native of San Francisco, Justice Sullivan attended St. Ignatius High School, graduated magna cum laude with a Bachelor of Arts degree from the University of San Francisco, and thereafter obtained his Juris Doctor degree, his Master of Laws degree, and an honorary Doctor of Laws degree from the University of San Francisco, and was admitted to the California State Bar in 1930; and

WHEREAS, He engaged in the private practice of the law in San Francisco as a partner in the legal firm of Malone and Sullivan from 1930 to 1961, at which time he was appointed Justice of the Court of Appeal, Division One, First Appellate District, by Governor Edmund G. Brown, and he served in that capacity and as Presiding Justice of the Court until appointed Associate Justice of the California Supreme Court by Governor Brown on December 8, 1966; and

WHEREAS, Justice Sullivan was the 1968 President of the University of San Francisco Law Society, and is a past chairman of the Judicial Council Advisory Committee to review problems involved in publishing official reports of the Supreme Court and Courts of Appeal; and he is a member of the Bar Association of San Francisco, the Lawyers' Club, the American Bar Association, the International Legal Fraternity of Phi Delta Phi, and the St. Thomas More Society; and

WHEREAS, Among the numerous honors awarded to Justice Sullivan during his career as a jurist, one of the most significant is the St. Thomas More Award, which was presented to him by the University of San Francisco in 1968; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California extends its highest commendations to the Honorable Raymond L.

Sullivan, Associate Justice of the California Supreme Court, on his illustrious record of honorable and outstanding service on behalf of the California judicial system, together with its best wishes for happiness and good health during his well-earned retirement, and hopes that his talents will continue to be available to the State of California and to others throughout the United States; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Honorable Raymond L. Sullivan.

RESOLUTION CHAPTER 7

Senate Concurrent Resolution No. 8—Relative to the retirement of Chief Justice Donald R. Wright.

[Filed with Secretary of State January 25, 1977.]

WHEREAS, The Members of the Legislature of the State of California have learned that Donald R. Wright, 24th Chief Justice of California, will soon be retiring after nearly 25 years of distinguished judicial service to the people of California; and

WHEREAS, In almost seven years on the State Supreme Court as its Chief Justice, Donald R. Wright has authored many brilliant opinions which have become landmarks in the law, have had a profound influence on the development of law, and have elevated the Supreme Court to one of the preeminent state courts in the nation; and

WHEREAS, The Chief Justice's service as Chairman of the Judicial Council has contributed to the administration of justice throughout the nation and has brought to a successful conclusion such significant reforms as the creation of a State Public Defender's Office, the permanent organization of the Center for Judicial Education and Research, the improvement in Court of Appeal operating procedures, the implementation of the work of the Chief Justice's Special Committee on Trial Court Delay, and the reorganization of California's justice courts; and

WHEREAS, Chief Justice Wright is a native-born Californian, attended Pasadena public schools, was graduated from Stanford University (cum laude) in 1929, received his LL.B. with distinction from Harvard University in 1932, earned an LL.M. from the University of Southern California Law Center in 1973, and is a member of Order of the Coif; and

WHEREAS, He entered into the general practice of law in Pasadena in 1932 which continued until he was commissioned a first lieutenant in the Army Air Corps in April 1942, and during World War II, he was graduated from the Counter Intelligence Corps and

the Command and General Staff schools and served as a squadron commander and as Chief of Intelligence of the 11th Air Force Service Command (Alaskan Theater); and

WHEREAS, He was discharged in 1946 with the rank of Lieutenant Colonel, and after resuming his Pasadena law practice, was appointed to the Pasadena Municipal Court by Governor Warren in 1953; and

WHEREAS, In 1960, Donald R. Wright was elected to the Superior Court of Los Angeles County and served as Supervising Judge of the Master Calendar Criminal Department, one of the largest criminal courts of the United States, Supervising Judge of the Probate Court, and in 1966 he was appointed Assistant Presiding Judge of the Superior Court in charge of the civil calendar; and

WHEREAS, In 1967, the Chief Justice was elected Presiding Judge of the Superior Court by his colleagues and was reelected to that position for 1968 and 1969, at which time he was appointed by Governor Reagan as Associate Justice of the Court of Appeal, Second Appellate District, followed by his elevation to the position of Chief Justice of California on April 6, 1970; and

WHEREAS, Among his many charitable, educational, and cultural activities, accomplishments, and honors, he served as a member of the Board of Trustees of Boys' Republic, Chairman of the Pasadena Planning Commission, was named "Appellate Judge of the Year" for 1972 by the California Trial Lawyers Association, is a recipient of the "Torch of Liberty" award from the Antidefamation League of B'nai B'rith in 1974, and was awarded the St. Thomas More Medallion by the St. Thomas More Honor Society of Loyola University Law School in 1974; and

WHEREAS, Despite such a busy and active professional life, the Chief Justice has found time for hobbies and recreation which include collecting 20th century art and attending symphonies and operas; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California commends Chief Justice Donald R. Wright for the great honor and prestige that he has brought to California and to its judicial system and for the courage, intellectual independence, and compassion for his fellow man that he has exhibited throughout his career; and be it further

Resolved, That the Members of the Legislature extend their best wishes to Chief Justice Wright for happiness and good health during his well-earned retirement; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Chief Justice Donald R. Wright.

RESOLUTION CHAPTER 8

Assembly Concurrent Resolution No. 15—Relative to facilities for administering the State Bar examination.

[Filed with Secretary of State February 10, 1977]

WHEREAS, The past use of privately owned facilities by the State Bar of California in administering the bar examination has resulted in hardship and possible inequitable examination results for many examinees because of such factors as excessive noise in other areas of such facilities and power failures; and

WHEREAS, Having available alternative and additional facilities would serve to ensure against excessive noise and other unnecessary and uncontrollable distracting factors during the administration of the bar examination; and

WHEREAS, The use of public facilities would expedite the administration of the bar examination and serve to provide more nearly identical testing conditions for all examinees by eliminating unnecessary and uncontrollable distracting factors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Bar is encouraged to secure adequate publicly owned facilities appropriate for administering and conducive to taking a bar examination; and be it further

Resolved, That state agencies are hereby requested to cooperate with the State Bar of California and to make available public facilities appropriate for administering and taking a bar examination.

RESOLUTION CHAPTER 9

Senate Concurrent Resolution No. 22—Relative to commending Mr. Alex P. Haley.

[Filed with Secretary of State February 18, 1977]

WHEREAS, From “a rather nebulous idea” of trying to trace his family back through the tales he heard as a child growing up in Henning, Tennessee, as told by his grandmother, Mr. Alex P. Haley authored *Roots: The Saga of an American Family*, an epic book and record-shattering television production, which attempts to tell the history of the black people in America; and

WHEREAS, Mr. Haley, whose goal was to trace his own family’s history back through six generations, pinpointed the African language of his forebearer, Kunta Kinte, pursued the trail of his past into the remote rural villages of Gambia, and researched British and American naval records for the very ship on which his maternal great-great-great-great-grandfather had been brought to colonial

America; and

WHEREAS, He even crossed the Atlantic on a freighter, deliberately incarcerating himself in a dark hold day-after-day so as to experience as nearly as possible what the crossing felt like to a slave; and in his 12 years of planning, researching, and writing his novel, he felt that he was encouraged by the voices of his ascendants; and

WHEREAS, Following a 20-year career in the United States Coast Guard, during which time he taught himself the rudiments of journalism, Mr. Haley retired in 1959, and eventually began to work for *Playboy* magazine, writing some of its first *Playboy* interviews, including one which he did with Malcolm X, which led to a commission to do the Autobiography of Malcolm X; and

WHEREAS, His next project, a strictly nonfiction account of the details of his long odyssey, entitled *My Search for Roots*, is nearing completion, and he has projected that he will then write a detailed study of his birthplace, Henning, Tennessee; and

WHEREAS, Mr. Haley should be publicly recognized for his long and dedicated efforts in researching and writing *Roots*, Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Mr. Alex P. Haley be commended and congratulated for his perseverance in detailing an epic story of six generations of a black American family through two centuries, for making a major contribution to the cultural enrichment and historical awareness of all Americans, and for giving black Americans a historical perspective of their quest for freedom, equality, and opportunity; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mr. Alex P. Haley.

RESOLUTION CHAPTER 10

Assembly Concurrent Resolution No. 16—Relative to water conservation.

[Filed with Secretary of State February 23, 1977]

WHEREAS, Existing drought conditions are causing substantial and increasing hardships and crises in many areas of the state; and

WHEREAS, The drought has left our reservoir water levels seriously low; and

WHEREAS, The continuation of this severe drought could threaten urban water supplies and thereby affect employment and economic stability in California; and

WHEREAS, The immediate implementation of water conservation would permit substantially larger amounts of water to

be retained in municipal reservoirs as effective insurance against an extended drought, and, in certain areas, would permit increased amounts of scarce water supplies to be used for necessary food production; and

WHEREAS, Most of the authority to initiate water conservation rests with a variety of local government agencies; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all such local governmental agencies are requested to immediately evaluate their local water supplies and needs through October 31, 1978 as a minimum and to institute, as soon as possible, all appropriate water conservation methods that would assist their own area as well as other areas which could be thereby benefited; and be it further

Resolved, That the Department of Water Resources is requested to provide technical assistance to public agencies in evaluating water supplies and demands and in implementing water conservation programs; and be it further

Resolved, That those water conservation methods which should be considered, among others, include the following:

- (1) Educating consumers on conservation, to raise the public's level of awareness on the importance of not wasting water.
- (2) Establishing anti-gutter-flooding programs.
- (3) Retrofitting existing bathroom showerheads with low-flow showerheads or with flow restrictors.
- (4) Retrofitting bathroom toilet tanks with plastic bottles or rubber or plastic "dams".
- (5) Initiating leak detection programs.
- (6) Washing cars with a bucket instead of a hose.
- (7) Encouraging water users not to wash off sidewalks with a hose.
- (8) Installing timers on sprinkler systems.
- (9) Incorporating moisture sensing devices into automatic sprinkling systems to determine whether sprinkling is needed.
- (10) Not watering during the heat of the day and not watering on windy days.
- (11) Installing aerators on sink taps.
- (12) Detecting leaks in toilets by putting food coloring in the tank and watching for coloration of the bowl.
- (13) Using a dishpan when washing dishes by hand.
- (14) Shortening shower time.
- (15) Insulating hot water pipes in order to shorten the wait for hot water.
- (16) Providing technical assistance to water using industries encouraging the conservation and reuse of water.
- (17) Having restaurants serve water only on request.
- (18) Encouraging farmers to plant low water using crops.
- (19) Encouraging the installation of drip irrigation systems.
- (20) Replacing flood irrigation with sprinkler irrigation.
- (21) Encouraging the use of water meters; and be it further

Resolved, That a copy of this resolution be transmitted to the board of supervisors of each county, to the city council of each incorporated city, to each public agency which supplies water, and to the Department of Water Resources.

RESOLUTION CHAPTER 11

Senate Concurrent Resolution No. 7—Relative to the Joint Committee on the State's Economy.

[Filed with Secretary of State March 1, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on the State's Economy shall consist of seven Members of the Senate, appointed by the Committee on Rules thereof, and seven Members of the Assembly, appointed by the Speaker thereof.

RESOLUTION CHAPTER 12

Senate Concurrent Resolution No. 20—Relative to workers' compensation.

[Filed with Secretary of State March 16, 1977.]

WHEREAS, There exists in California a large recreational boating industry; and

WHEREAS, Recreational boating is an important industry to California providing jobs and income to residents of California through boat yards, boat manufacturers, marinas and numerous support activities; and

WHEREAS, The Department of Labor has ruled that the Longshoremen's and Harbor Workers' Compensation Act applies to the recreational boating industry; and

WHEREAS, The Labor Department's ruling is under legal challenge by the recreational boating industry; and

WHEREAS, The need for Longshoremen's and Harbor Workers' Insurance coverage has created a severe economic hardship on employers in the recreational boating industry; and

WHEREAS, The California Workers' Compensation Insurance Rating Bureau has recommended that the minimum rate to be charged by insurers should be approximately \$28.00 per \$100.00 of payroll for coverage under the Longshoremen's and Harbor Workers' Compensation Act; and

WHEREAS, The substantial increase in the cost of doing business resulting from the higher insurance rates has forced some

recreational boating operators out of business and will likely force many other operators out of business as the higher insurance rates are applied; and

WHEREAS, Those recreational boating operations that are able to remain in business have been forced to curtail their services offered or pass on their increased costs to recreational boaters; and

WHEREAS, The imposition of minimum rates of this kind could destroy this basic segment of the recreational boating industry; and

WHEREAS, Assembly Bill 3070 (Chapter 444, Statutes of 1976) provides for the establishment of minimum legal rates for insuring liability under the Longshoremen's and Harbor Workers' Compensation Act; and

WHEREAS, A similar problem exists with regard to the commercial fishing industry; and

WHEREAS, The premiums being charged by the private insurance industry are substantially less than the amounts which will be charged if the Insurance Commissioner adopts the rates recommended by the California Workers' Compensation Insurance Rating Bureau; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Insurance Commissioner is requested to delay the setting of minimum rates applicable to the recreational boating industry and the commercial fishing industry until federal litigation (Boating Industry Ass'n., et al. v. William J. Usury Secretary of Labor, et al., No. C-76-2550, filed Nov. 12, 1976) is adjudicated and the question of the applicability of the Longshoremen's and Harbor Workers' Compensation Act to the recreational and boating industry and the commercial fishing industry is settled; and be it further

Resolved, That a copy of this resolution be transmitted to the Insurance Commissioner.

RESOLUTION CHAPTER 13

Senate Joint Resolution No. 1—Relative to the electoral college.

[Filed with Secretary of State March 18, 1977]

WHEREAS, Since customarily all the states' electoral votes go to the candidate receiving the most popular votes in the state, those who vote for the loser are effectively disenfranchised in the electoral college; and

WHEREAS, If an election is thrown into the House of Representatives because neither candidate wins a majority of the electoral votes, the nation would go for three months without knowing who would be President and then he might not have been the choice of the most voters; now, therefore, be it

Resolved by the Senate and Assembly of the State of California,

jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt Senate Joint Resolution No. 1 as introduced in the 94th Congress, 1st Session, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, and to enact laws necessary to implement this procedure; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 14—Relative to juvenile court law.

[Filed with Secretary of State March 22, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature recognizes that counties, although making good faith efforts, may not have been able to achieve full compliance with Chapter 1071 of the Statutes of 1976 by January 1, 1977; and be it further

Resolved, That good faith efforts must be made to achieve full compliance at the earliest possible date; and be it further

Resolved, That it is the intention of the Legislature that in any event full compliance with Chapter 1071 of the Statutes of 1976 shall be achieved no later than July 1, 1977.

RESOLUTION CHAPTER 15

Senate Concurrent Resolution No. 16—Relative to the Joint Committee on Job Development.

[Filed with Secretary of State March 30, 1977.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Job Development is hereby continued in existence with the following composition, powers, and duties:

(1) The joint committee shall consist of three Members of the Senate, appointed by the Senate Committee on Rules, and three Members of the Assembly appointed by the Speaker of the Assembly. Vacancies occurring in the membership during the existence of the

joint committee shall be filled by the appointing power.

(2) The joint committee is authorized to perform research and analysis, hold hearings, publish reports, and sponsor legislation relative to job development for the people of the State of California.

(3) The joint committee is authorized to create an advisory committee, with appointments and duties to be established by the chairman of the joint committee.

(4) The joint committee shall continue its work immediately upon passage of this resolution, and is authorized to act during the 1977-78 Regular Session of the Legislature.

(5) The joint committee shall report its findings and recommendations to the Legislature no later than December 30, 1978, at which time the joint committee is dissolved.

(6) The Joint Rules Committee may make funds available from the Contingent Funds of the Assembly and Senate for the expenses of the joint committee and its members and for any charges, expenses, or claims it may incur under this resolution; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

RESOLUTION CHAPTER 16

Senate Concurrent Resolution No. 31—Relative to the Easter recess

[Filed with Secretary of State April 7, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring,

First—That following its meeting on March 31, 1977, each house of the Legislature shall be in recess from such time as it determines, including the period from April 1, 1977, until April 11, 1977;

Second—The desks of the Senate and Assembly shall remain open, during such recess, for introduction of bills, during business hours on Monday through Friday, inclusive, except holidays. Bills received at the Senate desk during such periods shall be numbered and printed. After printing, such bills shall be delivered to the Secretary of the Senate and shall be referred by the Committee on Rules to a standing committee. Bills received at the Assembly desk during such periods shall be numbered, referred by the Speaker to a committee, and be printed. After printing, such bills shall be delivered to the Chief Clerk of the Assembly. On the reconvening of each house, the bills shall be read the first time, and shall be delivered to the committee to which they were referred;

Third—That the Secretary of the Senate and the Chief Clerk of the

Assembly shall cause to be printed, during the Easter recess, a Senate Daily Journal and Assembly Daily Journal and Senate and Assembly Daily and Weekly Histories.

RESOLUTION CHAPTER 17

Assembly Concurrent Resolution No. 4—Relative to the California Law Revision Commission.

[Filed with Secretary of State April 18, 1977.]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission, in its annual report covering its activities for 1976, lists the following topics, all of which the Legislature has previously authorized or directed the commission to study, as studies in progress:

Topics Under Active Consideration

(1) Whether the law relating to nonprofit corporations should be revised;

(2) Whether the law relating to creditors' remedies including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters should be revised;

(3) Whether the law relating to eminent domain should be revised;

(4) Whether the Evidence Code should be revised;

(5) Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised;

(6) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(7) Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised;

(8) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including but not limited to liability for damages

resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

Other Topics Authorized for Study

- (1) Whether the parol evidence rule should be revised;
- (2) Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised;
- (3) Whether the law relating to class actions should be revised;
- (4) Whether the law relating to offers of compromise should be revised;
- (5) Whether the law relating to discovery in civil cases should be revised;
- (6) Whether the law relating to possibilities of reverter and powers of termination should be revised;
- (7) Whether a Marketable Title Act should be enacted in California and whether the law relating to covenants and servitudes relating to land, and the law relating to nominal, remote, and obsolete covenants, conditions, and restrictions on land use should be revised;

Topics Continued on Calendar for Further Study

- (1) Whether the law relating to arbitration should be revised;
- (2) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;
- (3) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised;
- (4) Whether the law relating to partition should be revised;
- (5) Whether the law relating to modification of contracts should be revised;
- (6) Whether the law relating to sovereign or governmental immunity in California should be revised;

Topics to Be Removed From Calendar of Topics

- (1) Whether the law relating to tort liability should be revised, including the rules governing liability for and the amount of compensation or damages to be paid on account of injury to or death of persons or damages to or destruction of property and the manner and method of determination and payment thereof and related matters, including a study of liability arising from defective products, whether based on contract or tort;
- (2) Whether the law relating to transfer of out-of-state trusts to California should be revised; now, therefore, be it
Resolved by the Assembly of the State of California, the Senate

thereof concurring, That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the commissions calendar of the topics listed above; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 18

Senate Joint Resolution No. 3—Relative to bilingual television programming.

[Filed with the Secretary of State April 19, 1977.]

WHEREAS, In the fall of 1974, an innovative bilingual children's television program known as "Villa Alegre" made its debut nationally; and

WHEREAS, "Villa Alegre" is produced by Bilingual Children's Television, Inc., a California nonprofit corporation based in Oakland, California; and

WHEREAS, Utilizing the most singularly powerful medium in existence today, "Villa Alegre" is aimed for children at the formative years where its impact can be of most value to the viewer; and

WHEREAS, "Villa Alegre" provides a sense of identity as well as understanding and appreciation of the Spanish and English languages, instills a sense of pride and confidence in the heritage of the Spanish-speaking community, introduces monolingual children to a new linguistic melody, and broadens curriculum experiences, while celebrating cultural diversity; and

WHEREAS, The program helps to create a linguistic and cultural bridge within the home, school, and total community and can serve as an effective educational tool in complying with recent United States Supreme Court decisions involving bilingual education; and

WHEREAS, Bilingual Children's Television, Inc., producers of "Villa Alegre," has developed invaluable expertise in bilingual children's television programming, has compiled extensive research data on bilingual children, and has gained a keen insight into the educational needs of children during the formative years; and

WHEREAS, The value and impact of "Villa Alegre" on all children in the United States is manifest in its institutional, civic and community support and its utilization in homes and classrooms nationally; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation to assure the continuation of "Villa Alegre" for all children; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 19

Assembly Concurrent Resolution No. 21—Relative to the Practice of cosmetology.

[Filed with Secretary of State May 2, 1977]

WHEREAS, The California State Department of Consumer Affairs is causing some individuals who have been for years providing a simple beauty service of affixing false fingernails, to be cited for violations of the Business and Professions Code; and

WHEREAS, In causing such tradespeople to cease performing their services to the public seriously damages the economic well-being of those tradespeople and their dependents at a time of high unemployment and at the same time deprives their satisfied customers of service they have enjoyed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That with respect to those unlicensed individuals who have been engaged in the occupation of affixing false fingernails for a period of six months or more prior to the date of the adoption of this resolution and who are enrolled in a course of manicuring in a licensed or approved school, the enforcement division of the Department of Consumer Affairs should cease its activities which are putting the above-mentioned people out of work until four months after the adoption of this resolution, or August 1, 1977, whichever is sooner; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Department of Consumer Affairs, the Board of Cosmetology, and to the investigators of the department in the field.

RESOLUTION CHAPTER 20

Senate Joint Resolution No. 9—Relative to Grandparents' Day.

[Filed with Secretary of State May 5, 1977]

WHEREAS, At the present, the nation observes Mother's Day and Father's Day, in May and June of each year, respectively; and

WHEREAS, To be a parent or a grandparent is to come very near

the heart of life itself and to share with one's own children and grandchildren a unique personal relationship; and

WHEREAS, The importance of family units have been well recognized since time immemorial and the American citizens have given a public expression of reverence to mothers and fathers; and

WHEREAS, Our identity in name and nature, our roots in home and family, and the important contributions of grandparents should be recognized in this country as a part of a very vital role in the shaping of close knit family units; and

WHEREAS, Such contributions are deserving of the highest commendation and recognition by designating the second Sunday in April of each year as Grandparents' Day; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to designate, and the President of the United States to proclaim, the second Sunday in April of each year as Grandparents' Day; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 21

Senate Concurrent Resolution No. 19—Relative to the Chino Hills.

[Filed with Secretary of State May 5, 1977.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is requested to undertake, in cooperation with the Counties of Los Angeles, Orange, Riverside, and San Bernardino on a shared-cost basis, a study of the feasibility of acquiring lands in the Chino Hills for park purposes and to report thereon to the Legislature on or before September 1, 1977; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Parks and Recreation, the Southern California Association of Governments, and to the boards of supervisors of the Counties of Los Angeles, Orange, Riverside, and San Bernardino.

RESOLUTION CHAPTER 22

Senate Concurrent Resolution No. 36—Relative to “Deaf Awareness Month.”

[Filed with Secretary of State May 5, 1977]

WHEREAS, Hearing impairment is one of the least understood of handicaps, due in large measure to the fact that it is an invisible handicap; and

WHEREAS, Special programs for the education and rehabilitation of the hearing-impaired have been in existence for many years; and

WHEREAS, There are presently some 20,000,000 individuals in the United States with significant hearing loss, including 1,500,000 whose loss is total; and

WHEREAS, There is too little comprehension on the part of the general public of the extent of hearing loss and of its impact on the quality of life; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of May, 1977, be proclaimed as “Deaf Awareness Month” throughout the State of California, as a special effort to educate and inform the general public in regard to the many problems associated with significant hearing loss, the diverse programs established to remedy or mitigate the impact of such loss, the achievements of hearing-impaired individuals, and the still unrealized potential of such individuals; and be it further

Resolved, That all organizations, public and private, be called on to plan and carry out appropriate programs to educate and inform the general public in the area of hearing impairment; and be it further

Resolved, That a copy of this resolution be transmitted to the Board of Directors of the Greater Los Angeles Council on Deafness, Inc.

RESOLUTION CHAPTER 23

Assembly Joint Resolution No. 3—Relative to pasture and grazing land.

[Filed with Secretary of State May 12, 1977]

WHEREAS, The Legislature of the State of California hereby commends the Farmers Home Administration for its effective management of the shift-in-land-use loans program, which was established under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.) to aid in the development of grazing and pasture facilities; and

WHEREAS, The existing funds for carrying out such a program are

inadequate to effectively promote family size farms and ranches in this country; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to substantially increase the funds that may be used for the shift-in-land-use program under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et seq.), as implemented pursuant to Section 1823.55 of Title 7 of the Code of Federal Regulations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Secretary of Interior, to the Director of Farmers Home Administration, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 24

Senate Concurrent Resolution No. 3—Relative to state agencies.

[Filed with Secretary of State May 18, 1977.]

WHEREAS, State government has become a large and complex bureaucracy which is increasingly more difficult for the Legislature to oversee and evaluate in terms of performance and effectiveness; and

WHEREAS, This proliferation of governmental units typically is justified by elaborate data together with compelling reasons for the creation or perpetuation of agencies; and

WHEREAS, In spite of the excellent budget review, performance, auditing, organizational evaluation, and related oversight functions performed by the Legislative Analyst, the Auditor General, the Commission on California State Government Organization and Economy and the appropriate committees of the Legislature, including the executive branch's input into the legislative review process, there remains the need for additional methods for identifying and eliminating governmental waste, duplication; and

WHEREAS, One of the newest and potentially effective concepts for controlling governmental expansion and waste is known as "sunset," a system for the periodic review of governmental units, programs, or agencies with emphasis on termination of inefficient or unnecessary governmental units, programs, or agencies; and

WHEREAS, The "sunset" concept has been enacted in various forms in the states of Alabama, Colorado, Florida and Louisiana, has been introduced in several other states, and has been embodied in bills introduced in both houses of the 94th Congress; and

WHEREAS, The "sunset" concept merits careful study and consideration by the Legislature as an additional means for identifying and eliminating wasteful, duplicative, or unnecessary governmental functions, thereby effecting savings to the taxpayers of this state; and

WHEREAS, It has been reported that a number of organizations and individuals have studied various proposals for "sunset" laws and could provide input to the Legislature in any study undertaken; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Analyst is hereby directed to undertake a review of the "sunset" concept in order to evaluate its feasibility and most appropriate form as a more effective mechanism to aid the Legislature in its decision-making process regarding the future of existing governmental units, programs, and agencies. Such review and evaluation shall include, but not be limited to:

1. Formulation of principles of operation and guidelines for program evaluation, its location and operation in State Government currently, and an assessment of the extent to which the "sunset" approach would modify or supplement such evaluation:

2. Identification of the possible benefits, limitations, and problems resulting from the implementation of a "sunset" concept;

3. Development of a proposed structure and implementation schedule, including a recommended schedule of agency termination dates; and

4. Estimation of time and costs associated with the "sunset" concept and its implementation; and be it further

Resolved, That the Legislative Analyst in preparing such examination and evaluation shall obtain the cooperation of the various state agencies, the office of the Auditor General, and the Commission on California State Government Organization and Economy; and be it further

Resolved, That the Legislative Analyst, in preparing his report shall accept input from any organization or individual that has studied the "sunset" concept or any proposals for "sunset" laws; and be it further

Resolved, That the Legislative Analyst shall report his findings and recommendations to the Legislature on or before December 1, 1977.

RESOLUTION CHAPTER 25

Assembly Joint Resolution No. 5—Relative to the rail right-of-way between San Bruno and Daly City.

[Filed with Secretary of State May 27, 1977]

WHEREAS, It has come to the attention of the Members of the Legislature that the Southern Pacific Transportation Company has applied to the Interstate Commerce Commission for permission to abandon the freight rail right-of-way between San Bruno and Daly City, California; and

WHEREAS, In 1975, the Legislature appropriated \$350,000 to the Metropolitan Transportation Commission to develop a transportation plan for the corridor between San Francisco and San Jose, California; and

WHEREAS, The results of the 18-month study so conducted have been recently released and recommend that Southern Pacific's rail right-of-way between San Bruno and Daly City be preserved for future public transportation uses; and

WHEREAS, The various public transit districts concerned with the transportation requirements of the San Francisco-San Jose corridor have not had sufficient time to consider and effectuate the acquisition of the San Bruno-Daly City right-of-way; and

WHEREAS, The California Public Utilities Commission has recommended that any action on the abandonment of the San Bruno-Daly City right-of-way be deferred; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Interstate Commerce Commission to require a stipulation, in the event it grants the application to abandon the freight right-of-way between San Bruno and Daly City, that the right-of-way not revert to the owners of such land for at least two years, in order to give the public transit districts concerned an adequate opportunity to acquire the right-of-way; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Interstate Commerce Commission and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 26

Senate Joint Resolution No 16—Relative to tuna fishing.

[Filed with Secretary of State May 27, 1977.]

WHEREAS, The tuna fishing industry is an important contributor to the welfare of the people of California and of the nation, providing employment to numerous persons, providing substantial revenues to the state, and providing high quality protein at a reasonable price to the American people; and

WHEREAS, The extinction of the American tuna fishing industry would have disastrous economic consequences, resulting in the unemployment of a large number of hard-working, highly trained

crew members as well as thousands of cannery workers and employees of allied industries, and in a rapid increase in the price of tuna for the American people; and

WHEREAS, American tuna fishing boats are making efforts to preserve the porpoise and are developing and employing techniques which are reducing the incidental mortality of porpoises in connection with tuna fishing operations; and

WHEREAS, If tuna fishing boats are prohibited from operating under the jurisdiction of the United States, the result may be an increase in the mortality rate of porpoises since boats operating under the jurisdiction of other nations are making no effort to prevent the incidental mortality of porpoises, and since research being carried on by the American tuna fishing industry will be curtailed; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take prompt actions to assure the continued operation of the American tuna fishing industry, consistent with continuing efforts to reduce the incidental mortality of porpoises; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the United States Secretary of Commerce, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No. 53—Relative to the Joint Rules.

[Filed with Secretary of State June 13, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Joint Rule 29.5 of the Temporary Joint Rules of the Senate and Assembly for the 1977-78 Regular Session is amended to read:

Conference Committees

29.5. (a) All meetings of any conference committee on the Budget Bill shall be open and readily accessible to the public.

No conference committee on any bill may meet, consider, or act on the subject matter of the bill except in a meeting that is open and readily accessible to the public; unless the action is on a report determined by the Legislative Counsel to be nonsubstantive. The Legislative Counsel shall examine each proposed report and shall

note upon the face of the report that the amendments proposed are "substantive" or "nonsubstantive" as the case may be

The chairman or chairwoman of the conference committee of each house shall give notice to the file clerk of both houses of the time and place of such meeting. Notice of each public meeting shall be published in the file of each house one calendar day prior to the meeting, except that such notice shall not be required for a meeting of a conference committee on the Budget Bill. When the provisions of this subdivision are waived with respect to a meeting of any public conference committee, and when there is a meeting of a conference committee on the Budget Bill, every effort shall be made to inform the public that such a meeting has been called.

(b) The first committee on conference of the Budget Bill, if such a committee is appointed, shall submit its report to each house no later than 15 days after the Budget Bill has been passed by both houses. If such report is not submitted by such date, the conference committee shall be deemed to have reached no agreement and shall so inform each house pursuant to Rule 30.7.

(c) A committee on conference of the Budget Bill shall only consider differences between the Assembly version of the Budget Bill as passed by the Assembly and the Senate version of the Budget Bill as passed by the Senate and shall not approve any item of expenditure nor control which exceeds that contained in one of the two versions before the conference committee.

(d) No conference committee on any bill, other than the Budget Bill, shall approve any substantial financial provision in any bill if such financial provision has not been heard by the fiscal committee of each house, nor shall any such conference committee approve substantial policy changes which have not been heard by the policy committee of each house.

RESOLUTION CHAPTER 28

Senate Concurrent Resolution No. 45—Relative to Queen Elizabeth II.

[Filed with Secretary of State June 15, 1977]

WHEREAS, Elizabeth II, Queen of the United Kingdom of Great Britain and of her other realms and territories, and head of the commonwealth, was born on April 21, 1926; and

WHEREAS, As the elder daughter of King George VI, she succeeded to the throne and was crowned in Westminster Abbey on June 2, 1953, at the age of 25 as was her illustrious forebear, Elizabeth I; and

WHEREAS, Her reign spanning a period of 25 years has served as a continuous reminder of a common heritage shared by the

English-speaking nations, although profound changes have occurred in both Britain and throughout the world; and

WHEREAS, During this time, Elizabeth II through her travels has served to promote goodwill and understanding between Great Britain and other nations of the world, especially her former colony, the United States of America, now a proud and independent nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California wholeheartedly extends its congratulations to Queen Elizabeth II on this most auspicious and festive occasion of the Silver Jubilee of her reign and sends its best wishes to her and the British people for a reign of increasing prosperity; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Elizabeth II.

RESOLUTION CHAPTER 29

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 38 to Article XIII, relating to taxation.

[Filed with Secretary of State June 16, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 38 to Article XIII, to read:

SEC. 38. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used as an alternative energy system which is not based on fossil fuels or nuclear fuels.

RESOLUTION CHAPTER 30

Assembly Concurrent Resolution No. 17—Relative to a park in the Chino Hills.

[Filed with Secretary of State June 17, 1977.]

WHEREAS, The Chino Hills is an almost undeveloped island of unspoiled land surrounded by the urban sprawl and freeways of the Counties of Los Angeles, San Bernardino, Riverside, and Orange and is presently threatened with major development that is incompatible with its wildlife, aesthetic, and recreational values; and

WHEREAS, Securing the Chino Hills for park purposes would assure the preservation of those values to the benefit of residents of this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is requested to undertake, in cooperation with the Counties of Los Angeles, San Bernardino, Riverside, and Orange on a shared-cost basis, a study of the feasibility of acquiring lands in the Chino Hills for park purposes and to report thereon to the Legislature on or before March 1, 1978; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Parks and Recreation, the Southern California Association of Governments, and to each member of the boards of supervisors and to each recreation and park director of the Counties of Los Angeles, San Bernardino, Riverside, and Orange.

RESOLUTION CHAPTER 31

Assembly Joint Resolution No. 14—Relative to construction of the Auburn Dam.

[Filed with Secretary of State June 17, 1977]

WHEREAS, Auburn Dam, presently under construction on the American River as part of the Auburn-Folsom South Unit of the Federal Central Valley Project, is vital to the water needs of the State of California; and

WHEREAS, Substantial federal funds have already been expended for foundation work on the dam and for related facilities; and

WHEREAS, Earthquake studies which will be completed in June of this year will permit evaluation of the criteria used to design the dam; and

WHEREAS, The President's proposed Budget for the 1977-78 fiscal year would delete funding for continued construction of the Auburn Dam Project; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to continue the funding of Auburn Dam in fiscal year 1977-78 in order that funds would be available either (1) to begin the main dam construction if the dam is determined to be seismically safe, or (2) to begin redesign efforts necessary to make the dam seismically safe;

and be it further

Resolved, That nothing in this measure shall be construed as favoring or opposing further construction of the Folsom-South Canal; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Commissioner of the Bureau of Reclamation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 32

Assembly Joint Resolution No. 29—Relative to the enactment of a national earthquake hazards reduction program.

[Filed with Secretary of State June 21, 1977]

WHEREAS, The State of California has experienced damaging earthquakes resulting in losses of life and property; and

WHEREAS, State agencies are currently spending in excess of sixteen million dollars (\$16,000,000) annually on earthquake safety problems; and

WHEREAS, Recent federal studies have estimated the potential for tens of thousands of casualties and several billions of dollars in damages would result from the recurrence of historic earthquakes in the state; and

WHEREAS, Such catastrophic earthquakes would have severe social and economic impacts of national significance; and

WHEREAS, Earthquake hazard reduction measures and prediction research will help reduce the dangers and promote effective preparedness; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to act with dispatch on pending legislation to create a national earthquake hazards reduction program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 33

Assembly Joint Resolution No. 9—Relative to Gypsy moth eradication.

[Filed with Secretary of State June 22, 1977]

WHEREAS, The Gypsy moth (*Lymantria dispar*), which is a prolific, major pest of trees poses a threat to both the urban and rural environment of this state, including agriculture, ornamental landscaping, and forests; and

WHEREAS, The Gypsy moth has become established in the Willow Glen District of San Jose, California, and therefore this environment is in imminent danger of substantial and irreversible damage; and

WHEREAS, Rapid spread of this pest could encompass and infest all the forested areas in this state within 10 to 15 years, as a result of being man-carried; and

WHEREAS, If the Gypsy moth infestation is not immediately eradicated, this state could suffer immeasurable intangible losses, in dollars, to its watersheds, which could have an irreversible effect upon the quality of life and a profound impact upon the ability of agriculture to effectively produce food and fiber for the nation and the world; and

WHEREAS, Local and state agencies are under economic restrictions in the detection and eradication activities of destructive pests, due to unavoidable budget constraints; and

WHEREAS, The Gypsy moth is not only of local but of national concern and past programs conducted by the United States Department of Agriculture and state agencies have been effective in the past in preventing the spread of Gypsy moth to this state and other uninfested portions of the United States; and

WHEREAS, The United States Department of Agriculture has lowered the priority and financial support for the suppression and eradication of this pest; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States and the Secretary of Agriculture to take all the necessary actions to raise the priority of, and to substantially increase expenditures for, the Gypsy moth eradication program west of the Mississippi River and for Gypsy moth population control program east of the Mississippi River and to continue existing quarantine programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 34

Assembly Joint Resolution No. 12—Relative to enforcement of the federal Clean Air Act.

[Filed with Secretary of State June 22, 1977]

WHEREAS, Congress, through the federal Clean Air Act, has mandated the attainment and maintenance of national ambient air quality standards established to protect human health; and

WHEREAS, The federal Clean Air Act requires states to prepare and submit implementation plans which document the state's plans and programs for achieving the air quality standards; and

WHEREAS, The Clean Air Act and Environmental Protection Agency regulations adopted pursuant thereto require that state implementation plans contain regulations which prohibit the construction of a new or modified emission source which will interfere with the attainment or maintenance of an air quality standard, and

WHEREAS, The State Air Resources Board and several air pollution control districts have adopted new source review regulations which substantially comply with Environmental Protection Agency regulations; and

WHEREAS, The implementation of such new source regulations may result in stringent controls on certain new economic development in the state as well as require increased investment by California businesses in pollution control equipment; and

WHEREAS, Several other states have not adopted, or do not strictly enforce, new source review regulations which substantially comply with federal law; and

WHEREAS, The Environmental Protection Agency has not uniformly enforced its existing regulations concerning new source review in all states affected by the regulations; and

WHEREAS, Such unequal enforcement practices may unduly penalize those states which have complied with the federal law and environmental regulations, resulting in unfair economic advantages for states with inadequate air pollution enforcement policies; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Congress and the Council on Environmental Quality are requested to investigate the unequal enforcement policies of the Environmental Protection Agency with regard to air pollution controls on new industrial development; and be it further

Resolved, That the Environmental Protection Agency is hereby requested to enforce the Clean Air Act and its own regulations adopted pursuant thereto with equal stringency in all states and the agency is requested to make every effort to eliminate unfair competitive advantages conferred upon those states which have

refused to substantially comply with federal law; and be it further
Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each member of the Council on Environmental Quality, and to the Administrator of the Environmental Protection Agency.

RESOLUTION CHAPTER 35

Assembly Joint Resolution No. 26—Relative to telephone rates.

{Filed with Secretary of State June 22, 1977 }

WHEREAS, Monopolies are sanctioned in the American economic system only where competition is not feasible and, in such cases, government regulation is employed as a substitute for competition, although it is incapable of providing the full benefits of competition; and

WHEREAS, There has always been significant competition in telecommunications in the United States, particularly after the expiration of the original telephone patents in 1893; and

WHEREAS, Increased competition within the telecommunications industry and whether it has an effect on basic residential telephone rates is a matter of great public interest; and

WHEREAS, Much discussion has been generated regarding the benefits of such competition to the users of telecommunications services, to the manufacturers of customer-provided devices, and to the public generally; and

WHEREAS, It has been pointed out in this discussion that the widespread use of specialized common carrier services and customer-provided devices has not been shown to cause increased costs for residential telephone service, or to result in increased costs paid by the small business and residential customers, including persons in lower income groups and those on fixed incomes; and

WHEREAS, It is the duty of every carrier serving California customers to furnish adequate, efficient, just, and reasonable service, instrumentalities, equipment and facilities, as are necessary to promote the safety, health, comfort and convenience of its patrons; and

WHEREAS, It has come to the attention of the Members of the Legislature that the United States Congress has had under consideration legislation concerning possible limitations on competition in the telecommunications industry; now, therefore, be it

Resolved by the Assembly and Senate of the State of California,

jointly, That the Members of the Legislature express their interest and concern regarding an investigation by Congress into telephone competition and interconnection; and be it further

Resolved, That the Congress is requested to include in its deliberations a full inquiry into the possible economic impact of any action it may contemplate, with the view of assuring that its action will not have an adverse effect on telephone rates applicable to the general public and particularly to low-income individuals and small business, so that the public interest will be served; and be it further

Resolved, That the Federal Communications Commission is requested to authorize competition in telecommunications only where it is feasible and in the public interest, and is urged to pay close attention to the effects of such competition on the various segments of the public concerned; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission

RESOLUTION CHAPTER 36

Senate Joint Resolution No. 2—Relative to telephone competition.

[Filed with Secretary of State June 22, 1977]

WHEREAS, Increased competition within the telecommunications industry and its effect on basic residential telephone rates is a matter of great public concern; and

WHEREAS, Much discussion has been generated regarding the possible benefits of such competition to the large users of telecommunications services and to the manufacturers of customer-provided devices; and

WHEREAS, It is pointed out in these discussions that the widespread use of private transmission services and customer-provided devices may cause increased costs for residual telephone service, with the result that much if not all the increased costs will, of necessity, be paid by the utilities' small business and residential customers, including persons in lower income groups and those on fixed incomes; and

WHEREAS, It is the duty of every public utility serving California customers to furnish adequate, efficient, just and reasonable service, instrumentalities, equipment and facilities as are necessary to promote the safety, health, comfort and convenience of its patrons; and

WHEREAS, It has come to the attention of the Members of the Legislature that the United States Congress has had under its

consideration legislation concerning possible limitations on competition in the telecommunications industry; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Members do hereby express their interest and concern regarding the Congress' investigation into telephone competition and interconnection; and be it further

Resolved, That the Congress be requested to include in its deliberations a full inquiry into the possible economic impact of any action it may contemplate, with the view of providing complete assurance that its action will not have an adverse effect on telephone rates applicable to the general public, and particularly to low-income individuals and small business, so that the public interest will be served; and be it further

Resolved, That the Federal Communications Commission is requested to delay full implementation of its policies fostering competition until Congress has had the opportunity to complete its investigation and to develop national policy; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission.

RESOLUTION CHAPTER 37

Assembly Joint Resolution No. 35—Relative to human rights.

[Filed with Secretary of State June 22, 1977]

WHEREAS, The obstruction and harassment of Soviet Jews, Christians, and other minorities trying to obtain emigration visas to reunite with their families profoundly offends the conscience of a free people; and

WHEREAS, This coercive totalitarian force prevents the general freedom to leave one's country; and

WHEREAS, These incidents of Soviet government sanctioned ethnic and religious discrimination violate internationally agreed upon principles of human rights; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the sustained interest of the American people be conveyed to the Soviet government regarding adherence to the Helsinki Declaration, including their pledge to facilitate freer movement of people, expedite the reunification of families, and uphold the general freedom to leave one's country; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United

States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Soviet Ambassador to the United States.

RESOLUTION CHAPTER 38

Senate Concurrent Resolution No. 47—Relative to the Joint Legislative Audit Committee.

[Filed with Secretary of State June 28, 1977.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, in addition to any money heretofore made available to it, the sum of two million one hundred thousand dollars (\$2,100,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from such fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasury.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 48—Relative to the site for the XXIII Olympiad.

[Filed with Secretary of State June 28, 1977]

WHEREAS, The City of Los Angeles has submitted a bid to the United States Olympic Committee (USOC) and the International Olympic Committee (IOC) for permission to conduct the Summer Games of the XXIII Olympiad in Los Angeles in 1984; and

WHEREAS, The 1932 Summer Olympic Games, which also were staged in the City of Los Angeles, were recognized as a huge success both athletically and organizationally, and brought to the greater Los Angeles and Southern California area favorable worldwide recognition as a tourist mecca; and

WHEREAS, As in its bids to host the 1976 and the 1980 Summer Games, the City of Los Angeles is able to demonstrate to both the USOC and the IOC that the greater Los Angeles area possesses all the facilities necessary to accommodate the many Olympic disciplines required to stage the 1984 Summer Olympic Games; and

WHEREAS, As a center for communications, the arts, transportation, entertainment, recreation, culinary variety, hostelry,

sports, management expertise, and banking, among others, the City of Los Angeles is ideally suited to promote and host the Summer Games in simple splendor and with economic prudence befitting the true spirit of the Olympic Movement; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby encourages and supports the decision of the City of Los Angeles to bid for selection as the site for the XXIII Olympiad to be held in 1984; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the United States Olympic Committee, the International Olympic Committee, and the Mayor of the City of Los Angeles.

RESOLUTION CHAPTER 40

Assembly Concurrent Resolution No. 5—Relative to the Death Penalty Statute.

[Filed with Secretary of State June 28, 1977]

WHEREAS, The California Supreme Court in *Rockwell v. Superior Court*, Cal. 3d (1976), has held that Sections 190 to 190.3, inclusive, of the California Penal Code are unconstitutional; and

WHEREAS, These sections of the Penal Code are more commonly cited as the Death Penalty Statute; and

WHEREAS, Some 68 individuals previously subject to the Death Penalty Statute have become eligible to have their sentences reduced to life imprisonment with possibility of parole after a minimum of seven years; and

WHEREAS, 106 men and women were spared the death penalty as the result of the 1972 California Supreme Court decision holding the death penalty unconstitutional; and

WHEREAS, Five persons formerly sentenced to death have been paroled from life sentences after serving no more than 13 years while 13 convicted murderers of the remaining 101 have been given parole dates; and

WHEREAS, The release of these criminals into society, who but for the intervention of the courts would have been put to death, poses a grave potential threat to the safety of the citizens of California; and

WHEREAS, Confining these criminals for less than their natural lives makes a mockery of our judicial system and cheapens the value of human life when an innocent victim dies while his convicted murderer ultimately goes free; and

WHEREAS, The Death Penalty Statute reflects the supreme sanction imposed by society against those who have taken the life of another in a deliberate and premeditated fashion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Adult Authority or its legal successor is urged by the Legislature to deny parole requests from any of the individuals whose death sentences have been reduced to life imprisonment by judicial decision, thereby setting their sentences at life imprisonment without possibility of parole; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Adult Authority or its legal successor, and to the Governor.

RESOLUTION CHAPTER 41

Assembly Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 16 of Article IX, relating to education.

[Filed with Secretary of State June 28, 1977]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 16 of Article IX thereof, to read:

SEC. 16. (a) It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

(b) Notwithstanding Section 3 of Article XI, when the boundaries of a school district or community college district extend beyond the limits of a city whose charter provides for any or all of the foregoing with respect to the members of its board of education, no charter amendment effecting a change in the manner in which, the times at which, or the terms for which the members of the board of education shall be elected or appointed, for their qualifications, compensation, or removal, or for the number which shall constitute such board, shall be adopted unless it is submitted to and approved by a majority of all the qualified electors of the school district or community college district voting on the question. Any such amendment, and any portion of a proposed charter or a revised charter which would establish or change any of the foregoing provisions respecting a

board of education, shall be submitted to the electors of the school district or community college district as one or more separate questions. The failure of any such separate question to be approved shall have the result of continuing in effect the applicable existing law with respect to that board of education.

RESOLUTION CHAPTER 42

Assembly Concurrent Resolution No. 11—Relative to open-space lands.

[Filed with Secretary of State June 28, 1977]

WHEREAS, The Constitution of the State of California provides that land defined by the Legislature as open space and which is enforceably restricted to the production of food or fiber shall, in order to promote the conservation, preservation, and continued existence of such lands, be valued for property tax purposes only on a basis that is consistent with its restrictions and uses, thereby according to such land a special tax status; and

WHEREAS, California statutes require the preparation by every city and county of an open-space plan for the preservation and conservation of open space based on an inventory of resources, and define open-space land to include agricultural lands and other areas of economic importance for the production of food or fiber; and

WHEREAS, The Williamson Act established a definition of prime agricultural land as distinct from other agricultural and open-space lands for the purposes of the act; and

WHEREAS, Under the Williamson Act, cities and counties receive subventions from the state for a portion or all of tax revenues lost as a result of entering into land reserve contracts with landowners, and local governmental agencies with prime agricultural land under contract are accorded a preferential status in subvention programs; and

WHEREAS, California statutes instruct local agency formation commissions to consider a policy whereby uses of land other than for open space shall be guided away from existing prime agricultural lands toward areas containing nonprime agricultural lands; and

WHEREAS, The State Office of Planning and Research, prepared and distributed to each affected county an inventory and maps of prime agricultural land resources in California in order to carry out the purposes of the Williamson Act, and such inventory concluded that 12.6 million acres of prime agricultural land, and 8 million acres of potential prime agricultural land exist in California; and

WHEREAS, The Williamson Act and the definition of prime agricultural land have been in effect for over 10 years without revision during which time major events and conditions have

occurred which have an impact on agricultural land and the production of food and fiber; these events and conditions include:

(1) Development of an inventory of prime agricultural lands in California;

(2) Completion of required comprehensive open-space plans by most California cities and counties;

(3) Improved and new agricultural mapping programs using high altitude and satellite photography,

(4) Production increases of 20 percent from each acre growing principal crops of California over the last 10 years;

(5) An increase of 110 percent in the per acre dollar value of the principal crops grown in California over the last 10 years;

(6) The appearance and intensification of an energy shortage in California and the nation;

(7) The increased costs and competition between environmental, energy, municipal and industrial, and agricultural demands for a limited water supply made even more acute by severe drought conditions; and

WHEREAS, The Assembly Task Force on the Preferential Assessment of Property in a report dated June 1975, stated a finding that "The current definition of 'prime lands', while a useful step forward when developed, is not adequate for the needed level of policy and decisionmaking by the state or by local governments," and recommended that "A new agricultural productivity classification system should be developed."; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Food and Agriculture is requested to:

(a) Taking into account the foregoing recitals, review the appropriateness and adequacy of the prime agricultural land definition as set forth in the Williamson Act; and (b) report to the Legislature on August 1, 1977, or as soon as possible thereafter but no later than October 1, 1977, with appropriate supporting data, the findings and conclusions from such review and alternative definitions and recommendations which would apply to all or the various regions of California; and (c) consult with, and include in the report, any remarks of representatives from, but not limited to, the following agencies and organizations: the Office of Planning and Research, the Office of Appropriate Technology, the Resources Agency, the Department of Water Resources, the University of California, the California Farm Bureau Federation, the California Cattleman's Association, Sierra Club, and the United States Department of Agriculture; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of the Department of Food and Agriculture.

RESOLUTION CHAPTER 43

Assembly Concurrent Resolution No. 29—Relative to licensing.

[Filed with Secretary of State June 28, 1977]

WHEREAS, It was the intent of the Legislature in enacting Section 800 of the Business and Professions Code to encourage the reporting and investigation of any circumstance which might reflect upon the fitness or qualification of licentiates enumerated in that section; and

WHEREAS, The Legislature was cognizant of the risks to personal liberties and individual rights that the retention of files or dossiers asserting nonmeritorious and undocumented complaints might pose; and

WHEREAS, The Legislature did therefore provide in subdivision (b) thereof that if it is “. . . found that the complaint is without merit, the central file shall be purged of information relating to the complaint;” and

WHEREAS, It has come to the attention of the Legislature that such provision, notwithstanding its clear direction, may be interpreted so as to permit the transfer of such documents to a file other than the central file; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the purpose and intent of the Legislature, in the implementation of Section 800 of the Business and Professions Code, and particularly subdivision (b) thereof, that the central file be in fact purged, so as to destroy the information relating to the complaint which is found to be without merit, by the removal and destruction of all records relating thereto.

RESOLUTION CHAPTER 44

Assembly Joint Resolution No. 30—Relative to marine mammals.

[Filed with Secretary of State June 28, 1977]

WHEREAS, It is necessary to provide for the continued conservation of marine mammals taken incidental to the course of commercial fishing operations; and

WHEREAS, It is necessary to accelerate research concerning the reduction of incidental mortality and injury rates of marine mammals occurring in the course of commercial fishing operations; and

WHEREAS, It is necessary to conserve and develop the yellowfin tuna resource; and

WHEREAS, It is necessary to preserve a healthy United States tuna fleet; now, therefore, be it

Resolved by the Assembly and Senate of the State of California,

jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending the Marine Mammal Protection Act of 1972, as follows:

(1) Amend Section 3(1)(C) of the act, to read:

“(C) has declined to such a degree that the habitat for the species or stock cannot sustain the optimum sustainable population for such species or stock.”

(2) Amend Section 101(a)(2) of the act to read:

“(2) (A) The taking of marine mammals incidental to the course of commercial fishing operations shall be permitted: *Provided*, that such taking conforms to such conditions and regulations as the Secretary is authorized and directed to impose pursuant to Section 111 hereof.

(B) The Secretary of the Treasury shall ban the importation of commercial fish or products from fish which have been caught with commercial fishing methods or gear which results in the taking of marine mammals in excess of United States standards. The Secretary shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States to the extent and effects of the taking of marine mammals incidental to the course of commercial fishing operations in use for such fish or fish products exported from such nation to the United States.”

(3) Amend subdivision (a) of Section 111 of the act to read:

“Sec. 111 (a) The Secretary, on the basis of the best scientific evidence available, shall prescribe regulations to insure that the fishing methods and gear used to take marine mammals incidental to the course of commercial fishing operations will produce the least practicable hazard to such marine mammals; in prescribing such regulations, the Secretary shall comply with the requirements set forth in Section 103(b) of this title. Such regulations must be made on the record after opportunity for an expedited agency hearing and in compliance with all other requirements imposed by law with respect to agency rulemaking.”

(4) Amend subdivision (b) of Section 111 of the act, to read:

“(b) It is the sense of Congress that the incidental mortality and serious injury rates of marine mammals in the course of commercial fishing operations be reduced to the lowest practicable level that is consistent with the requirements of Section 103(b) of this title. The Secretary is hereby authorized and directed to undertake a program of research and development for the next five fiscal years for the purpose of reducing incidental mortality and serious injury rates of marine mammals in the course of commercial fishing operations. Such program shall include, but not be limited to, the development of improved fishing methods and gear, research on population dynamics and other relevant and necessary biological and ecological data.

(1) The Secretary shall report to the public through publication in the Federal Register and to the Congress each year on the results of such program together with his recommendations for further action.

(2) There are authorized to be appropriated for the fiscal year in which this subsection takes effect the sum of one million dollars (\$1,000,000), and the same amount for the next four fiscal years. Funds appropriated for this subsection shall remain available until expended.”; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

RESOLUTION CHAPTER 45

Senate Joint Resolution No. 8—Relative to displaced homemakers.

[Filed with Secretary of State July 1, 1977]

WHEREAS, There is an ever-increasing number of persons in this state who, having fulfilled a role as homemaker, find themselves “displaced” in their middle years through divorce, death of spouse, or other loss of family income; and

WHEREAS, Displaced homemakers are very often without any source of income; and are ineligible for categorical welfare assistance; and

WHEREAS, Displaced homemakers are subject to a high unemployment rate and face continuing discrimination in employment because they are older and have no recent paid work experience; and

WHEREAS, Displaced homemakers are ineligible for unemployment insurance because they have been engaged in unpaid labor in the home, and are ineligible for social security because they are too young or may never qualify for social security because they have been divorced from the family wage earner; and

WHEREAS, Displaced homemakers have often lost their rights as beneficiaries under employer’s pension and health plans through divorce or death of spouse, despite many years of contribution to the family well-being, and are most often ineligible for Medi-Cal and are generally unacceptable to private health insurance plans because of their age; and

WHEREAS, The Legislature finds that homemakers are an unrecognized part of the work force who make an invaluable contribution to the welfare of the society as a whole; and

WHEREAS, The State of California created a Displaced Homemaker Center in 1975 as a pilot project; now, therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to

adopt legislation which would establish displaced homemaker centers throughout the United States, and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 46

Senate Concurrent Resolution No. 49—Relative to commending Ralph N. Kleps.

[Filed with Secretary of State July 1, 1977]

WHEREAS, It has come to the attention of the Members of the Legislature that one of California's most distinguished public servants, Ralph N. Kleps, has announced his intention to leave state service on June 30, 1977; and

WHEREAS, Mr. Kleps will thus bring to a close a long and eminently successful career in state service, being one of few persons to hold positions of highest responsibility in serving all three of the branches of state government—executive, legislative, and judicial; and

WHEREAS, A native of New York, born in Batavia, and a graduate from Cornell University and Cornell Law School, Ralph commenced his career in state service in 1941 as law secretary to the Honorable Phil S. Gibson, Chief Justice of the California Supreme Court, and he subsequently served for two years as Director of the Administrative Agencies Survey for the Judicial Council of California, which survey culminated in the drafting and the enactment, in 1945, of the California Administrative Procedure Act; and

WHEREAS, Upon the creation of the new Division of Administrative Procedure in the Department of Professional and Vocational Standards pursuant to the 1945 legislation, Mr. Kleps became the first chief of that division and was instrumental in the organization and successful initiation of the framework and guidelines for the conduct of state administrative hearings; and

WHEREAS, In 1950, he authored a law review article, "Certiorarified Mandamus: Court Review of California Administrative Decisions 1939-49," which was published in Volume 2 of the Stanford Law Review, at pages 285 to 302, inclusive, and which has long been recognized as one of the leading and authoritative expositions of the evolution of the use of the writ of mandamus for review of decisions of administrative boards and officers; and

WHEREAS, Following the appointment of Fred B. Wood, the then

Legislative Counsel, to the District Court of Appeal in 1950, Mr. Kleps was designated Legislative Counsel, and ably fulfilled the duties and responsibilities of that office in providing legal assistance and counsel to the Legislature for 11 years, leaving that office, in 1962, to assume the newly created position of Administrative Director of the Courts; and

WHEREAS, Again demonstrating his outstanding talents as a lawyer and an administrator, Ralph has organized a staff and established procedures which have enabled the Administrative Office of the Courts to provide invaluable services to the Judicial Council and the entire court system, including staff services to provide legal research as to procedural rules and constitutional and statutory amendments, programs to help solve administrative and management problems of the courts, judicial statistical research, reports to the Legislature on the need for additional judges, administration of state funds for the appellate courts, continuing legal education and court management programs for judges, and liaison services for all courts and for state and local agencies concerned with judicial administration; and

WHEREAS, Mr. Kleps has richly earned the admiration and respect of all the many persons he has served, and with whom he has served, in his long and illustrious career in state service, and his keen, analytical mind, his expertise in the fields of both law and public administration, and his warmth and friendly manner will be sorely missed; and

WHEREAS, While he intends to reap the benefits of increased leisure time, Ralph will not completely leave the stage of public service, having agreed to serve as a special advisor to the Chief Justice of the California Supreme Court, and having indicated that he intends to remain active in the public law area, with an emphasis on governmental and administrative law, and perhaps to do some writing and teaching in the fields of judicial administration and court management; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature extend their highest commendations to Ralph N. Kleps upon the termination of his career in the service of this state and their good wishes for continued success and happiness in all his future endeavors; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mr. Kleps.

RESOLUTION CHAPTER 47

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 16 of Article IX, relating to education.

[Filed with Secretary of State July 1, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 16 of Article IX thereof, to read:

SEC. 16. (a) It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

(b) Notwithstanding Section 3 of Article XI, when the boundaries of a school district or community college district extend beyond the limits of a city whose charter provides for any or all of the foregoing with respect to the members of its board of education, no charter amendment effecting a change in the manner in which, the times at which, or the terms for which the members of the board of education shall be elected or appointed, for their qualifications, compensation, or removal, or for the number which shall constitute such board, shall be adopted unless it is submitted to and approved by a majority of all the qualified electors of the school district or community college district voting on the question. Any such amendment, and any portion of a proposed charter or a revised charter which would establish or change any of the foregoing provisions respecting a board of education, shall be submitted to the electors of the school district or community college district as one or more separate questions. The failure of any such separate question to be approved shall have the result of continuing in effect the applicable existing law with respect to that board of education.

RESOLUTION CHAPTER 48

Senate Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 3.5 to Article III thereof, relating to administrative agencies.

[Filed with Secretary of State August 8, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 3.5 to Article III thereof, to read:

SEC. 3.5. An administrative agency, including an administrative agency created by the Constitution or an initiative statute, has no power:

(a) To declare a statute unenforceable, or refuse to enforce a statute, on the basis of it being unconstitutional unless an appellate court has made a determination that such statute is unconstitutional;

(b) To declare a statute unconstitutional;

(c) To declare a statute unenforceable, or to refuse to enforce a statute on the basis that federal law or federal regulations prohibit the enforcement of such statute unless an appellate court has made a determination that the enforcement of such statute is prohibited by federal law or federal regulations.

RESOLUTION CHAPTER 49

Senate Concurrent Resolution No. 25—Relative to alcoholic beverage club licenses.

[Filed with Secretary of State August 8, 1977.]

WHEREAS, There are currently more than 25 different authorized categories of private club alcoholic beverage licenses which can be issued in the State of California; and

WHEREAS, These categories range from national fraternal orders, tennis clubs, press clubs, peace officer clubs, National Guard clubs, to religious clubs; and

WHEREAS, A survey conducted by a legislative committee in 1974 indicated that the Department of Alcoholic Beverage Control had issued what amounted to almost a 100 percent increase in the number of such licenses in a 10 year period; and

WHEREAS, The Senate Governmental Organization Committee has recently concluded an interim study relative to the entire subject

of alcoholic beverage club licenses and has concluded that much reform is needed in the area; and

WHEREAS, There is legislation currently pending which would result in a major revision of statutes dealing with alcoholic beverage club licenses; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That passage of legislation dealing with the creation of new categories of alcoholic beverage club licenses be withheld during the 1977-78 Session of the Legislature.

RESOLUTION CHAPTER 50

Senate Concurrent Resolution No. 42—Relative to making additional funds available to the Joint Legislative Budget Committee.

[Filed with Secretary of State August 8, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of two million four hundred thousand dollars (\$2,400,000), or so much thereof as may be necessary, is hereby allocated from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses incurred by the Joint Legislative Budget Committee or its members pursuant to and under the authority of law or the provisions of Joint Rule No. 37.

RESOLUTION CHAPTER 51

Assembly Concurrent Resolution No. 19—Relative to air pollution.

[Filed with Secretary of State August 10, 1977]

WHEREAS, The federal Clean Air Act and Environmental Protection Agency regulations adopted pursuant thereto require states to adopt rules and regulations which prohibit the construction of a new or modified emission source which will interfere with the attainment or maintenance of an air quality standard; and

WHEREAS, The State Air Resources Board and several air pollution control districts have adopted new source review regulations in an effort to substantially comply with Environmental Protection Agency regulations; and

WHEREAS, Some of the recently adopted new source review rules permit the emissions of the proposed new source to be offset by more than equivalent reductions in emissions from existing sources, providing that the construction of the new source would result in a

net improvement in air quality and would employ best available technology; and

WHEREAS, The new source review regulations may have a significant impact on the state's economy, and it is therefore imperative that the rules and regulations governing stationary sources be reasonably consistent throughout California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Air Resources Board is requested to conduct public hearings in order to review and examine the new source review regulations of California air pollution control districts, including the Bay Area and San Diego districts, and the South Coast Air Quality Management District, to determine the relative consistency and uniformity of such regulations; and be it further

Resolved, That the State Air Resources Board is requested to examine the feasibility of implementing an emissions offset policy in California and propose alternatives to existing district new source review regulations which would increase the consistency and effectiveness of new source review in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the chairman and each member of the State Air Resources Board.

RESOLUTION CHAPTER 52

Assembly Concurrent Resolution No. 25—Relative to water rates.

[Filed with Secretary of State August 10, 1977]

WHEREAS, The current drought conditions in this state have created a critical shortage of our water supply; and

WHEREAS, The increased costs involved in obtaining and supplying water to the citizens of this state will result in an increase rate charged to the consumers of this state; and

WHEREAS, Certain private water purveyors of this state are required to apply to the Public Utilities Commission for purposes of increasing their rates; and

WHEREAS, Certain public entities which purvey water in this state will incur increased costs in obtaining and supplying water to the citizens of this state and will, therefore, increase rates charged to the consumers of this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Public Utilities Commission is requested to approve only those rate increases which are reasonably necessary to provide a water company with adequate revenue for the purpose of supplying its customers with needed water; and be it further

Resolved, That the Public Utilities Commission is requested to disallow any rate increase to a water company which would result in excess or windfall profits to the company; and be it further

Resolved, That public entities which purvey water in this state provide, in any increase in rates for water deliveries, only that increased amount which is reasonably necessary to provide adequate revenue for the purpose of supplying its customers with needed water; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Public Utilities Commission.

RESOLUTION CHAPTER 53

Assembly Joint Resolution No. 16—Relative to drought.

[Filed with Secretary of State August 10, 1977]

WHEREAS, The unprecedented drought in California has caused many extraordinary problems; and

WHEREAS, These problems are causing severe financial hardship for many Central Valley Project water users; and

WHEREAS, Many irrigation and water districts have contracted with the Bureau of Reclamation for the installation of distribution systems to be paid for on a long-term basis; and

WHEREAS, It will be impossible for many of these districts to make their regularly scheduled payments; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectively memorializes the Secretary of the Interior to declare a moratorium on these payments where severe hardships exist until such time as problems growing out of the drought have come to an end and the economic stability of the affected district has been restored; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Interior and the Bureau of Reclamation.

RESOLUTION CHAPTER 54

Senate Concurrent Resolution No. 12—Relating to the use of aerosol containers.

[Filed with Secretary of State August 16, 1977]

WHEREAS, Available scientific information, including the September 1976 study of the National Academy of Sciences Panel on Impacts of Stratospheric Change and the June 1975 report of the Federal Task Force on Inadvertent Modification of the Stratosphere (IMOS), indicates that certain fluorocarbon compounds, including, but not limited to, chlorofluoromethane, when discharged into the atmosphere, dissipate or impair the earth's protective layer of ozone, and

WHEREAS, The dissipation or impairment of even a small portion of the ozone layer is likely to decrease its screening of ultraviolet radiation; and

WHEREAS, Any significant increase on human exposure to ultraviolet radiation is likely to increase the risk of skin cancer and other serious illness; and

WHEREAS, That any significant increase in exposure of the environment to ultraviolet radiation may endanger the environment and adversely affect public health and welfare; and

WHEREAS, The use of aerosol containers which discharge a chlorofluorocarbon compound which is eventually dissociated in the stratosphere by ultraviolet radiation, causes, among other results, the production of chlorine which serves as a catalyst in the dissipation of stratospheric ozone; and

WHEREAS, The United States Food and Drug Administration (FDA) has announced that it plans to begin labeling and eventually phase out the use of aerosol fluorocarbons; and

WHEREAS, Both the United States Consumer Product Safety Commission and the United States Environmental Protection Agency have indicated they will coordinate with FDA to phase out the use of fluorocarbon-aerosol products; and

WHEREAS, Approximately three billion aerosol containers are consumed annually in the United States, which is 50 percent of the worldwide aerosol consumption; and

WHEREAS, An increasing number of individuals, primarily children and young adults, have died because of inhalation of fluorocarbons in aerosol containers which serve as a propellant for certain products; and

WHEREAS, According to a national opinion survey conducted by the United States Consumer Product Safety Commission for November 1976, over 61 percent of those surveyed believed that fluorocarbon aerosols should be removed from the market; and

WHEREAS, The states of Michigan, New York and Oregon have enacted legislation leading to banning the sale of fluorocarbon aerosol containers; and

WHEREAS, San Diego County has ceased purchasing aerosol containers which utilize fluorocarbons as propellants; and

WHEREAS, The use of such aerosol containers is clearly a danger to public health and welfare; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature urge state and

local governmental agencies, the University of California, the Rules Committees of the Assembly and Senate and the Joint Rules Committee to immediately cease the purchase and use of nonessential aerosol containers which utilize fluorocarbons as propellants, exempting only those aerosols used for medical, dental, or electronic repair purposes.

RESOLUTION CHAPTER 55

Assembly Joint Resolution No. 1—Relative to uniform relocation assistance.

[Filed with Secretary of State August 16, 1977]

WHEREAS, Under the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 a replacement housing payment is currently available only to a person who is displaced from a dwelling which is either actually owned or occupied by such person for not less than 180 days prior to the initiation of negotiations for acquisition of the property or actually and lawfully occupied by such person for not less than 90 days prior to initiation of negotiations for acquisition of the dwelling; and

WHEREAS, The 180-day and 90-day requirements are arbitrary and may present hardships to persons affected by the property acquisition activities of public entities; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the president and the Congress of the United States to permit that the specific 180- or 90-day periods be reduced as necessary, as determined to be necessary by the public entity; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 56

Assembly Concurrent Resolution No. 48—Relative to discriminatory freight rates.

[Filed with Secretary of State August 16, 1977]

WHEREAS, The Legislature finds that it is in the public interest to foster and encourage the productive recycling and reuse of materials found in solid wastes; and

WHEREAS, The Legislature finds that intrastate rail and truck rates for transport of materials salvaged from solid wastes have a negative impact on the marketability of such materials for reuse; and

WHEREAS, The Legislature finds that the intrastate transportation rate as established by the California Public Utilities Commission for a commodity such as waste newspapers, shipped for recycling could cost \$24 per ton to ship a distance of 400 miles within the state, while the interstate transportation rate established by the United States Interstate Commerce Commission for shipping the same commodity an equal distance, but into the state, could cost only \$10.80 per ton; and

WHEREAS, The Legislature further finds that the higher California intrastate transportation rates encourage the use of secondary materials from outside the state rather than using such materials generated within California; and

WHEREAS, The Legislature further finds that the disparity in these transportation rate structures acts as an impediment to and discourages resource recovery in California, and is counterproductive to the State Solid Waste Management Resource Recovery Program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Public Utilities Commission investigate, in cooperation with the State Solid Waste Management Board, current rail and truck transportation rates for recyclable materials and revise such rates where appropriate to bring them into line with the interstate rates; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to each of the members of the California Public Utilities Commission and the State Solid Waste Management Board.

RESOLUTION CHAPTER 57

Assembly Concurrent Resolution No. 20—Relative to the State Air Resources Board.

[Filed with Secretary of State August 16, 1977.]

WHEREAS, The decisions of the State Air Resources Board have a wide-ranging impact on the California economy and environment; and

WHEREAS, The State Air Resources Board in recent years has moved rapidly to implement stringent emission standards and the latest control technology on a wide variety of emission sources and businesses in California; and

WHEREAS, It is imperative that decisions of the State Air Resources Board reflect a high degree of technical support and public participation by concerned citizens and affected interest groups; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Air Resources Board establish a State Air Resources Board Citizens Advisory Council, composed of representatives of business, labor, agriculture, the medical profession, the scientific community, local or regional air pollution control districts, and environmental groups to assist the board in policy development and to increase the level of public participation in the decisions of the board; and be it further

Resolved, That the expenses of the council be paid pursuant to Section 39603 of the Health and Safety Code; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Chairman and each member of the State Air Resources Board.

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 41—Relative to child abuse.

[Filed with Secretary of State August 17, 1977]

WHEREAS, The problem of child abuse and neglect is prevalent throughout California; and

WHEREAS, Each county is mandated by state and federal law to provide protective services for children; and

WHEREAS, Neither the extent of the counties' compliance with state and federal laws relating to child abuse prevention and treatment, nor the effectiveness to the counties' child abuse programs has been evaluated; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Health is requested to conduct a survey of the protective services for children programs operated by each county in California. The survey shall include but not be limited to:

(a) The short-term and long-term services provided to clientele of the program in each county, including services provided by agencies other than the protective services unit;

(b) The method used by each county to determine which services are appropriate in a given case;

(c) The criteria used by each county to determine when the protective services unit should intervene in a situation in which the health and safety of a child is endangered;

(d) The outreach activities conducted by the protective services unit in each county; and

(e) Whether each county provides 24-hour service and the method by which any such service is maintained; and be it further

Resolved, That each county welfare department is encouraged to cooperate with the State Department of Health in this survey; and be it further

Resolved, That the State Department of Health shall report the findings of the survey and any recommended legislative reforms to strengthen the objectives of the protective services for children program in California to the Legislature by October 1, 1977; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Health.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 30—Relative to the state park system.

[Filed with Secretary of State August 23, 1977.]

WHEREAS, The Rancho Alegre Project is a significant vehicle for the preservation and perpetuation of the rich cultural heritage of this state through its presentation of the music and dance of the Spanish, Mexican, and Native American cultures of early California; and

WHEREAS, In order to obtain maximum impact, such performances ought to be presented in their proper cultural, social, and historical context, which is most often best afforded through the use of historical structures and places throughout the state, many of which are in units of the state park system; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is requested to cooperate with the Rancho Alegre Project and to make available for its performances appropriate facilities within the state park system; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Department of Parks and Recreation.

RESOLUTION CHAPTER 60

Assembly Concurrent Resolution No. 50—Relative to directional signs to Bowers Museum.

[Filed with Secretary of State August 23, 1977.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Transportation is hereby requested to erect directional signs on State Highway Route 5 (the Santa Ana Freeway) to Bowers Museum in the City of Santa Ana; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 61

Assembly Concurrent Resolution No. 52—Relative to State Highway Route 24.

[Filed with Secretary of State August 23, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 24 (Interstate 980) in the City of Oakland from Route 17 to 17th Street, which portion is known as the Grove-Shafter Freeway, is hereby officially designated and named the John B. Williams Freeway; and be it further

Resolved, That the Division of Highways in the Department of Transportation, consistent with sign requirements of the National System of Interstate and Defense Highways, is hereby requested to erect and maintain appropriate signs on that portion of Route 24 (Interstate 980) showing its official designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 62

Assembly Concurrent Resolution No. 70—Relative to the withdrawal of constitutional amendments.

[Filed with Secretary of State August 23, 1977]

WHEREAS, The Legislature has proposed that the California Constitution be amended in the manner set forth in Resolution Chapter 41 of the Statutes of 1977, which was Assembly Constitutional Amendment No. 22 of the 1977-78 Regular Session; and

WHEREAS, The Legislature finds and declares that it is necessary to withdraw that proposal from consideration by the electorate because it is identical to the proposal to amend the Constitution which will be submitted to the electors pursuant to Resolution Chapter 47 of the Statutes of 1977 (Senate Constitutional

Amendment No. 26 of the 1977-78 Regular Session), and it would be a waste of public funds and confusing to the electors to submit two identical propositions for approval; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California, two-thirds of the members elected to each of the two houses voting therefor, hereby withdraws its proposal to amend the Constitution as set forth in Resolution Chapter 41 of the Statutes of 1977, exercising the authority to take such action granted to it by Section 1 of Article XVIII of the California Constitution; and be it further

Resolved, That the Secretary of State is directed to refrain from placing the amendment to the Constitution proposed by Resolution Chapter 41 of the Statutes of 1977 upon the ballot.

RESOLUTION CHAPTER 63

Assembly Joint Resolution No. 13—Relative to the entertainment industry.

[Filed with Secretary of State August 23, 1977]

WHEREAS, The United States Immigration and Naturalization Service has allowed foreign film companies and crews to come into California and shoot motion picture film, tape, or derivatives thereof; and

WHEREAS, Many of California's craftsmen, cameramen, soundmen, electricians, propertymen, grips, art directors, script supervisors, musicians, actors, directors, etc., are unemployed, and their protest of these practices have been ignored; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Commissioner of Immigration and Naturalization to protect the inherent rights of United States workers in the entertainment industry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Commissioner of Immigration and Naturalization.

RESOLUTION CHAPTER 64

Assembly Joint Resolution No. 15—Relative to bilingual education.

[Filed with Secretary of State August 23, 1977.]

WHEREAS, The Congress of the United States is currently rewriting the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (P.L. 90-247); and

WHEREAS, The Bilingual Education Act has provided funds for demonstration bilingual instructional programs from its first year of operation, principally at the early grades of the elementary school level; and

WHEREAS, Title VII funds have served as a primer and encouraged state legislatures and local school districts to use nonfederal dollars to develop, implement, and improve bilingual instructional programs at the local school district level; and

WHEREAS, There exists an extreme shortage of qualified certificated bilingual-crosscultural, biliterate teachers who can teach in English and a language other than English; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to insure continual funding of the Bilingual Education Act of Title VII of the Elementary and Secondary Education Act through the passage of legislation extending its life; and be it further

Resolved, That the Bilingual Education Act be made an entitlement program to meet the unique educational needs of limited-English-speaking pupils; and be it further

Resolved, That preference be given to funding bilingual instructional programs for limited-English-speaking pupils that complement state categorical moneys, when available, for bilingual instruction programs; and be it further

Resolved, That more moneys be provided for bilingual teacher preparation for certificated and noncertificated individuals; and be it further

Resolved, That moneys be available for research and demonstration in bilingual education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 65

Assembly Joint Resolution No. 22—Relative to Medicare.

[Filed with Secretary of State August 23, 1977]

WHEREAS, One of every 11 Americans aged 65 or older live in California, making it the leading state residence of older Americans, with 2,139,330 senior citizens; and

WHEREAS, It is projected that the number of senior citizens residing in California will increase to 3,135,440 by the year 2000; and

WHEREAS, In the normal aging process some of these older persons will have chronic health functional disabilities which will either eliminate or limit the amount or kind of major activity; and

WHEREAS, The federal government and the State of California originally addressed the long-term illness or disability among older Americans by reliance on institutional forms of care so that there are now more persons in nursing homes than in hospitals; and

WHEREAS, National and state-sponsored health care research and demonstration projects have shown that many older persons have been prematurely and unnecessarily institutionalized at great economic, physical and emotional cost to older persons, their families and the state; and

WHEREAS, This public concern about the needless institutionalization of older impaired persons is demanding the development of alternatives; and

WHEREAS, Adult day health care pilot projects have demonstrated the humane and cost-effective value of this mode of health care as an alternative to institutionalization of impaired older persons and as one option in a much needed system of long-term care for impaired older persons; and

WHEREAS, Medicare Title XVIII of the Social Security Act was enacted to provide basic health insurance coverage to older Americans; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend Title XVIII of the Social Security Act to expand the definition of provider of services to include any "adult day health care center"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 66

Assembly Joint Resolution No. 32—Relative to vocational training.

[Filed with Secretary of State August 23, 1977]

WHEREAS, Unemployment and underemployment have caused and continue to cause hardships on individuals and families in our country; and

WHEREAS, The youth in America suffer from severe unemployment rates and desperately need skills to secure employment; and

WHEREAS, Many employers are willing to hire people who have the requisite skills to perform the jobs offered and those individuals who are unemployed or underemployed could secure employment if they had such skills; and

WHEREAS, Many of those unemployed and underemployed do not have the resources to pay for the vocational training needed to obtain employment and they currently are unable to borrow funds to make payments for such training; and

WHEREAS, The Comprehensive Employment and Training Act of 1973 provides grants and stipends for those seeking vocational and trade school education to improve their job skills, but does not provide loans to those willing to improve their employment skills by attending an accredited vocational or trade school; and

WHEREAS, A revolving fund account providing moneys to those who qualify under current definitions of financially destitute would be beneficial because as people repaid their loans, others would be able to borrow moneys to attend these schools; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Comprehensive Employment and Training Act of 1973 so as to provide federal funding for a loan program to those financially destitute individuals who could effectively upgrade their skills by attending vocational schools and trade schools; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Labor of the United States.

RESOLUTION CHAPTER 67

Assembly Joint Resolution No. 52—Relative to wine standards.

[Filed with Secretary of State August 23, 1977]

WHEREAS, The State of California enjoys world renown as one of the truly great wine producing regions; and

WHEREAS, The Legislature of the State of California recognizes the vital importance of the wine industry to the economy of the State of California; and

WHEREAS, The Legislature favors the concept that wine consumers be afforded full knowledge relative to their purchases; and

WHEREAS, The Legislature recognizes and endorses the long standing expertise and efficiency of the Federal Bureau of Alcohol, Tobacco and Firearms in regulating wine appellations of origin; and

WHEREAS, The Legislature recognizes the need for establishing a procedure now in order that the wine industry and the consumers can begin to understand the new regime after over two years of indecision; and

WHEREAS, The Legislature also favors the concept that the Federal Bureau of Alcohol, Tobacco and Firearms should have the benefit of the expertise of consumers, growers, processors, enological experts in wine growing regions within each of the states in determining the appropriate standards and guidelines for granting appellations of origin; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Federal Bureau of Alcohol, Tobacco and Firearms to continue its traditional function of stringently enforcing standards for appellations of origin for wine; and be it further

Resolved, That this Legislature urges and strongly encourages the Federal Bureau of Alcohol, Tobacco and Firearms to adopt, in total, the rules it has proposed in its notice No. 304 (41 F.R. 50004, November 12, 1976); and be it further

Resolved, That this Legislature applaud the thorough, extensive and time-consuming efforts in this matter of the federal bureau over the past two years; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Treasury and the Federal Bureau of Alcohol, Tobacco and Firearms.

RESOLUTION CHAPTER 68

Senate Concurrent Resolution No. 27—Relative to the County Employees Retirement Law of 1937.

[Filed with Secretary of State August 23, 1977.]

WHEREAS, 20 California counties with a combined population of 16,740,000 persons now operate retirement systems under provisions of the County Employees Retirement Law of 1937; and

WHEREAS, The combined assets of the 20 individually administered systems total more than \$2.4 billion; and

WHEREAS, National attention is now being directed at the stability and benefits provided by public retirement systems; and

WHEREAS, The taxpayer cost of pension benefits for public employees has become a significant item in the expense of operating county government; and

WHEREAS, It is vital to fix responsibility for county retirement systems, to bring order to the governance of the systems, to devise criteria for benefit levels and the allocation of costs, and to resolve specific problems; and

WHEREAS, The Legislature enacts laws governing the 20 separately administered systems, but does not pay the costs of the laws enacted; and

WHEREAS, No single executive or legislative body coordinates the enactment of legislation governing the County Employees Retirement Law of 1937 to insure that a formal mechanism exists for keeping the public informed and assuring economic solvency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislative Analyst be directed to conduct all necessary research and studies in order to submit a report to the Legislature no later than July 1, 1978, on the findings, along with recommendations for necessary administrative and statutory action pursuant to, but not limited to, the following:

(1) What would be an appropriate benefit level for retirement systems adopted pursuant to the County Employees Retirement Law of 1937 and who should be responsible for determining that level of benefits?

(2) Should there be a continuing review by an independent organization or agency of county retirement systems?

(3) Is there a necessity for 20 separate systems offering widely varying benefits?

(4) What problems are there in the current reciprocity provisions, and what remedial suggestions (including cost allocation) can be made?

(5) What is the effect of the County Employees Retirement Law of 1937 on property taxes?

(6) What would be the effect of extending ERISA-type provisions

to the County Employees Retirement Law of 1937?

(7) How can the state create additional uniformity in the assumptions used in the County Employees Retirement Law of 1937, and should the state do so?

(8) Should all systems be required to use a common basis in reporting, relative to investment yield and interest assumptions?

RESOLUTION CHAPTER 69

Senate Joint Resolution No. 4—Relative to the Sacramento-San Joaquin Delta levees.

[Filed with Secretary of State August 23, 1977]

WHEREAS, The Sacramento-San Joaquin Delta is a major resource that provides a significant contribution to the economy of California; and

WHEREAS, Levee improvements are needed at the earliest possible date to maintain and protect the Delta from flooding; and

WHEREAS, The State of California, Department of Water Resources, has published Bulletin No. 192 dated May 1975 titled "Plan for Improvement of the Delta Levees," in which it is recommended that the state assume the responsibility of reconstructing the Delta levees, that the federal government through the United States Army Corps of Engineers participate in the financing of the levee improvements, that the capital costs be shared approximately 50 percent federal, 30 percent state, and 20 percent local, and that the maintenance costs be shared about 40 percent state and 60 percent local; and

WHEREAS, Chapter 1302 of the Statutes of 1976 added Chapter 3 (commencing with Section 12225) to Part 4.5 of Division 6 of the Water Code, approving the "Plan for Improvement of the Delta Levees," as a conceptual plan to guide the formulation of projects to preserve the integrity of the Delta; and

WHEREAS, Protection of the Delta is a matter of great urgency; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the United States Army Corps of Engineers expedite completion of its studies of the federal interest in flood protection in the Delta to provide a basis for authorization of the proposed project by the Congress; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Army, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 70

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (b) of Section 1 and subdivision (c) of Section 4 of Article XI, relating to sheriffs.

[Filed with Secretary of State August 24, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-1978 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That subdivision (b) of Section 1 of Article XI is amended to read:

(b) The Legislature shall provide for county powers, an elected county sheriff, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

Second—That subdivision (c) of Section 4 of Article XI is amended to read:

(c) An elected sheriff, other officers, their election or appointment, compensation, terms and removal.

RESOLUTION CHAPTER 71

Assembly Concurrent Resolution No. 24—Relative to health professionals.

[Filed with Secretary of State August 26, 1977]

WHEREAS, Health professionals are a valuable resource to the State of California; and

WHEREAS, The benefit to the state of a health professional is maximized by the use of that professional in the most responsible and productive position which that professional may safely occupy; and

WHEREAS, There is currently a shortage of physicians and surgeons in primary care and in many rural and inner city areas; and

WHEREAS, There are currently many health professionals including, but not limited to, podiatrists, dentists, optometrists, pharmacists, physicians' assistants, and registered nurses who, with

additional training and education, might become qualified to meet safe standards for becoming certified as physician and surgeon in this state; and

WHEREAS, Currently there is no mechanism whereby a licensed nonphysician health professional may proceed through a career ladder to become a physician and surgeon other than to enroll at the beginning of the entire medical school course taken by all physicians and surgeons; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Licensing and the Division of Allied Health of the Board of Medical Quality Assurance jointly, in consultation with appropriate healing arts boards and health science educational institutions, shall evaluate the applicability of the career ladder principle as it relates to becoming a physician and surgeon and make recommendations in a report to the Legislature by January 1, 1979, for mechanisms whereby health professionals may, by acquiring the necessary knowledge and skills, expand their scope of practice. Such a study shall consider, evaluate, and make recommendations pertaining to the following:

- 1) Admission of such persons into approved medical schools.
- 2) Alternative educational mechanisms not involving attendance at an approved medical school for the same length and course content as regular medical students.
- 3) The validity and applicability of various competence examination procedures which might be employed in part or in whole to grant licensure to such persons as physicians and surgeons or other health care professionals.
- 4) Eligibility criteria to determine which members of the relevant health profession could enter a program leading to licensure as a physician and surgeons or other health care professionals.
- 5) Means of assuring that standards of competence applicable to licensure of physicians and surgeons are not lessened.

This resolution shall become operative only if Assembly Bill No. 1666 of the 1977-78 Regular Session is chaptered.

RESOLUTION CHAPTER 72

Assembly Joint Resolution No. 23—Relative to workers' compensation.

[Filed with Secretary of State August 26, 1977]

WHEREAS, There is considerable national support to maintain and enhance a viable fishing industry in this country; and

WHEREAS, National concern has been expressed by legislation to aid the construction of commercial fishing boats and by proposed legislation to provide funds both for commercial fishing boat

construction and for onshore commercial processing facilities; and
WHEREAS, Recreational boating provides necessary recreational opportunity to millions of Americans; and

WHEREAS, Recreational boating is an important industry providing jobs and income through boatyards, boat manufacturers, marinas, and numerous support activities; and

WHEREAS, The Department of Labor interpretation of the 1972 amendments to the Longshoremen's and Harbor Workers' Compensation Act extends the coverage of such act to persons engaged in marine activities not previously covered by the Longshoremen's and Harbor Workers' Act; and

WHEREAS, This interpretation includes, but is not limited to, the activities of fishhouses and boatyards servicing the fishing industry and recreational boating industry; and

WHEREAS, Fish companies and boatyards are now forced to carry, in addition to state workers' compensation insurance, longshoremen's and harbor workers' insurance coverage for their employees; and

WHEREAS, Longshoremen's and harbor workers' compensation insurance coverage is either excessively priced or unobtainable; and

WHEREAS, The imposition of this coverage has created a severe hardship on fish companies and boatyards; and

WHEREAS, Private insurance carriers have canceled the insurance coverage for many fishhouses and boatyards; and

WHEREAS, Some boatyards have been forced out of business, not being able to insure employees, while others are going without compensation coverage for employees and others carrying such coverage have been forced to pay rates in excess of 600 percent of 1974 insurance premiums; and

WHEREAS, This increased cost of doing business will force boatyards either to go out of business, curtail their services, or pass their increased costs to fishermen and recreational boating, thereby making it exceedingly difficult to have fishing vessels constructed or repaired; and

WHEREAS, This increased cost of doing business will force fish companies either to go out of business, curtail their services, or pass their increased costs on, thereby decreasing the price for fish paid to fishermen and increasing the price of fish to the consumer; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the State of California petitions Congress to amend the Longshoremen's and Harbor Workers' Compensation Act immediately to exempt from it the commercial fishing industry, the recreational boating industry, and their respective support activities in those states having mandatory workers' compensation coverage for employees providing a prompt and comprehensive system of compensation for injuries, diseases, or deaths arising from and in the course of employment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of

this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 73

Senate Concurrent Resolution No. 54—Relative to commending the Honorable Hubert H. Humphrey.

[Filed with Secretary of State August 26, 1977]

WHEREAS, The Honorable Hubert H. Humphrey, the highly respected and successful statesman, educator, and literary scholar, has always given so much of himself to his community, state, and nation, in the face of great personal challenges, and he is therefore deserving of special recognition for his vital national leadership and contributions to society; and

WHEREAS, Senator Humphrey's illustrious public career includes service as Mayor of Minneapolis from 1945 to 1948, as Minnesota's representative to the United States Senate from 1949 to 1964, where he served as Senate Majority Whip from 1961 until 1964, and as Vice President of the United States from 1965 to 1969; and

WHEREAS, He became Democratic nominee for President of the United States in 1968, after which he returned to the United States Senate in 1970, and is currently serving his fifth six-year term; and

WHEREAS, His insights and creativity as an educator and scholar have also been significant, as evidenced by his professorships at the University of Minnesota and Macalester College, his involvement on the board of consultants and board of directors for Encyclopaedia Britannica, Educational Corporation, as well as his distinguished literary works, most notably his book, *Political Philosophy of the New Deal*; and

WHEREAS, This man of great wisdom and compassion has worked vigorously and unselfishly to bring about social justice and equal opportunity for all; he has been dedicated to improving our American education and preserving our basic human rights; and his enthusiasm, drive, and courage serve as a source of inspiration and model for all to follow, and

WHEREAS, The concern, support, and encouragement of his charming and vibrant wife, Muriel, have been a major influence in his success, both personally and professionally; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That they commend and congratulate the Honorable Hubert H. Humphrey on his distinguished and exemplary record of personal and professional achievement, and unfailing dedication to his country, and extend their very best wishes for his

continued success; and be it further

Resolved, That a suitably prepared copy of this resolution be transmitted to the Honorable Hubert H. Humphrey.

RESOLUTION CHAPTER 74

Assembly Concurrent Resolution No. 34—Relative to the boundaries of the State of California.

[Filed with Secretary of State August 30, 1977.]

WHEREAS, A question has arisen with respect to the correct location of California's eastern boundary from the southern boundary of the State of Oregon, running south on the 120th degree of west longitude to its intersection with the 39th degree of north latitude; and

WHEREAS, It is essential to maintain the integrity of the boundaries of the State of California as they were constituted and set forth in the 1849 Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor and the Attorney General of the State of California are requested to take such action as is necessary to verify and defend the boundaries of the State of California as they are set forth in the 1849 California Constitution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and the Attorney General.

RESOLUTION CHAPTER 75

Assembly Concurrent Resolution No. 49—Relative to horseracing.

[Filed with Secretary of State August 30, 1977]

WHEREAS, The concept of an auxiliary fair racing circuit has been approved by the Department of Finance, the Division of Fairs and Expositions of the Department of Food and Agriculture, and the California Horse Racing Board; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Fairs and Expositions of the Department of Food and Agriculture is urged to:

(a) Expedite in every way possible the startup of parimutuel horseracing at any of the following fairs which are interested, and have proven financial feasibility through a study by an independent group of consultants acceptable to the Division of Fairs and

Expositions, and which have the finances to proceed, or a plan to obtain the necessary finances that is acceptable to the Division of Fairs and Expositions and the Department of Finance.

(b) Do everything in its power to coordinate feasibility studies for all interested fairs, and to help them in whatever way necessary to obtain acceptable feasibility studies, and further to prepare or have prepared an overall study setting forth the feasibility of the entire proposed racing circuit and proposed method of operation, with no new funds appropriated for this purpose.

(c) To help develop interim financing for needed capital outlay at those fairs whose feasibility studies strongly indicate their ability to begin and to support parimutuel horseracing without state subsidy, while repaying any capital outlay loans made for the purpose of starting racing; such financing to consist of loans, with no consideration of state grants; and be it further

Resolved, That such actions shall be done with the expectation that the first new race meets be held during fair time in 1978, with no such meet to operate within 50 miles of any already operating parimutuel horseracing meet; and be it further

Resolved, That the fairs that shall be considered for this program are: Shasta District Fair, Anderson; Silver Dollar Fair, Chico; Tehama County Fair, Red Bluff; Santa Cruz County Fair, Watsonville; Kings District Fair, Hanford; Tulare County Fair, Tulare; Kern County Fair, Bakersfield; Antelope Valley Fair, Lancaster; San Bernardino County Fair, Victorville; Ventura County Fair, Ventura; California Mid-Winter Fair, Imperial; Southern California Exposition, Del Mar; and other interested fairs that can meet requirements the Division of Fairs and Expositions of the Department of Food and Agriculture may set up; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Division of Fairs and Expositions of the Department of Food and Agriculture.

RESOLUTION CHAPTER 76

Senate Joint Resolution No. 15—Relative to the Interstate Commerce Commission.

[Filed with Secretary of State August 30, 1977]

WHEREAS, The Southern Pacific Transportation Company has a subsidiary company called the San Diego and Arizona Eastern Railroad; and

WHEREAS, The SD&AE owns and operates a railroad line running between San Diego and El Centro; and

WHEREAS, Portions of that railroad were heavily damaged by flood waters in September 1976; and

WHEREAS, The Southern Pacific Transportation Company intends to curtail the operations of the SD&AE and shut down almost all of the line except for a segment from Plaster City to El Centro; and

WHEREAS, The line provides San Diego and adjacent communities with freight service connections to other parts of California and the United States; and

WHEREAS, The railroad also runs through the Republic of Mexico and is the only railroad link between Tijuana, Mexico, and the United States; and

WHEREAS, Abandonment of the line in the San Diego and metropolitan environs will cause severe economic hardship to local business and industries dependent on it; and

WHEREAS, Curtailment also will severely disrupt international commerce across the United States-Mexican border and therefore is not conducive to harmony and accord between the two nations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Members urge the Interstate Commerce Commission to deny the Southern Pacific Transportation Company petition to abandon the line and further that the Southern Pacific Transportation Company be required to repair and upgrade the line to withstand the forces of nature; and be it further

Resolved, That in the event the Interstate Commerce Commission decides against denying the petition such action be delayed pending receipt by the Interstate Commerce Commission of the California Rail Plan required by the federal Railroad Revitalization and Regulatory Reform Act of 1976; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Interstate Commerce Commission.

RESOLUTION CHAPTER 77

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 6 of Article XVI thereof, relating to insurance for local governmental entities.

[Filed with Secretary of State August 30, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 6 of Article XVI thereof, to read:

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the state from joining with other such agencies in providing for the payment of workers' compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly-owned nonprofit corporation or other public agency as may be authorized by the Legislature; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such

temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

RESOLUTION CHAPTER 78

Senate Joint Resolution No. 18—Relative to Fort MacArthur.

[Filed with Secretary of State August 31, 1977]

WHEREAS, Fort MacArthur, situated in the San Pedro district of greater Los Angeles, adjacent to the Port of Los Angeles, is the only active Army installation in all of Southern California; and

WHEREAS, Various areas of the original Fort MacArthur, known as the Upper and Lower Reservations, and the satellite areas thereto, have been declared excess to the Department of Defense needs; and

WHEREAS, The excess areas, totaling over 400 acres, are currently being processed for disposition, but the main or "middle" part of the Fort MacArthur reservation (97 acres) contains well-maintained permanent buildings and grounds; and

WHEREAS, The current Fort MacArthur facility provides jobs for approximately 270 military and civilian personnel, with a payroll totaling over four million dollars, generating many more dollars indirectly into the local economy; and

WHEREAS, Fort MacArthur provides an import base and support for army reservists and the California National Guard, whose numbers are in the thousands; and

WHEREAS, The existing main or "middle" Fort MacArthur reservation is an excellent installation, capable of improvement to accomodate additional Department of Defense activities at minimal costs; and

WHEREAS, The City of Los Angeles has previously cooperated with business and government leaders to retain Fort MacArthur; and

WHEREAS, A final decision on the future of Fort MacArthur will be made soon; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Secretary of the Army and Department of Defense to retain the existing main or "middle" Fort MacArthur reservation; and be it further

Resolved, That the Legislature of the State of California memorializes the President of the United States and the Congress to take whatever actions are necessary to retain Fort MacArthur as an active military installation at least at its present level and status; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Army, to the Department of Defense, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 79

Senate Concurrent Resolution No. 11—Relative to the accreditation of state hospitals.

[Filed with Secretary of State August 31, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Auditor General, in conjunction with the Assembly Committee on Health and the Senate Committee on Health and Welfare, conduct a joint investigation of procedures of the State Department of Health for licensing and accreditation of state hospitals.

RESOLUTION CHAPTER 80

Senate Concurrent Resolution No. 6—Relative to travel and tourism in California.

[Filed with Secretary of State August 31, 1977]

WHEREAS, Travel and tourism in California provide the basis for some 393,000 jobs, generating a payroll of some \$2.3 million annually and tax revenues of some \$989 million annually; and

WHEREAS, Travel and tourism thus impact upon California's total economy in an amount approximating some \$20 billion annually; and

WHEREAS, Some 97% of the total firms involved in travel and tourism may be classified as small businesses; and

WHEREAS, The Governor of California did mandate the abolition of the State Department of Commerce and the Office of Tourism;

and

WHEREAS, Letters addressed to the California Department of Tourism are returned to their senders bearing a large stamp overprinted "REFUSED—THIS STATE DEPARTMENT ABOLISHED"; and

WHEREAS, Such action generates an unfavorable impression of this state and its citizens and thereby detracts from the vitality and growth of our travel and tourism industries; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature direct the California Commission for Economic Development to receive and respond to all inquiries addressed to the State Department of Tourism, Department of Visitor Information, or other travel or tourism inquiries; and be it further

Resolved, That all steps be taken to have the "REFUSED—THIS STATE DEPARTMENT ABOLISHED" stamp located and destroyed; and be it further

Resolved, That suitably prepared copies of this resolution be transmitted to the Governor, the Lieutenant Governor, all members of the California Commission for Economic Development, and the Executive Director of the California Commission for Economic Development.

RESOLUTION CHAPTER 81

Senate Concurrent Resolution No. 32—Relative to employment.

[Filed with Secretary of State September 1, 1977]

WHEREAS, The employment rate of the State of California shows no real evidence of decisive improvements; and

WHEREAS, This situation has resulted in massive unemployment over an extended period at a cost now reaching two billion dollars in unemployment benefit payments each year; and

WHEREAS, That unemployment has isolated millions of Californians from participation in the benefits of the economic system; and

WHEREAS, Those individuals who are suffering the employment loss cannot provide themselves with the opportunity of participation in those benefits; and

WHEREAS, Nonparticipation leads to personal economic disaster and dependence upon welfare; and

WHEREAS, Loss of the productivity of those individuals and the increase in welfare costs are a direct cause of increased taxes for all Californians; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the employment rights of all individuals of

the State of California are eroded by the depressed state of the economy; and be it further

Resolved, That there exists an urgent need to identify each and every employment right of the individual citizens; and be it further

Resolved, That the Governor is hereby requested to provide by July 1, 1978, to the Legislature the best legislative proposals the Governor can recommend for establishing a policy for employment rights of California citizens; a California full employment program; a permanent job creation system; and creating a more favorable business climate in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Edmund G. Brown Jr.

RESOLUTION CHAPTER 82

Senate Concurrent Resolution No. 40—Relative to the Joint Rules: short titles.

[Filed with Secretary of State September 1, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Rule 10.6 is added to the Temporary Joint Rules of the Senate and Assembly for the 1977-78 Regular Session, to read:

Short Title

10.6. No bill may add a short title which names a Member of the Legislature.

RESOLUTION CHAPTER 83

Assembly Concurrent Resolution No. 67—Relative to services of health facilities.

[Filed with Secretary of State September 2, 1977]

WHEREAS, Health facilities providing inpatient intensive rehabilitation hospital services are currently licensed by the State Department of Health as general acute care hospitals, although the services provided by such facilities are specialized and limited; and

WHEREAS, The State Department of Health has threatened to deny renewal of the licenses of such facilities if they do not add surgical capabilities; and

WHEREAS, The addition of surgical facilities to such rehabilitation hospitals is contrary to the policies embodied in the health planning

laws proscribing unnecessary duplication of health care services in order to avoid cost increases in such services, and is also contrary to policies respecting inpatient intensive rehabilitation hospital services which are set forth in the Medi-Cal Act at Sections 14064 and 14106 of the Welfare and Institutions Code; and

WHEREAS, If the department requires the addition of surgical capabilities to hospitals providing inpatient intensive rehabilitation hospital services, this action may well result in the closure of some of such facilities, thereby reducing the availability of the very necessary services provided thereby; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the State Department of Health is requested until July 1, 1978, to refrain from terminating or threatening to terminate programs of inpatient intensive rehabilitation hospital services, whether through compensation denial, licensure termination, or any other means, in order that the problem of providing such services for the citizens of this state may be thoroughly reviewed by the Legislature; and be it further

Resolved, That the State Department of Health is requested to continue licensing such facilities as general acute care hospitals, until July 1, 1978, without requiring the addition thereto of surgical capabilities; and be it further

Resolved, That the State Department of Health is requested to implement the provisions and underlying intent of Chapter 1444 of the Statutes of 1974 by developing and adopting appropriate regulations for special hospitals, as defined by subdivision (e) of Section 1250 of the Health and Safety Code; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Health.

RESOLUTION CHAPTER 84

Assembly Concurrent Resolution No. 38—Relative to correctional industries development.

[Filed with Secretary of State September 2, 1977]

WHEREAS, The California correctional system is less than effective in its efforts to rehabilitate offenders and significantly reduce recidivism by adequately preparing offenders to return to society; and

WHEREAS, An adequate and equitable system for the compensation of victims of crime in California has yet to be developed; and

WHEREAS, The dependents and families of incarcerated offenders frequently find themselves without means of financial support and on public relief at considerable cost to the taxpayers of

California; and

WHEREAS, Offenders are rarely able to compensate the State of California for the costs of their incarceration; and

WHEREAS, Great Britain has established industrial correctional facilities with apparent success in reducing recidivism, increasing compensation for victims, defraying correctional costs, and providing financial support for the families of offenders; and

WHEREAS, The concept of an industrial correction facility merits careful study and consideration by the Legislature as an alternative to current correctional programs in the state; and

WHEREAS, It has been reported that a number of organizations and individuals have studied various proposals for industrial correctional programs and could provide valuable additional information to any study undertaken; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Office of Criminal Justice Planning is hereby directed to contract with an appropriate nongovernmental research agency to conduct a study to determine the feasibility of establishing an industrial correctional facility within the California correctional system; and be it further

Resolved, That the Office of Criminal Justice Planning report the studys findings to the Legislature on or before January 2, 1978; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Office of Criminal Justice Planning.

RESOLUTION CHAPTER 85

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 9.5 to Article XIII thereof, relating to taxation.

[Filed with Secretary of State September 6, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 9.5 to Article XIII thereof, to read:

Sec. 9.5. The Legislature may provide for the taxation of owner occupied dwellings, as defined by the Legislature, or any fraction of the value thereof, at a rate lower than that levied on other property. In no event may the tax rate levied on other property be increased as a result of lowering the tax rate levied on owner occupied dwellings.

RESOLUTION CHAPTER 86

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article XV, relating to usury.

[Filed with Secretary of State September 6, 1977.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the 6th day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

That Section 1 of Article XV be amended to read:

SECTION 1. The rate of interest upon the loan or forbearance of any money, goods or things in action, or on accounts after demand, shall be 7 per cent per annum but it shall be competent for the parties to any loan or forbearance of any money, goods or things in action to contract in writing for a rate of interest not exceeding 10 per cent per annum.

No person, association, copartnership or corporation shall by charging any fee, bonus, commission, discount or other compensation receive from a borrower more than 10 per cent per annum upon any loan or forbearance of any money, goods or things in action.

However, none of the above restrictions shall apply to any building and loan association as defined in and which is operated under that certain act known as the "Building and Loan Association Act," approved May 5, 1931, as amended, or to any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, or any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended or any duly licensed pawnbroker or personal property broker, or any bank as defined in and operating under that certain act known as the "Bank Act," approved March 1, 1909, as amended, or any bank created and operating under and pursuant to any laws of this State or of the United States of America or any nonprofit cooperative association organized under Chapter 1 (commencing with Section 54001) of Division 20 of the Food and

Agricultural Code in loaning or advancing money in connection with any activity mentioned in said title or any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business or any corporation securing money or credit from any Federal intermediate credit bank, organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended in loaning or advancing credit so secured, nor shall any such charge of any said exempted classes of persons be considered in any action or for any purpose as increasing or affecting or as connected with the rate of interest hereinbefore fixed. The Legislature may from time to time prescribe the maximum rate per annum of, or provide for the supervision, or the filing of a schedule of, or in any manner fix, regulate or limit, the fees, bonus, commissions, discounts or other compensation which all or any of the said exempted classes of persons may charge or receive from a borrower in connection with any loan or forbearance of any money, goods or things in action.

The rate of interest upon a judgment rendered in any court of this state shall be set by the Legislature at not more than 10 percent per annum. Such rate may be variable and based upon interest rates charged by federal agencies or economic indicators, or both.

In the absence of the setting of such rate by the Legislature, the rate of interest on any judgment rendered in any court of the state shall be 7 percent per annum.

The provisions of this section shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

RESOLUTION CHAPTER 87

Senate Concurrent Resolution No. 17—Relating to air pollution.

[Filed with Secretary of State September 6, 1977]

WHEREAS, The State of California has established the State Air Resources Board as the agency of its people responsible for reviewing and coordinating the efforts of all levels of government as they affect air quality; and

WHEREAS, The Federal Clean Air Act (42 U.S.C., Sec. 1857, et seq.) requires each state to prepare, adopt and submit to the Administrator of the Environmental Protection Agency a plan which provides for the implementation, maintenance and enforcement of each national ambient air quality standard; and

WHEREAS, The California Legislature has designated the State Air Resources Board as the agency primarily responsible for the

preparation of the State Implementation Plan required by the Clean Air Act; and

WHEREAS, The Environmental Protection Agency disapproved portions of the State Implementation Plan which California prepared and submitted in 1972, including the portion relating to the preconstruction review of new or modified stationary sources; and

WHEREAS, The State Air Resources Board failed to revise California's State Implementation Plan within the prescribed period to include an acceptable new source review procedure, and in 1973, the Environmental Protection Agency promulgated a substitute new source review regulation which it is now administering and enforcing in most parts of the state; and

WHEREAS, In 1975, the State Air Resources Board developed a model new source review regulation and recommended that all air pollution control districts in the state adopt this regulation or a comparable modification thereof; and

WHEREAS, Several air pollution control districts have now adopted a modification of this new source review regulation, or had one adopted for them by the board, and others are now considering the adoption of such a regulation; and

WHEREAS, The implementation of the new source review regulation developed by the State Air Resources Board, and the modifications thereof which have thus far been adopted, would require the air pollution control officer of each district to deny the necessary construction and operating permits to new or modified stationary sources which would prevent or interfere with the attainment or maintenance of any state or national ambient air quality standard; and

WHEREAS, Under such regulations, local and regional air pollution control officials would be permitted to consider intracompany, but not community-wide, tradeoffs in determining whether or not a proposed new or modified stationary source would contribute to the violation of a state or national ambient air quality standard; and

WHEREAS, The Environmental Protection Agency has recently issued an interpretive ruling for the implementation of the new source review requirement of the Clean Air Act that would permit community-wide, as well as intracompany, tradeoffs; and

WHEREAS, The revision of California's State Implementation Plan to permit community-wide tradeoffs would provide local and regional air pollution control officials with increased flexibility in developing programs to achieve and maintain the ambient air quality standards; and

WHEREAS, The State Air Resources Board, in testimony to the Senate Committee on Natural Resources and Wildlife, stated that one of its motives in attempting to regain the authority lost to the Environmental Protection Agency to implement and enforce California's new source review program was to provide local authorities with greater flexibility in meeting the requirements of

the Clean Air Act than would be possible under a program administered by the Environmental Protection Agency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Air Resources Board is requested to review California's State Implementation Plan and consider revising such plan to permit community-wide tradeoffs in the preconstruction review of new or modified stationary sources; and be it further

Resolved, That the State Air Resources Board report the results of its review to the Governor and the Legislature not later than January 1, 1978; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the chairman and each member of the State Air Resources Board, and to the chairman of each air pollution control district.

RESOLUTION CHAPTER 88

Senate Concurrent Resolution No. 35—Relative to the Sacramento Region Emergency Medical Service/Law Enforcement Study.

[Filed with Secretary of State September 6, 1977]

WHEREAS, It is in the interest of the state to assist in the development of effective and rapid medical transportation for critically injured persons from areas that are not readily accessible by the normal means of medical transport to medical care services; and

WHEREAS, The data obtained by the Department of the California Highway Patrol in its Aircraft Service Study—Sacramento Helicopter Test, which was conducted in May and June of 1976, suggests that serious consideration be given to the use of helicopters as combined law enforcement/medical evacuation vehicles in rural areas of the state where timely emergency medical transportation is not now readily available; and

WHEREAS, It is the Legislature's desire that an extended demonstration project be conducted from which data could be derived that would more completely evaluate the effectiveness of the helicopter as a multipurpose law enforcement vehicle, with emphasis on emergency medical transportation services, particularly with respect to benefits derived in terms of lives saved, injuries reduced, and medical costs saved; and

WHEREAS, Many communities in California are actively engaged in planning for emergency medical services, including emergency medical transport; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Commissioner of the California

Highway Patrol is requested to conduct, in cooperation with and with the assistance of other appropriate state and local agencies, including, but not necessarily limited to, the State Department of Health, the Office of Emergency Services, local law enforcement agencies and local emergency medical service organizations, such as the Sierra-Sacramento Valley Emergency Medical Service, a study, for a period of not less than one year, to evaluate the effectiveness of helicopters both as emergency medical transport vehicles and law enforcement support vehicles in Sacramento and surrounding counties; and be it further

Resolved, That the commissioner is requested to explore the availability of federal funding for this study or to transfer an existing helicopter of the department to the Sacramento area for the purpose of this study; and be it further

Resolved, That the report of this study, containing the commissioner's findings, any recommendations for appropriate legislation, and analyses and comments thereon by the Legislative Analyst and the Department of Finance, be submitted to the Legislature not later than December 31, 1978; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

RESOLUTION CHAPTER 89

Senate Concurrent Resolution No. 53—Relative to the Joint Rules.

[Filed with Secretary of State September 6, 1977]

Resolved by the Senate of the State of California, and Assembly thereof concurring, That Rule 61 of the Temporary Joint Rules of the Senate and Assembly for the 1977-78 Regular Session is amended to read:

Deadlines

61. The following deadlines shall be observed by the standing committees of the Assembly and Senate:

(a) Odd-numbered year:

(1) Between the third Friday in May and September 16, the Secretary of the Senate and the Chief Clerk shall not receive from the fiscal committees of their respective houses a report concerning bills introduced in and requiring further actions by that house, unless they were passed by a policy committee prior to the third Friday in May. Such a report may be received from a fiscal committee on or before June 20, however, if after the third Friday in May the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(2) Between the first Friday in June and September 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee requiring further action on a bill that was introduced in their respective houses.

(3) Between June 20 and September 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from the fiscal committees concerning bills introduced in their respective houses.

(4) Between the last Friday in June and September 16, no bill shall be passed by the house in which it was introduced, other than on concurrence in amendments adopted in the other house.

(5) Between the third Monday in August and September 16, the Secretary of the Senate and the Chief Clerk shall not receive from the fiscal committees of their respective houses a report concerning bills requiring further action that were introduced in the other house, unless they were passed by a policy committee prior to the third Monday in August. Such a report may be received from a fiscal committee on or before September 1, however, if after the third Monday in August the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(6) Between the fourth Monday in August and September 16, no committee other than fiscal committees shall meet for the purpose of hearing any bill.

(7) Between September 1 and September 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from any committee requiring further action by their respective houses.

(b) Even-numbered year: (1) After January 16, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning bills introduced in their respective houses during the odd-numbered year which require further consideration by the fiscal committee. Such a report may be received from a policy committee on or before January 23, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(2) After January 23, the Secretary of the Senate and the Chief Clerk shall not receive a report from any committee concerning bills introduced in their respective houses during the odd-numbered year, requiring further action in that house.

(3) After the first Friday in May, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning a bill introduced in their respective houses requiring further consideration by the fiscal committee of that house. Such a report may be received from a policy committee on or before the second Friday in June, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(4) After the fourth Friday in May, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning a bill introduced in their respective houses and requiring further action in that house.

(5) After the second Friday in June, the Secretary of the Senate

and the Chief Clerk shall not receive a report from the fiscal committees concerning bills introduced in and requiring further action by that house.

(6) After the next to last Friday in June, neither house shall pass bills introduced in that house.

(7) After August 10, the Secretary of the Senate and the Chief Clerk shall not receive a report from a policy committee concerning bills introduced in the other house requiring further consideration by the fiscal committees. Such a report may be received from a policy committee on or before August 20, however, if the Legislative Counsel's digest of the bill is changed to indicate reference to fiscal committee.

(8) After August 20, the Secretary of the Senate and the Chief Clerk shall not receive a committee report concerning bills which require further action in their respective houses.

(9) After August 20, no committee shall meet for the purpose of hearing any bill.

(c) If a bill is acted upon in committee before the relevant deadline and the committee votes to report the bill out with amendments that have not at the time of the vote been prepared by the Legislative Counsel, the Secretary of the Senate and the Chief Clerk may subsequently receive a report at any time within two legislative days after the deadline recommending the bill for passage or for rereferral together with the amendments.

(d) Bills in the house of origin not acted upon during the odd-numbered year as a result of the deadlines contained in paragraph (a) may be acted upon when the Legislature reconvenes after the interim study joint recess, or at any time the Legislature is recalled from such joint recess.

(e) The deadlines imposed by this rule shall not apply to the Rules Committees of the respective houses.

(f) The above deadlines shall not apply in instances where a bill is referred to committee under Joint Rule 26.5.

(g) There shall be no committee meetings held during the week preceding the summer recess of the odd-numbered year, and none during the week which includes the next-to-last Friday in June of the even-numbered year.

(h) This rule may be suspended as to any particular bill by approval of the Rules Committee and two-thirds vote of the members of the house.

(i) Except as provided in subparagraphs (a) (6) and (b) (9), and subdivision (g), the deadlines imposed by this rule shall not apply to constitutional amendments or those bills which go into immediate effect pursuant to Article IV, Section 8(c).

RESOLUTION CHAPTER 90

Assembly Concurrent Resolution No. 18—Relative to the University of California.

[Filed with Secretary of State September 7, 1977.]

WHEREAS, It is the intent of the Legislature that the University of California continue to be a low-cost institution, accessible to all qualified students; and

WHEREAS, In July 1976, the Regents of the University of California raised the existing three hundred dollars (\$300) per year registration fee by an amount between forty-eight dollars (\$48) and ninety-three dollars (\$93) per year beginning in fall 1977 in the following manner:

(a) All campuses are required to make a systemwide increase of forty-eight dollars (\$48) annually;

(b) Each chancellor, with the approval of the president, may add, to the systemwide increase, a differential increase of up to forty-five dollars (\$45) per year, by 1980; and

WHEREAS, The systemwide increase plus the maximum differential increase will result in an annual University of California student tuition of over seven hundred dollars (\$700), and an attendance cost of nearly four thousand dollars (\$4,000) per year at most campuses; and

WHEREAS, A systemwide increase will yield unnecessary budget surpluses at some campuses, depriving registration fee committees of the incentive to eliminate program waste and overlap; and

WHEREAS, A differential fee increase alone will aid campuses in keeping student fees low and will better reflect campus budgetary needs; and

WHEREAS, Under guidelines adopted by the regents, the differential fee levels are set by the chancellor with fiscal approval by the president; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Regents of the University of California, in order to keep student fees low, are requested to rescind their decision to require increases in registration fees on all University of California campuses; and be it further

Resolved, That if registration fee increases are required for the 1978-79 academic year or thereafter, such increases shall be imposed only at such campuses where, and only to the extent that, an increase is necessary; and be it further

Resolved, That each registration fee committee have equal decisionmaking power with their chancellor in setting the registration fee levels within the limit set by the regents; and be it further

Resolved, That copies of this resolution be transmitted to each of the Regents of the University of California.

RESOLUTION CHAPTER 91

Assembly Concurrent Resolution No. 23—Relative to state highway bridges.

[Filed with Secretary of State September 7, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the bridge numbered 4-16L, located on State Highway Route 101 across the Eel River between Rio Dell and Fortuna, is hereby officially designated the Nello J. Barsanti Memorial Bridge; the bridge numbered 4-221R, located on State Highway Route 101 across the Eel River between Scotia and Rio Dell, is hereby officially designated the Stanwood A. Murphy Memorial Bridge; the bridge numbered 4-229 located on State Highway Route 255 across Eureka Channel, is hereby officially designated the Carl L. Christensen, Jr. Memorial Bridge; and the bridge numbered 4-230, located on State Highway Route 255 across Eureka Channel, is hereby officially designated the Meyer Bistrin Memorial Bridge; and be it further

Resolved, That the Department of Transportation be directed to erect appropriate signs and markers, consistent with signing requirements for the state highway system, showing these official designations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 92

Assembly Concurrent Resolution No. 26—Relative to state employee merit awards.

[Filed with Secretary of State September 7, 1977]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one thousand dollars (\$1,000) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to James M. Warning, State Compensation Insurance Fund, for a suggestion that results in annual savings of eighteen thousand nineteen dollars (\$18,019), by proposing a speedier and more efficient procedure for obtaining delinquent payroll reports required for computing premiums and depositing amounts due from employing units into interest bearing accounts; and

WHEREAS, An award of nine hundred ninety-five dollars (\$995) has already been made to Joanne H. Lee, Department of Conservation, for a suggestion which results in annual savings of

nineteen thousand eight hundred seventy-seven dollars (\$19,877), by devising an improved emergency fire timekeeping method for volunteer firemen, which results in only one monthly report per fireman, much less clerical handling, and the issuance of fewer checks per employee; and

WHEREAS, An award of nine hundred ninety-nine dollars (\$999) has already been made to Dell Healey, Robert M. Lee, Employment Development Department, and Leonard M. Levy, Department of Industrial Relations, for a suggestion that results in additional annual recoveries of five hundred thirty-seven thousand sixty-eight dollars (\$537,068), through the development of an interdepartmental coordinating procedure to recover Unemployment Compensation Disability Benefits improperly claimed and paid in amounts which should have been paid by the employer's Workers Compensation Insurance carrier; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to John W. Lundstrom, Employment Development Department, who with the material assistance of his immediate supervisor, Charles Sevick, Employment Development Department, suggested a procedure which results in annual increased revenues of one hundred eight thousand nine hundred ninety-three dollars (\$108,993), of interest on deposits, by expediting and advancing the date on which quarterly assessment notices are mailed to Voluntary Plan Insurers; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Wayne E. Armstrong and Leslie D. Bucholtz, Department of General Services, for a suggestion which results in annual savings of thirteen thousand four hundred twenty-five dollars (\$13,425), by designing a better electrical testing unit which reduces man hours required for testing and lessens the chance of damage to electrical devices through misconnection; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Frederick W. Kay, Department of the California Highway Patrol, for a suggestion which results in added annual revenue of ninety-eight thousand nine hundred seventy-eight dollars (\$98,978), by suggesting an enforcement procedure which improves the collection of motor vehicle registration fees, legally due the state, from residents who live in areas adjacent to neighboring states which have lower fee schedules; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Lynn A. Dietz, Department of Insurance, for a suggestion which results in annual savings of eleven thousand nine hundred forty-four dollars (\$11,944) for the Department of Health, by recommending a revised procedure for the use of forms which makes it unnecessary to produce machine copies of forms which are processed in a volume of approximately 45,000 per year; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Margie L. Wilson, Department of Motor Vehicles, for a suggestion which results in annual savings of forty-five thousand

four hundred six dollars (\$45,406), by consolidation of the Cashiers Tally Sheet of Applications and related registration forms used by cashiers. Savings are realized through reduced cost of forms, posting time and field office handling of this large volume item; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Miss J. J. Martin, Department of Motor Vehicles, for a suggestion which results in annual savings of forty-five thousand seven hundred fifty-seven dollars (\$45,757), by suggesting books, used to record and control vehicle sales or dismantling, be printed without a year designation. The books then can be used in any year and the unused ones at year's end to not have to be destroyed; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Ben H. Bollinger, Department of Motor Vehicles, for a suggestion which results in annual savings of twelve thousand six hundred thirty-five dollars (\$12,635) in personnel time, eliminating the need to rubber stamp approximately 500,000 items each year by having the information preprinted on the forms; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Elizabeth Hitchner, Department of Motor Vehicles, for a suggestion which results in annual savings of one hundred ninety-four thousand seven hundred eighty-seven dollars (\$194,787), by recommending the seizure and sale procedure, used to recover amounts due for registration fees and penalties, be changed. This caused a management review which led to abandonment of the entire process; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Joice F. Smith, Department of Motor Vehicles, for a suggestion which results in annual savings of twenty-one thousand one hundred seventy-five dollars (\$21,175), by recommending that reinstatement procedures be revised to eliminate sending a notice of insurance cancellation to the insured and the previous carrier, as the insured already knows of the new coverage and the old insurance will cancel for nonpayment of premiums; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Patsy N. Armour, Department of Motor Vehicles, for a suggestion which results in annual savings of eighty-seven thousand nine hundred seventeen dollars (\$87,917), by the elimination of copies of letters or form letters on registration applications which did not have the proper fee or when answering requests for information; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Harvey L. Jennings, Department of Motor Vehicles, for a suggestion which results in annual savings of thirteen thousand three hundred sixty-nine dollars (\$13,369), by recommending the duplicate of Financial Responsibility Form, SR 22, be eliminated, as the assigned risk insurance carrier has no need for it and its discontinuance saves time, material and postage; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Calvin Eugene David and Jerry L. Reed, Department

of Veterans Affairs, who with the material assistance of their immediate supervisor, Florence Tyner, Department of Veterans Affairs, developed a suggestion which results in annual savings of forty-five thousand two hundred eighty-four dollars (\$45,284), by substituting less expensive latex catheters for silastic ones and reducing the frequency of use, from a daily routine, to an organized and controlled program, which averages two times per week; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to John H. Walls, Department of Water Resources, for a suggestion which results in annual savings of thirty thousand four hundred twelve dollars (\$30,412), by recommending a submersible device, with suction capability and cutting blades, be used to remove weeds and other debris from aqueduct trash racks. The new machine is more efficient and fewer employees are able to clean the screens to greater depths and in less time than was otherwise possible; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Leland D. Little, Dayton C. Clement and Lonnie D. Long, their immediate supervisor, Department of Water Resources, for their suggestion and Mr. Long's material assistance in developing the suggestion which results in annual savings of eight thousand four hundred twenty-five dollars (\$8,425), by recommending a simple and reliable load synchronizing device to control the field voltage build up in purging plant start-up operations. The suggested controller is less expensive and more easily maintained than those of foreign manufacture which have been used in the past; and

WHEREAS, An award of one thousand dollars (\$1,000) has already been made to Gilbert W. Fraga, Water Resources Control Board, for a suggestion which is considered to have resulted in annual savings of at least ninety thousand dollars (\$90,000), by suggesting the use of aerial photography and other aerial surveillance methods to reduce the costs and improve enforcement of pollution controls and related laws, administered by the Water Resources Control Board; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings and in recurring additional revenue amounting to one million four hundred three thousand four hundred seventy-one dollars (\$1,403,471); and

WHEREAS, As a result of these savings and added revenue it is unnecessary to appropriate additional funds for the payment of these awards; and

WHEREAS, The Merit Award program currently provides awards to state employees and their supervisors in addition to their regular salaries; and

WHEREAS, It is ongoing state policy to provide benefits to state employees which are comparable to those provided nonstate employees; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

James M. Warning, eight hundred dollars (\$800)

Joanne H. Lee, nine hundred ninety-five dollars (\$995)

Dell Healey, sixteen thousand six hundred sixty-seven dollars (\$16,667)

Robert M. Lee, sixteen thousand six hundred sixty-seven dollars (\$16,667)

Leonard M. Levy, sixteen thousand six hundred sixty-seven dollars (\$16,667)

John W. Lundstrom, four thousand four hundred fifty dollars (\$4,450)

Charles Sevick, one thousand six hundred thirty-five dollars (\$1,635)

Wayne E. Armstrong, one hundred seventy dollars (\$170)

Leslie D. Bucholtz, one hundred seventy dollars (\$170)

Frederick W. Kay, eight thousand nine hundred dollars (\$8,900)

Lynn A. Dietz, two hundred dollars (\$200)

Margie L. Wilson, three thousand five hundred forty dollars (\$3,540)

Miss J. J. Martin, three thousand five hundred seventy-five dollars (\$3,575)

Ben H. Bollinger, two hundred sixty-five dollars (\$265)

Elizabeth Hitchner, nine thousand dollars (\$9,000)

Joice F. Smith, one thousand one hundred twenty dollars (\$1,120)

Patsy N. Armour, seven thousand seven hundred ninety dollars (\$7,790)

Harvey L. Jennings, three hundred thirty-five dollars (\$335)

Calvin Eugene David, one thousand seven hundred sixty-five dollars, (\$1,765)

Jerry L. Reed, one thousand seven hundred sixty-five dollars (\$1,765)

Florence Tyner, one thousand three hundred sixty dollars (\$1,360)

John H. Walls, two thousand forty dollars (\$2,040)

Lonnie D. Long, one hundred dollars (\$100)

Gilbert W. Fraga, eight thousand dollars (\$8,000); and be it further

Resolved, That the Legislative Analyst shall study the California Merit Award system and compare it to other systems in the public and private sectors in such areas as awards to supervisors of suggestors, maximum payments, and percentage share of savings awarded to suggestors, and report to the Legislature its findings and recommendations on or before October 1, 1977; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and to the State Controller.

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 68—Relative to memorializing the late Assemblyman Carley V. Porter.

[Filed with Secretary of State September 7, 1977]

WHEREAS, The Members of the Legislature observe, in the recent drought-incuded water shortage emergency, the extent of the far-reaching planning, conscientious, dedicated, and effective efforts of one of the former members of this Legislature, the late Assemblyman Carley V. Porter, whose illustrious career will impact the people of this state for many generations to come, particularly in the allocations of our scarce water resources; and

WHEREAS, First elected to the Assembly in 1949, Carley Porter represented the Thirty-eighth Assembly District, which included the Cities of Bellflower, Compton, Downey, Lynwood, and Paramount until his death in office on December 6, 1972; and

WHEREAS, A native of Chicago, he moved to California in 1917, receiving his A B. degree at the University of Southern California, and thereafter entered the teaching profession, serving at Excelsior High School and Long Beach City College; and

WHEREAS, Carley Porter, who was married in 1934 to his charming wife, Marie Walton, and was the father of a fine son, Carl William Porter, served in the armed forces from 1942 to 1946 and was an active leader in numerous outstanding civic organizations and activities; and

WHEREAS, A former president of the Compton Junior College School Board, he was overwhelmingly reelected to the California Assembly in every election from 1949 until his demise, and his personal popularity among his fellow legislators was evidenced by his selection as Chairman of the Los Angeles County Delegation; and

WHEREAS, Serving as Chairman of the Assembly Water Committee since its inception in 1959 until his demise, and prior to that as a member of the Joint Interim Committee on Water Problems since 1951, Carley Porter was active in a wide variety of legislative areas and established a truly remarkable record of achievement in the enactment of noteworthy legislation; and

WHEREAS, One of the leading authorities and most influential leaders in the field of California water resources, Carley Porter, more than any other man, was responsible for enactment of legislation which shaped the modern development of such resources and ensured their protection for the benefit of all Californians; and

WHEREAS, One of his most outstanding achievements was his work in securing the enactment of the Burns-Porter Act, which made possible the construction of the State Water Project, the greatest water development project ever undertaken by any state; and

WHEREAS, The Carley V. Porter Tunnel, a key segment of the State Water Project, which makes possible the transportation of

water through the Tehachapi Mountains into southern California, is a fitting memorial to his momentous contribution to this project; and

WHEREAS, His concern for development of water was justly tempered by his fairness in allocation of the water resources, which led to the enactment of the Porter-Dolwig Ground Water Basin Protection Law; and

WHEREAS, Carley Porter also sponsored the Porter-Cologne Water Quality Control Act of 1969, the landmark legislation which completely revised California's water quality control laws to give California the most effective water pollution control act in the nation; and

WHEREAS, His strong concern for the problem of water pollution and dedicated efforts to improve the quality of California's water led him to author the Clean Water Bond Law of 1970 to make possible the construction of needed water quality control facilities; and

WHEREAS, His dedication to providing adequate water extended to all sources, which led to the enactment of the Cobey-Porter Saline Water Conversion Law; and

WHEREAS, Throughout his legislative career of over 23 years, he demonstrated unfailing courtesy and fairness to everyone notwithstanding the circumstances, and his actions never ceased to be characterized by a degree of statesmanship and high principle rarely encountered in the political life of our nation; and

WHEREAS, It is doubtful that any man will be able to fill the void that now exists not only in the California Legislature, but also in the development of the entire State of California, to which Carley Porter's vision and unparalleled abilities contributed so much and played such a vital role in creating a quality of life and standard of affluence unequalled in the world and for which all Californians will be grateful for decades to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the late Carley V. Porter, a true giant among men, for his foresight and leadership in making water available for the use of the people of our state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Marie Porter, Carl William Porter, and Jane Porter Fowkes.

RESOLUTION CHAPTER 94

Assembly Joint Resolution No. 21—Relative to postal rates.

[Filed with Secretary of State September 7, 1977]

WHEREAS, The basic foundation of our American political system is the voter's right to have the fullest knowledge about the candidates for public office; and

WHEREAS, The cost of political campaigns has continually escalated while political awareness has declined; and

WHEREAS, The most practical method for communicating with voters in any election, including local elections, is through the service of the United States Postal Service; and

WHEREAS, Current federal government regulations recognize the need to facilitate communication from candidates to the electorate, by directing television and radio stations to charge only the lowest available rate to political candidates for advertisements; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, respectfully memorializes the Board of Governors of the United States Postal Service, the Postal Rate Commission, and the Congress of the United States to allow each candidate for any public office to make one mailing of campaign literature to each voter residing within the jurisdiction from which the candidate seeks election at the lowest available postal rate allowed by the United States Postal Service, currently reserved for tax exempt groups; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chairman of the Postal Rate Commission, and to the Board of Governors of the United States Postal Service.

RESOLUTION CHAPTER 95

Assembly Joint Resolution No. 33—Relative to bees.

[Filed with Secretary of State September 7, 1977]

WHEREAS, The annual direct benefit to California agriculture attributed to honeybee pollination currently exceeds 700 million dollars; and

WHEREAS, Twenty-one fruit and nut crops, 10 forage feed crops and 20 vegetable crops in California are almost wholly dependent on the pollination of honeybees for maximum production; and

WHEREAS, California beekeepers need help in keeping alive 545,000 honeybee colonies threatened by starvation due to the current drought; and

WHEREAS, Since the drought began a year ago, California beekeepers have been forced to buy 16,350,000 pounds of sugar as

compared to 10,900,000 pounds of sugar normally purchased as supplemental feed for honeybee colonies, causing a severe financial burden to California beekeepers; and

WHEREAS, It is anticipated that California beekeepers will have to buy 30 million pounds of sugar to keep their honeybee colonies alive through the coming winter, causing many California beekeepers to face economic disaster unless they receive direct assistance; and

WHEREAS, Last year's drought conditions caused a record low in California honey production reducing honey yield per colony in 1976 to 26 pounds as compared to 50 pounds in 1975 and a 10-year average (1966-75) of 48 pounds per colony, resulting in severe loss of income to California beekeepers; and

WHEREAS, Cutbacks in water deliveries to orchards and other irrigated crops is causing loss of pollination income to California beekeepers; and

WHEREAS, The drought has eliminated or greatly reduced nectar-flows from wild flowers which in normal years provide food for honeybee colonies and honey to add to the California beekeepers' income; and

WHEREAS, Severe overcrowding of honeybee colonies on irrigated crops will depress honey production this summer and prevent California honeybee colonies from replenishing honey stores sufficient to last over the winter without supplemental feeding with sugar; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Members respectfully memorialize President Carter and the Congress to define honeybees as livestock under the present Emergency Livestock Feed Assistance Program and include bees in the definition of livestock in emergency livestock feed legislation pending before Congress, in order to provide help for California beekeepers in purchasing the supplemental feed they need to keep their honeybee colonies alive and available to meet future pollination needs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 96

Assembly Joint Resolution No. 40—Relative to the Sugar Pine Dam Project.

WHEREAS, The United States Bureau of Reclamation has contracted with the Foresthill Public Utility District in Placer County to supply water from Sugar Pine Dam, a portion of the Auburn Dam Project; and

WHEREAS, The engineering has been completed on the Sugar Pine Dam portion of the project, including the dam and conduit, and this portion of the project should be commenced immediately to alleviate the severe water problems presently facing the district; and

WHEREAS, Critical water problems are developing from the Auburn Dam Project, which has already opened the area to very heavy home construction, more rapidly than expected, due to the completion of a bridge crossing the American River and connecting the immediate area to Interstate 80, thus allowing commuter travel to the Greater Sacramento area; and

WHEREAS, The influx of new residents to the Foresthill Divide has relieved the pressure of new construction off the rich farmlands in the Sacramento Valley and surrounding areas, but has created a serious water supply problem in that most of the area of development has to depend entirely on wells, which are rapidly drying up; and

WHEREAS, There is no water table in the area of the district, since the area is up on a ridge between the Middle and North Forks of the American River with the water draining rapidly into such rivers, and the only water available is from small pockets in the rock and small underground streams, both of which sources are small and rapidly drying up due to already heavy use; and

WHEREAS, Some agriculture exists in the area and all agricultural water to be delivered from the Sugar Pine Dam has already been applied for; and

WHEREAS, The district presently has a moratorium on all new service connections in its area, thus delaying the natural progress of the area, and the district has dipped very heavily into the reserve fund that has been set aside for the repayment of the remainder of the bond indebtedness of the district; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately fund the construction of the Sugar Pine Dam in Placer County; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 97

Assembly Joint Resolution No. 42—Relative to border inspection station personnel.

[Filed with Secretary of State September 7, 1977]

WHEREAS, Many persons entering the United States from Mexico experience delays at the border inspection stations at San Ysidro and Calexico because of too few personnel at the stations; and

WHEREAS, The lack of sufficient personnel at these inspection stations not only aggravates the persons entering the United States but also results in inefficient enforcement of federal laws relating to smuggling narcotics and contraband; and

WHEREAS, The extensive congestion of motor vehicles furthermore causes a substantial increase in air pollution levels in the vicinity of these inspection stations; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly; That the Legislature respectfully memorializes the Secretary of the Treasury and the Regional Commissioner of the United States Customs Service, Los Angeles, to employ an additional 35 persons at the San Ysidro and Calexico stations in order to eliminate unnecessary delays at the border inspection stations when persons enter the United States from Mexico; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Treasury and the Commissioner of Customs of the United States Customs Service and his regional commissioner at Los Angeles, California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of the Office of Management and Budget, Washington, D.C., and to Senators Alan Cranston and S. I. Hayakawa of the California congressional delegation.

RESOLUTION CHAPTER 98

Senate Concurrent Resolution No. 5—Relating to budgets.

[Filed with Secretary of State September 8, 1977]

WHEREAS, The importance of zero-based budgeting cannot be overstressed as a most valuable tool for determining the best allocation of scarce taxpayers' dollars; and

WHEREAS, As a budget and planning tool, zero-based budgeting provides greater flexibility and more information to budget planners and managers when combined with program planning and budgeting systems; now therefore, be it

Resolved by the Senate of the State of California the Assembly

thereof concurring, That the Legislature hereby requests the Governor to implement a zero-based budgeting pilot program for a state department designated by the Governor and to utilize a fiscal year zero-based budget for that department for the 1978-79 fiscal year, pursuant to the provisions of Chapter 260 of the Statutes of 1977 (S.B. 337); and be it further:

Resolved, That after completion of the pilot program, the Governor is also requested to report to the Legislature thereon and on the success of the program and to make recommendations regarding the implementation of zero-based budgeting for all state agencies; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 99

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 44 to Article XIII thereof, relating to taxation.

[Filed with Secretary of State September 8, 1977]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the sixth day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 44 to Article XIII thereof, to read:

SEC. 44. The Legislature may exempt from taxation all or a portion of the full value of a qualified rehabilitated residential dwelling, as defined by the Legislature, for the five fiscal years following the rehabilitation of such dwelling. Such exemption shall be an amount equal to the full value of such rehabilitation up to the maximum amount specified by the Legislature, and shall be applied only to that portion of the full value attributable to such rehabilitation which exceeds the full value of the dwelling before rehabilitation.

RESOLUTION CHAPTER 100

Assembly Joint Resolution No. 8—Relative to incendiary fires.

[Filed with Secretary of State September 8, 1977]

WHEREAS, The number of incendiary fires in the United States is increasing at an alarming rate; and

WHEREAS, In 1975 the reported number of incendiary fires in the United States increased by over 25 percent from the reported number of such fires in the previous year; and

WHEREAS, Incendiary fires accounted for over 600 million dollars in property losses and more than 1,000 deaths in the United States during 1975, and in California alone the property loss approached 10 million dollars with 17 reported deaths; and

WHEREAS, Under the jurisdiction of the Federal Bureau of Investigation in the United States Department of Justice, the Uniform Crime Reporting System is maintained to provide a reliable and valid national reporting crime system; and

WHEREAS, Nationally required reporting of incendiary fires in the uniform crime statistics and reclassifying incendiary fires under the Uniform Crime Reporting System as a major crime or Part I crime would be of great value in stopping this costly and deadly crime; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Attorney General of the United States and the Director of the Federal Bureau of Investigation to reclassify or declare incendiary fires as a Part I crime under the Uniform Crime Reporting System; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Attorney General of the United States, and to the Director of the Federal Bureau of Investigation.

RESOLUTION CHAPTER 101

Assembly Joint Resolution No. 18—Relative to illegal aliens.

[Filed with Secretary of State September 8, 1977]

WHEREAS, The Congress created and established, in the Department of Justice, an Immigration and Naturalization Service, with exclusive powers under immigration laws over the admission, exclusion and deportation of aliens; and

WHEREAS, The Commissioner of the Immigration and Naturalization Service has acknowledged that there is a virtually unchecked flow of immigrants entering the United States unlawfully; and

WHEREAS, According to the Immigration and Naturalization Service, the number of deportable aliens located within the State of

California has increased from 140,000 in 1972 to over 413,000 in 1976; and

WHEREAS, The Immigration and Naturalization Service estimates that within the 158,693 square miles of the State of California there exist over 1.7 million illegal aliens with only 753 immigration and naturalization agents and investigators to patrol the state, which computes to approximately 210 square miles and 2,260 illegal aliens for every agent and investigator; and

WHEREAS, Counties have reported a severe multi-million-dollar impact upon the cost of local government because of the provision of nonreimbursed medical, social, educational, and criminal justice system services; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation imposing more stringent safeguards against the unlawful migration of aliens into this country; and be it further

Resolved, That the Legislature of the State of California expresses its support for an increase in available manpower within the Immigration and Naturalization Service to patrol and enforce within the State of California the laws of the United States pertaining to illegal aliens; and be it further

Resolved, That the Legislature of the State of California urges the federal government to reimburse units of local government for the costs of medical, social, educational, and criminal justice services incurred as a result of the entry of illegal aliens into this country; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 102

Assembly Concurrent Resolution No. 35—Relative to the professional development of school principals.

[Filed with Secretary of State September 13, 1977]

WHEREAS, School principals should play a key role at the local school level in identifying educational priorities and promoting needed change; and

WHEREAS, A growing body of research indicates that at schools where student achievement is higher than might be expected, principals provide strong leadership and support; and

WHEREAS, Numerous studies indicate that many principals are

neither prepared nor encouraged to be education leaders; and

WHEREAS, Principals and others contend that administrator training does not always match responsibilities on the job, that the role and tasks of principals are not always clearly defined, that systems for evaluating principal performance are often ineffective, and that opportunities for continuing professional development and joint problem-solving are rare; and

WHEREAS, Women and minorities tend to be under-represented among school and district administrators; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Office of the Legislative Analyst review and analyze current research regarding the training, selection, credentialing, evaluation, and continuing professional development of school principals and report its findings to the Legislature by October 1, 1977; and be it further

Resolved, That such report include data regarding principal age, sex and ethnicity, average yearly salary and turnover and proposed changes in the current system including, but not limited to, administrative training, credentialing, selection, evaluation and continuing education.

RESOLUTION CHAPTER 103

Assembly Concurrent Resolution No. 76—Relative to the Office of the Auditor General.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The National Conference of State Legislatures serves as a forum for the legislatures of the 50 states in areas of mutual interest; and

WHEREAS, The National Conference annually recognizes those legislatures which produce noteworthy research reports; and

WHEREAS, In 1977, 64 research reports were evaluated by the Awards Committee of the National Conference on the basis of significance, comprehensiveness, policy impact, and methodology during the annual meeting of the National Conference at Detroit, Michigan; and

WHEREAS, The Legislatures of Washington, Michigan, and California received recognition during the annual meeting for outstanding research reporting; and

WHEREAS, The report of the California Legislature entitled "The California Indemnification of Private Citizens Program" was prepared by the Office of the Auditor General and published in May 1977; and

WHEREAS, This award-winning report was prepared by auditors Gerald A. Silva and R. Lilia Molina; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Office of the Auditor General be commended for its work in the preparation of the outstanding report which earned such favorable recognition for the California Legislature at the National Conference of State Legislatures; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Auditor General John H. Williams and to auditors Gerald A. Silva and R. Lilia Molina.

RESOLUTION CHAPTER 104

Assembly Joint Resolution No. 28—Relative to the use of flame retardant chemicals in clothing.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The chemical substance tris (2,3-dibromopropyl) phosphate is currently in widespread use as a flame retardant for textile products, including many types of garments; and

WHEREAS, Very substantial evidence exists that this substance, commonly known as "Tris," and chemically similar substances are carcinogenic; and

WHEREAS, Analysis of available studies on "Tris" and the use thereof as a flame retardant in garments has been conducted by a research group headed by Professor Bruce Ames of the Department of Biochemistry of the University of California at Berkeley, who concluded that "Tris" is a strong carcinogen as well as a mutagen which will cause a statistically significant number of cancers in persons, particularly young children, exposed to the substance and may also result in genetic defects in the offspring of persons exposed to it; and

WHEREAS, Over the past 20 years tens of millions of pounds of "Tris" have been manufactured, and, since 1972, the substance has been used extensively in childrens sleepwear, from which it is absorbed through the skin and ingested by sucking; and

WHEREAS, Although this treated clothing varies in the amount of "surface Tris" which is available for absorption through the skin, all such products will cause substantial human absorption of "Tris" in normal use, and even multiple washings will not eliminate this danger; and

WHEREAS, The ramifications of the tragically widespread use of "Tris" in terms of human life and health can only be surmised at present, because human cancer generally manifests itself two decades following the start of exposure to a carcinogen; and

WHEREAS, On the basis of evidence of carcinogenicity, the Consumer Product Safety Commission recently banned further use

of "Tris" in children's sleepwear, but did not take action respecting other uses of "Tris"; and

WHEREAS, Continued, unnecessary exposure to a dangerous chemical, such as "Tris," cannot be justified on any basis or pretext; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly; That the Legislature of the State of California respectfully requests the Congress of the United States to undertake appropriate legislative action to (1) prohibit further use of the carcinogen tris (2,3-dibromopropyl) phosphite, (2) to require manufacturers to recall and materials treated with such substance in order to avoid further contamination, (3) to provide for ongoing studies of "Tris" and other substances utilized as flame retardants to determine potential health hazards to consumers, and (4) to require garments treated with chemical substances be adequately labeled to disclose such treatment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 105

Assembly Joint Resolution No. 47—Relative to Japanese-American assembly centers.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The outbreak of war between the United States and Japan in 1941 directed unwarranted suspicion toward Japanese-Americans; and

WHEREAS, The Pacific Coast Congressional delegation recommended to the President of the United States on February 13, 1942, for the removal of persons of Japanese descent from all strategic areas on the groundless basis that their "presence shall be deemed dangerous or inimical to the defense of the United States;" and

WHEREAS, The President of the United States signed Executive Order 9066 on February 19, 1942, empowering the U.S. Army to designate areas from which "any or all persons may be excluded;" and

WHEREAS, On March 2, 1942, the issuance of Public Proclamation 1 established Military Area 1 consisting of Arizona, California, Oregon, and Washington, with the U.S. Army's sole concern in the subsequent evacuation being physical internment and assumed no responsibility of a resettlement program until the War Relocation Authority was created; and

WHEREAS, Many Japanese-Americans demonstrated their loyalty to the United States by evacuating strategic areas prior to Public Proclamation 1, the problems of property disposal, finance, employment, and public acceptance in other communities were obstructing this voluntary movement; and

WHEREAS, Twelve assembly centers in California served as temporary detention camps under the supervision of the U.S. Army and Wartime Civilian Control Agency, which included Fresno, Marysville, Merced, Pinedale, Pomona, Sacramento, Salinas, Santa Anita, Stockton, Tanforan, Tulare, and Turlock, with induction beginning at Santa Anita on March 27, 1942, while the Fresno Assembly Center on October 30, 1942, was the last to close; and

WHEREAS, Occupancy varied from 52 days at the Sacramento Assembly Center to 215 days at Santa Anita, while maximum population ranged from 2,451 evacuees at Marysville to 18,719 Japanese-Americans residing within 35 acres at Santa Anita; and

WHEREAS, Most of the assembly centers provided housing in crude barracks and reconverted horse stalls on fairgrounds and racetrack sites, which were in unsanitary condition with deficiencies in areas of daily livelihood; and

WHEREAS, The mass evacuation of persons of Japanese descent, the majority of them American citizens, who were interned behind barbed wire enclosures under armed guards with their only crime being that of Japanese descent, was significant in the history of the United States; and

WHEREAS, In terminating Executive Order 9066, former President Gerald R. Ford stated that there must be "an honest reckoning of our national mistakes as well as our national achievements" and in commemoration of 35 years since the deplorable assembly centers and evacuation of more than 110,000 Japanese-Americans during World War II; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the members recognize that the assembly centers represent an important reminder of the war hysteria and injustices directed against persons of Japanese descent; and be it further

Resolved, The California Legislature respectfully recommends that all 12 assembly center sites in California be nominated to the National Register of Historic Places and encourages the cooperation of relevant state and local agencies, private entities, and interested community groups in this endeavor by commemorating the sites with the placement of plaques describing their historical significance; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the U.S. Secretary of the Interior, Governor of the State of California, Keeper of the National Register, Director of the State Department of Parks and Recreation, members of the State Historical Resources Commission, members of the Board of Supervisors of Fresno, Los Angeles, Merced, Monterey, Sacramento, San Joaquin, San Mateo, Stanislaus, Tulare and Yuba Counties,

appropriate city councils, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 106

Senate Concurrent Resolution No. 4—Relating to budgets.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The importance of zero based budgeting cannot be overstressed as a most valuable tool for determining the best allocation of scarce taxpayers' dollars; and

WHEREAS, As a budget and planning tool, zero based budgeting provides greater flexibility and more information to budget planners and managers when combined with program planning and budgeting systems; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Department of Finance to conduct a survey of what other states and public entities in California are doing with respect to zero based budgeting and to make a report thereon, which report shall include findings and recommendations of the Department of Finance as to implementing zero based budgeting for the State of California, to the Legislature no later than January 8, 1978; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Finance.

RESOLUTION CHAPTER 107

Senate Concurrent Resolution No. 30—Relative to state forms.

[Filed with Secretary of State September 13, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Forms Management Center of the Department of General Services is requested to study the forms used by state agencies which are disseminated to private businesses for the purpose of gathering specified information to:

(a) Determine the feasibility of establishing a common format or otherwise consolidating forms used by state agencies which place a duplicatory information demand on private businesses.

(b) Recommend the elimination of those forms which are deemed either duplicatory or unnecessary, as defined by the Forms Management Center.

(c) Investigate the feasibility of conforming specified state forms with duplicatory federal forms and establishing a common format

(“piggybacking”) when possible; and be it further

Resolved, That the Forms Management Center is requested to make any additional recommendations that would curtail the burdensome flow of state paperwork to businesses and to eliminate, when possible, those forms which do not contribute to the state’s valid regulatory or information gathering function; and be it further

Resolved, That the Forms Management Center is requested to submit a report to the Legislature by January 1, 1980, summarizing its activities and containing its findings and recommendations; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Forms Management Center of the Department of General Services.

RESOLUTION CHAPTER 108

Senate Concurrent Resolution No. 37—Relative to the quality of Cal-OSHA health referrals.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The California Occupational Safety and Health Act requires the Occupational Safety and Health Standards Board in the Department of Industrial Relations to adopt health standards; and

WHEREAS, The Division of Industrial Safety in the Department of Industrial Relations is responsible for enforcing such standards; and

WHEREAS, The State Department of Health is required to investigate the violation of health standards as requested by the Division of Industrial Safety to assist the latter in its enforcement responsibilities; and

WHEREAS, Few such investigations by the State Department of Health currently result in the finding of violations which pose serious threats to the health of employees; and

WHEREAS, A significant backlog has developed in the State Department of Health regarding requests for investigations by the Division of Industrial Safety; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Industrial Relations and the State Department of Health, with the advice of the Legislative Analyst, are requested to develop procedures for improving the quality of referrals of possible health violations which are sent to the State Department of Health for investigation, and report to the Legislature by November 1, 1977; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Industrial Relations, the State Department of Health, and the Legislative Analyst.

RESOLUTION CHAPTER 109

Senate Concurrent Resolution No. 38—Relative to developing a layman's guide to the Cal-OSHA standards.

[Filed with Secretary of State September 13, 1977]

WHEREAS, The California Occupational Safety and Health Act requires the Occupational Safety and Health Standards Board in the Department of Industrial Relations to adopt occupational safety and health standards; and

WHEREAS, The standards which have been adopted are excessively voluminous, poorly organized and formatted, and difficult for employers, employees, and the public to use and understand; and

WHEREAS, The Division of Industrial Safety in the Department of Industrial Relations is responsible for enforcing the standards by issuing citations which usually have accompanying monetary penalties; and

WHEREAS, Only a small percentage of the standards are cited by the division with any regularity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Industrial Relations and the State Department of Health, with the advice of the Legislative Analyst, are requested to develop and make available to employers, employees, and the public a nonlegal, nontechnical, simplified version of the safety and health standards, concentrating on those standards of greatest concern to employers and the Department of Industrial Relations, and report to the Legislature by November 1, 1977; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Industrial Relations, the State Department of Health, and the Legislative Analyst.

RESOLUTION CHAPTER 110

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding subdivision (h) to Section 11 of Article XIII thereof, relating to taxation of local government real property.

[Filed with Secretary of State September 13, 1977.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1977-78 Regular Session commencing on the 6th day of December, 1976, two-thirds of the members elected to each of the two houses of the Legislature voting

therefor, hereby proposes to the people of the State of California that the constitution of the state be amended by adding subdivision (h) to Section 11 of Article XIII thereof, to read:

(h) Lands or improvements owned by a county and which are located in another county which was formed after January 1, 1978, and which would otherwise be taxable under subdivision (a) or (b) shall not be taxed by the county in which such lands or improvements are located, or by any other taxing agency or revenue district therein, if such lands or improvements were located in the county by which they are owned and which, while owned by such county, became located in another county due to the formation of such county after January 1, 1978.

RESOLUTION CHAPTER 111

Senate Concurrent Resolution No. 51—Relative to the Public Utilities Commission.

[Filed with Secretary of State September 14, 1977]

WHEREAS, The people of California are entitled to adequate and reliable service by public utilities at rates which are fair and reasonable to both the customer and the public utility; and

WHEREAS, The ability of public utilities to provide such adequate and reliable service has been jeopardized due to delays in processing promptly the increasingly large number of rate increase applications brought about by economic inflation; and

WHEREAS, The Public Utilities Commission has passed Commission Resolution No. A 4693 of July 6, 1977, which points to regulatory lag as a major obstacle in the determination of major utility rate cases and adopts a plan to facilitate the processing of such cases; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

(1) That the Public Utilities Commission continue to take steps which will insure action on public utilities rate increase applications within one year, in order to insure adequate and reliable service, with provision for a refund with interest of any part of any rate increase put into effect on an interim basis which the commission subsequently finds unjustified; and

(2) That the Public Utilities Commission, commencing October 15, 1977, and each quarter thereafter, advise the Legislature of the status of all rate increase applications pursuant to the above mentioned commission resolution; and

(3) That the Public Utilities Commission, commencing in 1978, submit an annual report concurrent with submission of its budget request, advising the Legislature of the progress made in the

preceding year relative to meeting the objectives of this resolution, i.e., the processing of utility rate increase applications within one year and advising the Legislature of what further steps are being taken to accomplish that objective; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Public Utilities Commission.

RESOLUTION CHAPTER 112

Senate Concurrent Resolution No. 55—Relative to the Budget Act of 1977.

[Filed with Secretary of State September 15, 1977]

WHEREAS, The Governor of the State of California, in his veto message regarding the Budget Act of 1977, among other things, stated that he was eliminating language contained in Item 106 of the act; and

WHEREAS, The Legislature has been advised by the Legislative Counsel that the action of the Governor in eliminating language contained in Item 106 is not valid; and

WHEREAS, The Legislature believes that the elimination of such control language is improper and constitutes an encroachment upon the powers of the Legislature and raises very serious questions in this regard; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby urges the Controller of the State of California not to allow the use of any funds appropriated by Item 106 of the Budget Act of 1977 in a manner contrary to the provisions contained in the control language of Item 106 of the Budget Act of 1977, as passed by the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Controller.

RESOLUTION CHAPTER 113

Senate Concurrent Resolution No. 46—Relative to the Joint Committee on the State's Economy.

[Filed with Secretary of State September 19, 1977]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on the State's Economy is continued in existence through August 31, 1978, notwithstanding the provisions of any prior concurrent resolution

affecting such committee. The committee shall continue to have the powers and duties granted and imposed by the resolution creating or continuing it. The committee may expend any funds heretofore or hereafter made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditure of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

RESOLUTION CHAPTER 114

Senate Joint Resolution No. 12—Relative to hydrothermal power plants.

[Filed with Secretary of State September 19, 1977]

WHEREAS, The acknowledged energy crisis in this nation demands the early development of new, domestic, renewable energy resources. and

WHEREAS, Geothermal energy, based on existing data, has been shown to be a potentially significant means of generating environmentally sound, economic, electric energy; and

WHEREAS, California's Imperial Valley has been identified as a major reservoir of substantial geothermal energy suitable for commercial development; and

WHEREAS, Studies conducted for the Electric Power Research Institute reviewed numerous sites throughout the country and recommended a site in California, for construction of this nation's first hydrothermal demonstration power plant; and

WHEREAS, Said studies also establish the feasibility of the binary energy conversion process as well as its advantages over other processes for the reservoir conditions in California; and

WHEREAS, The development of geothermal resources and the associated high risk technology can best be accomplished through a cooperative effort by industry and local, state, and federal governments; now, therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide immediate federal funding for a hydrothermal binary cycle demonstration power plant in California; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to take action through the appropriate agencies and departments of the executive branch of the federal government to require the earliest possible implementation of a hydrothermal binary cycle demonstration power plant in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 115

Senate Joint Resolution No. 21—Relative to arson.

[Filed with Secretary of State September 19, 1977]

WHEREAS, Arson has become one of the fastest growing crimes in the United States; and

WHEREAS, The number of arson fires now exceeds 100,000 per year, which is triple the rate of 10 years ago, and arson is increasing at 10 to 15 percent per year; and

WHEREAS, Arson is a violent crime that kills over 1,000 people and injures 10,000 more annually and causes estimated property loss in excess of \$1.5 billion dollars per year, and

WHEREAS, Arson is a serious and substantial crime which poses grave risks to human life and property and nationally required reporting of arson as a major crime or Part I crime under the Uniform Crime Reporting System maintained by the Federal Bureau of Investigation in the United States Justice Department would assist local and state authorities in combatting arson; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Attorney General of the United States and the Director of the Federal Bureau of Investigation to reclassify or declare arson as a Part I crime under the Uniform Crime Reporting System; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Attorney General of the United States, and to the Director of the Federal Bureau of Investigation.

RESOLUTION CHAPTER 116

Senate Joint Resolution No. 22—Relative to violence on television.

[Filed with Secretary of State September 19, 1977]

WHEREAS, The National PTA has initiated a nationwide program to reduce and curtail violence on television; and

WHEREAS, The increasing frequency of violence on television presents a threat and hazard to our nation's health, with harmful effects on the emotions, attitudes, and behavior of children, as well as adults; and

WHEREAS, The television industry has done little to cut down on televised violence despite a number of studies, including a Surgeon General's report, which shows an adverse effect upon children and adults; and

WHEREAS, The American Medical Association has concluded that a child's psychological development may be adversely affected by television programs of a largely violent content; and

WHEREAS, Among many national leaders, the Reverend Jesse Jackson has condemned television violence as "this monster that has invaded our homes in the name of freedom of speech;" and

WHEREAS, There has been a alarming increase in juvenile crime and attacks on teachers in recent years, which teachers and others attribute to the effects of television violence on children; and

WHEREAS, Seventy-two percent of the American public are reported by TV Guide to believe there is "too much violence on television;" and

WHEREAS, Violence on the airwaves can be one of the most serious forms of air pollution; and

WHEREAS, Access to the airwaves granted to the networks is a privilege which carries important responsibilities, the abuse of which can have most serious harmful effects upon our citizenry; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California expresses their support for the efforts of the National Parent Teachers Association to reduce violence on television, and urge their continued strong efforts toward this purpose; and herewith calls upon and urges the three major networks to expeditiously, responsibly, and effectively reduce the amount of violence on its programs to be shown in California and elsewhere in the nation, and memorializes the Federal Communications Commission to take such action as may be necessary to reduce violence on television; and be it further

Resolved, That suitable copies of this resolution be forwarded to the United States Congress, the Federal Communications Commission, and to the President of the National Congress of Parents and Teachers.

RESOLUTION CHAPTER 117

Senate Joint Resolution No. 26—Relative to Veterans Administration: veterans education benefits.

[Filed with Secretary of State September 19, 1977]

WHEREAS, The California community colleges provide free educational opportunities for over 135,000 veterans; and

WHEREAS, Claims exceeding two million dollars (\$2,000,000) have been levied against the colleges by the Veterans Administration for alleged late reporting of student attendance; and

WHEREAS, These claims are being imposed without recourse by the colleges to due process procedures, including, but not limited to, the right of judicial appeal, rights of discovery and cross-examination, and fair and impartial hearings; and

WHEREAS, Veterans Administration reporting requirements in effect require colleges to report in accordance with time-consuming, burdensome, and unnecessary requirements, contrary to the policies of all colleges and contrary to federal law which prohibits any supervision or control whatsoever over local educational institutions; and

WHEREAS, Federal policy requires colleges to verify that no more than 85 percent of students in a course receive federal aid, to impose educationally restrictive standards of progress on veterans, and to require colleges to violate policies of nonpunitive grading, contrary to federal law which prohibits any supervision or control whatsoever over local educational institutions; and

WHEREAS, Ambiguity in Veterans Administration reporting deadlines results in inequities due to different reporting calendars imposed by different Veterans Administration offices within California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That collection of alleged overpayments to students of tuition-free California community colleges is a matter between the Veterans Administration and individual students, and should not, for federal administrative convenience, be a burden placed upon the colleges; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress to adopt a resolution directing the Veterans Administration to withdraw claims for late reporting against tuition-free public community colleges; and be it further

Resolved, That the Legislature of the State of California memorializes the Congress of the United States to enact legislation repealing rules which foster Veterans Administration supervision or control over a college's grading system, student progress standards, attendance reporting policy, and other internal affairs and institutional prerogatives; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation which invokes judicial review and other due process procedures with respect to Veterans Administration claims against tuition-free public community colleges; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of Veterans Affairs.

RESOLUTION CHAPTER 118

Senate Joint Resolution No. 27—Relative to genetic diseases.

[Filed with Secretary of State September 19, 1977]

WHEREAS, In 1976, the Congress enacted the National Sickle Cell Anemia, Cooley's Anemia, Tay Sachs, and Genetic Diseases Act (Title IV, P.L. 94-278); and

WHEREAS, The declared purpose of such act is the establishment of a national program to provide for basic and applied research, research training, testing, counseling, and information and education programs with respect to genetic diseases; and

WHEREAS, Funds have not yet been appropriated for funding such program; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is requested to appropriate \$30,000,000 for the fiscal year 1977, \$30,000,000 for the fiscal year 1978, and \$30,000,000 for the fiscal year 1979 for the purpose of making payments pursuant to grants to public and nonprofit private entities, for projects to establish and operate voluntary genetic testing and counseling programs and for grants to public and nonprofit private entities for the development and dissemination of educational materials relating to sickle cell anemia, Cooley's anemia, Tay-Sachs disease, cystic fibrosis, dysautonomia, hemophilia, retinitis pigmentosa, Huntington's chorea, and muscular dystrophy, as authorized by the National Sickle Cell Anemia, Cooley's Anemia, Tay Sachs, and Genetic Diseases Act; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 119

Assembly Concurrent Resolution No. 2—Relative to the Joint Legislative Committee on Tort Liability.

[Filed with Secretary of State September 20, 1977]

Resolved, That the Joint Legislative Committee on Tort Liability as created by Resolution Chapter 160 of the Statutes of 1976 is continued in existence until January 1, 1979. Notwithstanding the provisions of Resolution Chapter 160 of the Statutes of 1976, the joint committee shall consist of six Members of the Senate appointed by the Committee on Rules thereof, and six Members of the Assembly appointed by the Speaker thereof. Six members of the committee shall be members who are not lawyers. The joint committee shall continue to have the powers and duties granted by Resolution Chapter 160 of the Statutes of 1976. The joint committee may expend any funds heretofore or hereafter made available and further allocations may be made by the Joint Rules Committee; provided that, in accordance with Joint Rule 36.8, any expenditures of funds shall be made in compliance with policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

RESOLUTION CHAPTER 120

Assembly Concurrent Resolution No. 81—Relative to commending Mr. Jefferson E. Peyser.

[Filed with Secretary of State September 20, 1977]

WHEREAS, The Members of the Assembly have learned that Mr. Jefferson E. Peyser is retiring from his representative capacity with the American Wine Industry before the Fédération Internationale des Industries et du Commerce en Gros des Vines, Spiritueux. Eaux-de-Vie et Liqueurs, an organization consisting of vintners and importers from 21 nations, after serving the federation for the past four years; and

WHEREAS, Mr. Peyser, who is a former member of the International Federation's executive committee, is a former Supervisor of the City and County of San Francisco and served as a Member of the California State Legislature from 1935 to 1939; and

WHEREAS, An attorney by profession, he is a graduate of Lowell High School in San Francisco, received his bachelor of arts degree from the University of California at Berkeley in 1921, and graduated from Boalt Hall School of Law at the university with a juris doctor degree in 1923; and he has formerly served as a member of the Charter Revision Commission of the City and County of San

Francisco, member of the Statewide Tax Committee of the California State Chamber of Commerce, and director of the Civic League of Improvement Clubs; and

WHEREAS, Active in matters affecting the wine and brandy industries in the United States over the past 40 years, Mr. Peyser is extremely well versed in all laws and regulations, not only in the United States, but throughout the European economic community; and he is presently engaged in negotiations involving wine problems with the European community countries, Japan, Mexico, and Spain; and

WHEREAS, He has also been active in international affairs under appointment by the President of the United States as advisor to the United States delegation to the Food and Agriculture Organization of the United Nations, Intergovernmental Group on Wine and Vine Products in 1972 and 1974, and under appointment by the Secretary of Agriculture as a member of the Agricultural Technical Advisory Committee for the multilateral trade negotiations under the provisions of the Trade Bill of 1975; and

WHEREAS, Mr. Peyser maintains affiliations with a number of professional, Masonic, and community service organizations; and he is a member of the Board of Directors of the National Association for the Visually Handicapped, a past member of the Board of Directors of the Seventh Step Foundation, and a member of the Commonwealth Club, the World Affairs Council, and the Press and Union League Club; and

WHEREAS, A past director of Temple Emanu-El, he is actively involved in a number of Jewish organizations, including the San Francisco Chapter of the American Jewish Committee, the Jewish National Welfare Fund, the Jewish Community Relations Council, the Jewish Home for the Aged, Sinai Memorial Chapel, the Jewish Education Society, the Hebrew Free Loan Association of San Francisco, Associated Jewish Organizations, and the American Jewish Conference; and he has been active on the lodge, district, and national level of E'nai B'rith and the Anti-Defamation League, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Mr. Jefferson E. Peyser upon the occasion of his retirement for his exemplary record of responsible citizenship and dedicated service to his community and fellow citizens, and extend to him best wishes for every continued success and happiness in his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Jefferson E. Peyser.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 78—Relative to the Joint Advisory Committee on State Prison Facilities and Incarceration Alternatives

[Filed with Secretary of State September 20, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

(1) The Joint Advisory Committee on State Prison Facilities and Incarceration Alternatives is hereby created in accordance with Item 11.1 of the Budget Act of 1977 (Chapter 219 of the Statutes of 1977) to assist the Legislature in deciding the future need, if any, for new prison facilities and the utilization of alternatives to prison incarceration for persons committed to the Department of Corrections.

(2) The advisory committee shall be appointed by the Joint Rules Committee and shall consist of 13 members, including at least three members from each house of the Legislature. In addition, the following three members shall be designated as ex officio members, without voting power, to the advisory committee: the Legal Affairs Secretary to the Governor, the Director of the Department of Corrections, and the State Architect. The chairman of the committee shall also be a Member of the Legislature, and vacancies occurring in the membership shall be filled by the appointing power.

(3) The committee and its members shall supervise the work to be performed by an independent entity under contract in the preparation of a study of prisons, as provided in Item 11.1 of the Budget Act of 1977, which study shall include, among other things, the need, cost, and social effectiveness of prisons and alternatives to such prisons.

(4) In addition, the committee shall hold public meetings to evaluate potential sites for the location of new penal facilities, if they are necessary, and alternative incarceration programs within the state.

(5) In addition, the committee shall review and evaluate the report submitted by the contractor and submit its recommendations to both budget committees of the Legislature by May 1, 1978. Along with such report, there shall be an evaluation of the contractor's population projections and any proposals for alternatives to prison facilities.

(6) In addition, the committee has the power and duty to do any and all other things necessary or convenient to enable it to fully and adequately exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(7) The committee shall continue to function until December 1, 1978.

(8) The sum of two hundred fifty thousand dollars (\$250,000), or

so much thereof as may be necessary, is hereby made available from the funds appropriated in Item 11.1 of the Budget Act of 1977 for the expenses of the committee and for the Joint Rules Committee to contract with an independent entity for a thorough and objective study of prisons; provided, however, that in accordance with Joint Rule 36.8, any such expenditure of funds by the advisory committee shall be made in compliance with the proviso to Item 11.1 of the Budget Act of 1977 and policies set forth by the Joint Rules Committee and shall be subject to the approval of the Joint Rules Committee.

RESOLUTION CHAPTER 122

Assembly Concurrent Resolution No. 40—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.

[Filed with Secretary of State September 20, 1977]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Edmund G. Brown Jr., Governor of the State of California; to the Honorable Mervyn M. Dymally, Lieutenant Governor of the State of California; to March Fong Eu, Secretary of State; to Evelle J. Younger, Attorney General; to Kenneth Cory, Controller; to Jesse Unruh, Treasurer; to Wilson C. Riles, Superintendent of Public Instruction; to George R. Reilly, Iris Sankey, William M. Bennett, and Richard Nevins, Members of the Board of Equalization; to Robert M. Wald, Brenda Shockley, William Gianelli, and Frank M. Woods, Irene Tovar, Members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Ruben S. Ayala, Peter H. Behr, Robert G. Beverly, John V. Briggs, William Campbell, Dennis E. Carpenter, Paul Carpenter, Lou Cusanovich, George Deukmejian, Ralph C. Dills, John F. Dunlap, John F. Foran, John Garamendi, Alex P. Garcia, Bill Greene, Arlen Gregorio, Nate Holden, John W. Holmdahl, Ray Johnson, Milton Marks, James R. Mills, John A. Nejedly, Robert Nimmo, Nicholas C. Petris, Robert B. Presley, Omer L. Rains, H. L. Richardson, Alan Robbins, David A. Roberti, Albert S. Rodda, Newton R. Russell, Alan Sieroty, Jerry Smith, Alfred H. Song, Walter W. Stiern, John Stull, Rose A. Vuich, Bob Wilson and George N. Zenovich; Assemblymen Art Agnos, Richard Alatorre, Mike D.

Antonovich, Dixon Arnett, Tom Bane, Paul T. Bannai, Tom Bates, Howard L. Berman, Daniel E. Boatwright, Willie L. Brown, Jr., Victor Calvo, Peter R. Chacon, Eugene A. Chappie, Fred W. Chel, Larry Chimbole, Robert C. Cline, John L. E. Collier, Ronald Cordova, William A. Craven, Mike Cullen, William E. Dannemeyer, Wadie P. Deddeh, Julian C. Dixon, Gordon W. Duffy, Leona H. Egeland, Jim Ellis, Vic Fazio, Jack R. Fenton, Mike Gage, Terry Goggin, Leroy F. Greene, Eugene T. Gualco, Gary K. Hart, Richard D. Hayden, Teresa Hughes, Charles Imbrecht, Walter M. Ingalls, Lawrence Kapiloff, Barry Keene, Jim Keysor, John T. Knox, Bill Lancaster, Frank Lanterman, Richard Lehman, Jerry Lewis, Bill Lockyer, Kenneth L. Maddy, Dennis Mangers, Alister McAlister, Leo T. McCarthy, Bill McVittie, Henry J. Mello, John J. Miller, Joseph B. Montoya, S. Floyd Mori, Bruce Nestande, Louis J. Papan, Carmen Perino, Paul Priolo, Richard Robinson, Herschel Rosenthal, Marilyn Ryan, Stan Statham, Dave Stirling, Tom Suitt, Vincent Thomas, William M. Thomas, John E. Thurman, Art Torres, Curtis R. Tucker, John Vasconcellos, Frank Vicencia, Maxine Waters, Norman S. Waters, Michael Wornum, Chester Wray and Bruce Young.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors, or to any person filling a vacancy in any of the above-named offices.

RESOLUTION CHAPTER 123

Assembly Joint Resolution No. 45—Relative to the study of cosmetology schools.

[Filed with Secretary of State September 20, 1977]

WHEREAS, Those who are engaged in the practice of cosmetology as a means of earning a livelihood are victims of a system which is foreign to those engaged in other fields of endeavor involving a trade, occupation, vocation or profession that is known to most citizens; and

WHEREAS, Schools of cosmetology should rightfully be engaged in preparing prospective practitioners of beauty culture in numbers sufficient to meet the needs of shopowners, employers and the public; and

WHEREAS, The original concept of the law governing the practice of cosmetology in relation to the issuance of licenses, namely to operate schools of cosmetology so that the need for practitioners would be met, has been abandoned in favor of a system whereby an overabundance of cosmetologists are thrown into the market every year by increasing numbers with little or no job opportunity or possibility of earning a living in the industry thereby increasing the

load upon the taxpayers through welfare, unemployment insurance or other social legislation; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, through the appropriate committees in conjunction with the office of the Legislative Analyst, should immediately investigate and conduct a thorough study of the cosmetology school industry in California when subsidized by state public moneys and report its recommendations to the Legislature.

RESOLUTION CHAPTER 124

Assembly Joint Resolution No. 39—Relative to child abduction.

[Filed with Secretary of State September 20, 1977.]

WHEREAS, Each year it is estimated that one hundred thousand minor children in the United States are maliciously taken, enticed away, detained or concealed by persons not having a right to their custody from a parent, guardian, or other person having the lawful charge of such child; and

WHEREAS, Many of these minor children so maliciously taken, enticed away, detained or concealed are residents of the State of California or transported into the State of California; and

WHEREAS, Despite the fact that California and other states have enacted legislation providing for the criminal prosecution of the abductors of such minor children and the return of abducted children to their legal custodian, the jurisdiction limitations of state courts and the cost of locating the abductor in cases of interstate flight are often prohibitive to the effective enforcement of such laws; and

WHEREAS, Existing California law has limited application in various situations involving child abduction, such as detainment or concealment of a child without good cause by a person having a right to legal custody with the intent to deprive the other person having legal custody of the right of physical custody; and

WHEREAS, Such detainment or concealment from the child's legal custodian is in many instances detrimental to the physical, mental, and emotional welfare of the minor child; and

WHEREAS, A federal statute providing for a uniform definition of child abduction, penalties therefor, requiring the return of an abducted child to his or her legal custodian, and providing for enforcement of such provisions on a national basis may be the only effective method of bringing these abductors to trial on a criminal charge before a court of competent jurisdiction while providing for the child's return to the legal custodian; and

WHEREAS, The health, safety, and welfare of minor children of

the State of California and other states of the United States of America are at stake because of this situation; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give serious consideration to the problem of child abduction as it exists throughout the country; and be it further

Resolved, That the Legislature of the State of California hereby expresses its support for the enactment of federal legislation providing for speedy return of an abducted child to his or her legal custodian and criminal prosecution of the abductor; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.
